

Lindon City

Planning Commission

Staff Report



Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on Tuesday, February 27, 2024, 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



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report materials.

1. Call to Order
2. Approval of minutes
Planning Commission 7/11/2023
3. Public Comment
4. Public hearing for a recommendation to the Lindon City Council to amend Title 17.51 Commercial Farm Zone. The planning commission will hold a public hearing to consider an amendment to 17.51 to address the priority of agricultural production to meet the objectives of the zone, clarifies lot coverage requirements, and makes other technical changes for development in the commercial farm zone.
(30 minutes)
5. Public hearing for a recommendation to the Lindon City Council to amend Title 17.02 and adopt ordinance 17.04.420 regarding requirements for portable storage containers. Lindon City requests a recommendation to the Lindon City Council to define portable storage container and adopt regulations and standard for portable storage containers.
(20 minutes)
6. 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 web site 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 Britni Laidler at 785-1971, **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: Britni Laidler, City Recorder

Date: 2/27/2024 Time: 5:00 pm

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

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

The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, January 9, 2024 beginning at 6:00 p.m.** at the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

REGULAR SESSION – 6:00 P.M.

Conducting: Sharon Call, Chairperson
Invocation: Karen Danielson, Commissioner
Pledge of Allegiance: Scott Thompson, Commissioner

PRESENT

Sharon Call, Chairperson
Rob Kallas, Commissioner
Jared Schauers, Commissioner
Karen Danielson, Commissioner
Scott Thompson, Commissioner
Steven Johnson, Commissioner – *excused themselves at 7:10 pm*
Michael Florence, Community Development Director
Mary Barnes, Associate Planner
Britni Laidler, City Recorder

EXCUSED

Mike Marchbanks, Commissioner

1. **CALL TO ORDER** – The meeting was called to order at 6:00 p.m.

2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of the Planning Commission meeting of December 12, 2023 were reviewed.

COMMISSIONER THOMPSON MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF DECEMBER 12, 2023 AS PRESENTED. COMMISSIONER DANIELSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

3. **PUBLIC COMMENT** – Chairperson Call called for comments from any audience member who wishes to address any issue not listed as an agenda item. There were no public comments.

CURRENT BUSINESS –

4. **Plat Amendment Approval – AE Control Industrial Development Plat – 1600 W 200 S.** The applicant requests plat amendment approval to correct property boundaries and dedicate a portion of the existing lot to the public street right-of-way.

Mary Barnes, Associate Planner, presented this item and noted that the applicant Ron Hatfield was present. Ms. Barnes stated that the applicant currently owns the land located at 1600 W. 200 S. and wants to add to the existing industrial building of Vincent Brothers. Currently it was noted, that one of the property lines would be going through the proposed building addition. Therefore, this plat amendment will eliminate that property line and will also

officially dedicate sections of 1550 W and 200 S to the city, and she noted that all street improvements have already been installed.

Ms. Barnes noted that at the northern end of the proposed lot, there is a small section of land that has no listed owners. She stated that the applicant has researched the ownership of this sliver of land extensively with a title company, and has found that there are no known owners. This plat amendment will effectively transfer this section of land into Mr. Hatfield's ownership. The following table reviews the subdivision and lot requirements for a lot in the LI zone:

Required	Compliant
No single lot shall be divided by municipal or county boundary lines, roads, alleys, or other lots	Yes
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	Yes. This plat amendment will ensure all lot lines are at right angles.
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.	Yes
No lot shall be created which is more than three times as long	Yes
Minimum lot size: 1 acre	Yes, the lot will be 1.2 acres (52,394 sq ft)

Ms. Barnes stated that after this plat amendment is approved, the applicant will then have to apply for amended site plan approval for the proposed building addition. She then let the commission know that third-party notices were mailed out on December 29, 2023 and one complaint was received. Staff has informed the applicant of the complaint. The applicant Mr. Hatfield addressed those concerns to the commission, and stated he is sure those issues will be able to be resolved. It was also noted by Ms. Barnes that the City Engineer has reviewed the plat and is working on any final technical changes. Commissioner Kallas then asked about the portion of land in discussion, general discussion followed.

Chairperson Call called for any further comments or discussion from the Commission. Hearing none she called for a motion.

COMMISSIONER THOMPSON MOVED TO APPROVE THE APPLICANT'S REQUEST FOR PLAT AMENDMENT APPROVAL OF AE CONTROLS INDUSTRIAL DEVELOPMENT PLAT LOCATED AT 1600 W. 200 S. WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH CITY STAFF TO MAKE ALL TECHNICAL CORRECTIONS AS NECESSARY TO THE PLAT BEFORE RECORDING; 2. BEFORE PLAT RECORDING, THE APPLICANT WILL UPDATE THE FINAL PLAT MYLAR TO INCLUDE NOTARIZED SIGNATURES OF OWNERS' CONSENT TO DEDICATION; AND OBTAIN SIGNATURES OF ALL ENTITIES INDICATED ON THE SUBDIVISION PLAT ATTACHED HERETO; AND 3. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER JOHNSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL AYE
COMMISSIONER JOHNSON AYE
COMMISSIONER THOMPSON AYE
COMMISSIONER SCHAUERS AYE
COMMISSIONER KALLAS AYE
COMMISSIONER DANIELSON AYE
THE MOTION CARRIED UNANIMOUSLY.

5. Public hearing for a recommendation to the Lindon City Council to amend Title 17.41 – Anderson Farms Planned Development and the Anderson Farms Master Development Agreement. The applicant requests an amendment to modify requirements relating to lot frontage, coverage, setbacks, development design, lot size, and lot type in the AFPD zone, and modify the development plan for Parcel H as identified in the Anderson Farms Master Development Agreement.

Mike Florence, Community Development Director presented this item, and noted that the applicant was present. Mr. Florence stated that this is the final phase of the planned development, and reminded the commission that in 2016 Lindon City adopted the Anderson Farms Planned Development Zone. In addition, the city also entered into a development agreement with Ivory Development that guides development and infrastructure for the Anderson Farms neighborhood. Under the development agreement Ivory Development is allowed to construct 500 single-family and townhome units and 380 multi-family units.

Mr. Florence then stated that Parcel H is the final detached single-family and townhome phase of the development. The current concept plan for Parcel H allows Ivory Development to construct a combination of detached single-family homes and townhomes. The development agreement provides specificity in the design of each phase, lot sizes, setbacks, and infrastructure requirement such as road, sidewalk and park strip widths. Ivory Development is proposing to amend the design and some of the development specifications of Parcel H. This proposal will divide Parcel H into four phases of H1-H4. Phases H1-H3 will be a combination of forty-nine large and small detached single-family lots. Phase H4 is proposed to be thirty townhomes. The completion of Parcel H would bring the total single-family and townhome count to 485 units. Mr. Florence then presented the 17.41 Ordinance amendments as follows:

- The existing side yard setback requirement in the ordinance calls out 5’/5’. However, the development agreement has a side yard setback requirement of 6’/6’. The ordinance fixes an inconsistency between the city code and the development agreement.
- The ordinance amendment would adopt the different setback requirements for Phase H only.
- The proposed amendment would allow for one flag lot with a 15’ frontage. A typical frontage in the city subdivision code is 25’.
- The proposed amendment allows for 6 double frontage lots on Phase H3 but does not allow vehicles access.
- The propose amendment sets a maximum building coverage for Parcel H so that the entire lot is not covered in buildings.

Mr. Florence then went over the proposed amendments to Tile 17.41 Anderson Farms Planned Development Zone and the Master Development Agreement for Anderson Farms for parcel H only. The summary was as follows:

- Development Agreement Amendments

- Exhibit B of the staff report was presented as the approved concept plan in the development agreement and establishes the layout and design of the project. It also provides the number of lots, density, lot sizes and area of each phase.
- Proposed Parcel H divides this phase into four phases. Phases H1-H3 are single-family phases with H4 being a townhome phase.
- The development agreement calls out the following for the single-family phase of Parcel H. Proposed amendments to Parcel H are highlighted below:
 - Total number of single-family and townhome lots: 66 (22 single-family, and 34 townhome). Proposal: forty-nine single-family homes and 30 townhomes. Even though this phase is higher in unit totals it is still less than the total development unit count allowed in the development agreement. With Parcel H the total unit count for the entire development is 485 and the development agreement allows 500. Two of the phases had less single-family homes entitled then were allowed in the development agreement and Parcel G did not include the eight townhomes that were allowed.
 - Parcel H has a density call out of 3.92 units per acre for single-family and 8.58 for the townhomes. Proposal: Parcel H would provide for a mix of densities. With single-family lots ranging in size from 13,817 to 2,925 square feet.
- Exhibit K of the staff report was presented as it outlines the setbacks and lot sizes for each phase of the development.
 - Parcel H currently has setback requirements of 20' front, 20' rear, 6' side yard and 15' road side yard.

Single-Family Setbacks

	Front Setback	Rear Setback	Side Setback	Side Corner Setback	Minimum Lot Size	Minimum Lot Coverage
Parcel H1	20'-0'	20'-0'	6'/6'	15'-0'	8000 sq ft	60%
Parcel H2	12' to living space 18' to garage	20'-0'	5'/5'	15'-0'	6600 sq ft	60%
Parcel H3	12' to living space 18' to garage	10'-0'	4'/4'	10'-0'	2800 sq ft	65%

Multifamily Setback

	Front Interior Setback	Corner Side and Perimeter Setback	Interior Side Setback	Rear Setback	Setback between Separate Buildings
Parcel H4	0'-0'	10'-0'	0'-0'	10'-0'	24'

Potential renderings of the homes available for those lots were presented and the applicant explained the different options to the commission. Similar homes that Ivory Development is currently constructing in a neighborhood in Lehi were also presented to the commission.

Chairperson Call voiced concerns to the applicant on whether these would be sold or leased. The applicant discussed the process of thought on this, and the play that the market has on that. Commissioner Thompson asked the applicant about the H4 plans, and whether there is an option for accessory dwelling units, the restriction on those accessory dwelling units in the Anderson Farms Development were then discussed. Commissioner Kallas asked for clarification on the overhang carport units, and a little more information on the setback requirements, the applicant then presented the setbacks for greater clarification. Mr. Florence then presented the proposed Road Profile Amendment to the commission and answered questions regarding the changes.

Following general discussion, Chairperson Call called for a motion to open the public hearing.

COMMISSIONER JOHNSON MOVED TO OPEN THE PUBLIC HEARING.
COMMISSIONER DANIELSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Eve Warner asked the commission about the fencing requirements on the properties that back up to the double frontage roads, Mr. Florence explained the fencing requirements that will be required when the commercial business comes in. She then inquired about the sidewalks and access to parks nearby. Mr. Florence presented the planned walking trails to Ms. Warner to show the access they would have.

Ron Anderson voiced concern on the roadways, and the hard time getting into and out of the area. He then voiced his concern with 1200 West, due to that road not only serving the homes in the development, but also the industrial traffic. He stated appreciation for what was done, but requested not having park strips due to trucks going through there and the tight fit it would be and believes that wider roads would be more beneficial in that area.

Commissioner Thompson voiced the option to perhaps install signage to help reduce traffic on 1200 W. and general discussion followed. Commissioner Johnson asked for clarification on the townhomes and the placement of their yards. Mr. Florence then went over the layouts to explain the layout of the future townhomes. The applicant then addressed questions that Ms. Warner had voiced previously regarding fencing, and their plan to install along certain sections of H3 and H4.

2 Following general discussion, Chairperson Call called for a motion to close the public
hearing.

4 COMMISSIONER KALLAS MOVED TO CLOSE THE PUBLIC HEARING.
6 COMMISSIONER SCHAUERS SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

8
10 Following some general discussion, Chairperson Call called for any further comments or
discussion from the Commission. Hearing none she called for a motion.

12 COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL, OF
ORDINANCE AMENDMENT 2024-3-O TO CITY COUNCIL WITH REQUEST THAT
14 THEY LOOK AT 1) ADDITIONAL ASPHALT WIDTH ON 1200 WEST; 2) CITY COUNCIL
TO REVIEW FRONT SET-BACKS IN THE H2 AND H3 AREAS; AND 3) TALK WITH
16 CITY ATTORNEY OVER CONSIDERATION ON OWNER OCCUPANCY
REQUIREMENTS.COMMISSIONER SCHAUERS SECONDED THE MOTION. THE VOTE
18 WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
20 COMMISSIONER THOMPSON	AYE
COMMISSIONER SCHAUERS	AYE
22 COMMISSIONER KALLAS	AYE
COMMISSIONR DANIELSON	AYE
24 THE MOTION CARRIED UNANIMOUSLY.	

26 COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL OF THE
DEVELOPMENT AGREEMENT AMENDMENT RESOLUTION 2024-1-O WITH REQUEST
28 THAT THEY LOOK AT 1) ADDITIONAL ASPHALT WIDTH ON 1200 WEST; 2) CITY
COUNCIL TO REVIEW FRONT SET-BACKS IN THE H2 AND H3 AREAS; AND 3) TALK
30 WITH CITY ATTORNEY OVER CONSIDERATION ON OWNER OCCUPANCY
REQUIREMENTS. COMMISSIONER DANIELSON SECONDED THE MOTION. THE
32 VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
34 COMMISSIONER THOMPSON	AYE
COMMISSIONER SCHAUERS	AYE
36 COMMISSIONER KALLAS	AYE
COMMISSIONR DANIELSON	AYE
38 THE MOTION CARRIED UNANIMOUSLY.	

40 **6. A recommendation to the Lindon City Council for minor subdivision approval –**
Anderson Farms Apartments Plat – Approx. 1200 W. 500 N. The applicant requests
42 minor subdivision approval for a two-lot plat as part of the 380 Anderson Farms
apartment project. Section 4.2.8 in the Anderson Farms development agreement states
44 that all Anderson Farms subdivisions must appear before the City Council for final
approval.

Mary Barnes presented this item and noted that the applicant was present. Ms. Barnes stated that the applicant is requesting to subdivide the 13.26-acre property into two lots for phasing, construction, and financing purposes. Ms. Barnes stated that phasing the construction ensures that the project is more manageable for the construction team and helps to manage the overall cost over time. Ms. Barnes noted that The Anderson Farms Planned Development zone does not have any specific development standards like lot size, width, depth, or frontage. Instead, it simply refers to the development agreement. The development agreement does not provide a required frontage for lots within this phase of the overall Ivory Homes development. All other phases do have development standards regarding lot size, width, depth, and frontage.

Ms. Barnes then went on to state that as part of this minor subdivision, the applicant will improve the north side of 500 N. Anderson Farms Plat H, the neighboring phase to the west, will construct the entirety of 1200 W. as per the development agreement and an agreement between Ivory Homes and ICO Development. She then went over the proposed change that is being made to the current street cross-section of 1200 W, although no change will be made to the street right-of way width. This proposed change will widen the asphalt to allow for a middle turning lane, while also taking out the planter on the east side of the street. She stated that the city engineer believes that this will increase the safety of residents who are driving on 1200 W. She then noted that because the east side planter may be removed, any required utilities (for streetlights or fire hydrants) may need to be installed on the property for the apartments. If that is the case, additional easements will need to be added to the plat to ensure that the city can access these utilities for maintenance. A condition has been added to the minor subdivision motion to coordinate all utilities with the 1200 W cross-section.

Ms. Barnes then presented that the development agreement includes two sections related to the design of the development and noted the city has listed 8 design criteria for the development, as follows:

Requirement	Provided?
(a) Full storm water basin detention improvements, including landscaping, will be completed for the basin that will service this Parcel	Yes, according to our engineers, this project will be doing underground detention for this particular site. As for the overall Ivory development, both detention basins have already been installed (Anderson Park and the small basin across from the Thorne farm).
(b) Pressurized irrigation system, including source for the Project and a connection to the existing City pressurized irrigation system, will be completed	Yes, the pressurized irrigation system has been updated for the overall development throughout previous phases. This development simply has to tap into that system when the secondary water lines are put into 1200 W.
(c) This Phase will include all the remaining road improvements for the 1200 W connector out to 700 N	Yes, Ivory Homes will be constructing the roads
(d) All improvements on 500 N as shown in Exhibit J2 adjacent to the subdivision; and	Yes, the requirement improvements along 500 N. will be installed with this development, as shown on the civil plans.

(e) The Sewer/Ground Water Lift Station, with the associated Off-Site improvements, will be substantially completed and functional.	Yes, the sewer/ground water lift station was built in 2017 during the first few phases of the overall Ivory development.
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Following some general discussion, Chairperson Call called for any further comments or discussion from the Commission. Hearing none she called for a motion.

COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL OF THE APPLICANT'S REQUEST FOR MINOR SUBDIVISION APPROVAL OF THE ANDERSON FARMS APARTMENTS PLAT WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH THE CITY ENGINEER TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING DOCUMENTS AND PLAT; 2. COMPLETE (OR POST AN ADEQUATE IMPROVEMENT COMPLETION ASSURANCE), WARRANT AND POST REQUIRED ASSURANCE FOR ALL REQUIRED PUBLIC INFRASTRUCTURE IMPROVEMENTS; 3. PRIOR TO PLAT RECORDING, THE APPLICANT WILL UPDATE THE FINAL PLAT MYLAR TO INCLUDE NOTARIZED SIGNATURES OF OWNERS' CONSENT TO DEDICATION; AND OBTAIN SIGNATURES OF ALL ENTITIES INDICATED ON THE SUBDIVISION PLAT ATTACHED HERETO; 4. ALL UTILITIES WILL BE COORDINATED WITH THE STREET CROSS-SECTION FOR 1200 W; 5. THE PLANS AND PLAT WILL MEET AND BE CONSTRUCTED AS PER SPECIFICATIONS AS FOUND IN THE LINDON CITY DEVELOPMENT MANUAL AND MASTER DEVELOPMENT AGREEMENT; AND 6. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER THOMPSON THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER THOMPSON	AYE
COMMISSIONER SCHAUERS	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER DANIELSON	AYE

THE MOTION CARRIED UNANIMOUSLY.

7. A recommendation to the Lindon City Council for site plan approval – Anderson Farms Apartments– Approx. 1200 W. 500 N. The applicant requests site plan approval for a 380-apartment project. Section 4.2.9 in the Anderson Farms development agreement states that the Anderson Farms Apartments site plan must appear before the City Council for final approval.

Mary Barnes presented this agenda item noting the applicant is present. She began with presenting the set back requirements stating Anderson Farms zoning district (17.41.110) provides minimum residential setbacks for single-family homes. However, she did note that in Section 3.4 of the development agreement specifically states: "the parties agree to work together in good faith to address design and development issues including, but not limited to... setbacks..." The parties in this case are Lindon City and ICO Development. She then presented the proposed set-backs as follows:

2 **Lot 1**

North Setback (side) - from Building C	31'
East Setback (rear) - from covered garages	0'
South Setback (side) – from Building F to 500 N.	11'8"
West Setback (front) – From Building F&G to 1200 W.	About 11'10"

4 **Lot 2**

North Setback (side) - from Building B	76'6"
East Setback (rear) - from covered garages	0'
South Setback (side) – from Building A	25'9"
West Setback (front) – From Building J&H to 1200 W	About 18'8

6 She then let the commission know that there is a requirement in the building code states
8 that for certain building types, a wall that is closer than 10 ft to a property line must be fire-rated
and the applicant is aware of the portions of the project that may need to have fire-rated walls.

10 Ms. Barnes then addressed the traffic and roadway design stating that the development
12 will be accessed from both 1200 W. and 500 N. The city engineers and the fire department have
determined that fire trucks will be able to adequately maneuver within the development. It was
14 addressed that the staff requested three lanes for the 500 N access, one going into the
development, and right-turn/left-turn lanes leaving the development. She then presented the
updated traffic study, showing the impact of traffic from this development on the streets
16 surrounding the development. This traffic study looked at four scenarios of traffic, and those
finding are as follows:

18

Scenario explanation	Findings
Scenario 1 projected traffic in 2025 without the impact of the project.	The study found that without any change, the intersection at Anderson Blvd/700 N would be at a Level Of Service (LOS) F, meeting the warrant for a signalized intersection. It recommended that the intersection be signalized by 2025. Once signalized, it would function with a LOS B. It is also recommended that Geneva Rd/500 N be signalized.
Scenario 2 projected traffic in 2025 with the addition of the project opening in 2025.	With signalized intersections at Anderson Blvd/700 N and Geneva Rd/500 N, all intersections and accesses from the development will function with an acceptable LOS.
Scenario 3 projected traffic in 2030 without the impact of the project.	With signalized intersections at Anderson Blvd/700 N and Geneva Rd/500 N, all intersections will function with an acceptable LOS.
Scenario 4 projected traffic in 2030 with the addition of traffic from the project that had been open for about 5 years.	With signalized intersections at Anderson Blvd/700 N and Geneva Rd/500 N, all intersections and accesses from the development will function with an acceptable LOS.

2 She noted that the study recommends that a traffic signal be installed at Anderson
3 Blvd/700 N and Geneva Rd/500 N before the project opens in 2025. Staff has already entered
4 into discussions with UDOT to put a traffic signal at Anderson Blvd/700 N, and it appears that
5 this will be occurring sooner than expected. UDOT and staff are aware of the need for a traffic
6 signal on Geneva Rd/500 N, but due to the proximity to the railroad, permission is needed from
7 Union Pacific. She let the commission know that the need for a traffic signal at this intersection
8 has been noted, and staff will continue to work towards reaching an agreement with the different
9 stakeholders involved.

10
11 Ms. Barnes then addressed the parking and fencing requirements. She noted that the
12 applicant is required to install an 8 ft masonry wall and trees in tree grates along 500 N.
13 Additionally, she let the commission know there is a plan in the works with Mountainland
14 Association of Governments towards installing a Historic Rail Trail that would extend from Lehi
15 to Vineyard, following the rail line. Staff discussed temporary fencing being installed until this is
16 installed for protection.

17 Ms. Barnes then presented the landscaping and amenity spaces, noting that the applicant
18 has provided 98,884 sq ft or 2.27 acres of landscaping. 19% of the landscaping is lawn and 81%
19 of the landscaping is more waterwise, like planting beds with rock mulch. The landscaping plan
20 includes trees lining the north property line, and trees in tree grates along 500 N to the south. Ms.
21 Barnes stated aside from the typical landscaping areas, five amenity areas will be provided for
22 the residents. Those are as follows:

- 23 • Club House – fitness center, business center, yoga classroom, club room, mail center,
24 dog spa, and leasing area.
- 25 • A community pool and spa amenity space next to the clubhouse. This area also includes
26 seating and lounge furniture areas, a fire pit, a grilling station, and shade structures. This
27 area will be landscaped with a few trees and shrubs.
- 28 • A park/tot lot amenity space located next to 1200 W, which will have playsets, picnic
29 tables, park benches, and a small walking path. This will be landscaped with mostly
30 shade trees, a few shrubs, and lawn.
- 31 • A community green space located just north of the clubhouse pool area, with a pickleball
32 court, a half basketball court, a fire pit, a putting green, etc. This area will be landscaped
33 with shade trees, shrubs, raised garden planters, and ornamental grasses.
- 34 • A dog park, with artificial turf and park benches. This area will be landscaped with a few
35 trees and shrubs along the outside of the dog park.

36
37 It was noted by Ms. Barnes that staff believes that the applicant has provided an adequate
38 amount of landscaping and amenities. Lindon's current waterwise landscaping requires that lawn
39 in multifamily developments shall not exceed twenty percent (20%) of the total landscaped area,
40 outside of active recreation areas. This meets our requirements. The amenities will be of great
41 value for the future Lindon residents that will live in this development.

42
43 Ms. Barnes then presented that the applicants will be installing the parking lot lights as
44 well as building lighting. She stated that a photometric study was completed for the development
45 which does not show any light spillover onto adjacent properties. She then addressed the design
46 standards, letting the commission know that staff believes that the developer has provided a great

amenity package for future residents. She noted that the elevations are attractive and show a great amount of architectural detailing with multiple materials, windows and a majority of all units will have balconies. There are well-defined and identified transitions between the lower and upper stories. This increases the overall design and attractiveness of the development. She noted that this development will be the highest-density housing project that Lindon has permitted and this project will provide housing for future residents of Lindon, and opportunities for many individuals to live within the city.

Commissioner Kallas asked questions clarifying the parking situations, the applicant explained the assignments of parking that each apartment/townhome will have. Commissioner Kallas voiced concerns about protentional parking for people that have more cars than parking stalls. Commissioner Kallas then asked pricing of these units, the applicant gave potential pricing idea to the commission.

Following some general discussion, Chairperson Call called for any further comments or discussion from the Commission. Hearing none she called for a motion.

COMMISSIONER SCHAUERS MOVED TO RECOMMEND APPROVAL OF THE APPLICANT'S REQUEST FOR SITE PLAN APPROVAL FOR THE ANDERSON FARMS APARTMENTS LOCATED AT APPROXIMATELY 1200 W. 500 N. WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH THE CITY ENGINEER TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING DOCUMENTS; 2. THE PLANS WILL MEET DEVELOPMENT SPECIFICATIONS AS FOUND IN THE LINDON CITY DEVELOPMENT MANUAL; 3. THE PLANS WILL FOLLOW THE REQUIREMENTS FOUND IN THE MASTER DEVELOPMENT AGREEMENT; 4. THE APPLICANT AND THE CITY HAVE WORKED TOGETHER IN GOOD FAITH TO DETERMINE ARCHITECTURAL STANDARDS, SETBACKS, BUILDING HEIGHTS AND MINIMUM BUILDING SEPARATIONS, PARKING AND PRIVATE ROADWAY DESIGN, TRAFFIC FLOW, AND LANDSCAPING; 5. THE APPLICANT WILL COMPLY WITH ALL BONDING REQUIREMENTS, IF APPLICABLE; AND 6. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER KALLAS THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER SCHAUERS	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONR DANIELSON	AYE

THE MOTION CARRIED UNANIMOUSLY.

8. Planning Commission Chair and Vice-Chair 2024 Re-election.

The Commission voted to elect both a chair and vice-chair for the 2024 calendar year. Following a brief discussion, the Commission was in agreement to appoint Steve Johnson as Chairperson and Rob Kallas as Vice-Chair. Chairperson Call called for any further comments or discussion from the Commission. Hearing none she called for a motion.

2 COMMISSIONER KALLAS MOVED TO APPOINT COMMISSIONER JOHNSON
AS CHAIRPERSON AND COMMISSIONER KALLAS AS VICE-CHAIRPERSON.
4 COMMISSIONER THOMPSON SECONDED THE MOTION.

THE VOTE WAS RECORDED AS FOLLOWS:

6 CHAIRPERSON CALL AYE
COMMISSIONER SCHAUERS AYE
8 COMMISSIONER KALLAS AYE
COMMISSIONER DANIELSON AYE

10 THE MOTION CARRIED UNANIMOUSLY.

12 Chairperson Call called for any further comments or discussion from the Commission.
Hearing none the commission moved onto the next agenda item.

14 **9. Planning Director Updates**

- 16 • City Council reappointed Commissioner Kallas and Commissioner Marchbanks
as Commissioners
18 • Dastrup Auto ordinance amendment may be coming to commission.
• General City Updates

20 Chairperson Call called for any further comments or discussion from the 42 commission.
22 Hearing none she called for a motion to adjourn.

24 **ADJOURN** –

26 COMMISSIONER DANIELSON MADE A MOTION TO ADJOURN THE MEETING
AT 8:30 PM. COMMISSIONER SCHAUERS SECONDED THE MOTION. ALL PRESENT
28 VOTED IN FAVOR. THE MOTION CARRIED.

30 Approved, February 27, 2024

32
34 _____
Sharon Call, Chairperson

36
38 _____
Michael Florence, Community Development Director

Item: 4 - Ordinance Amendment – Commercial Farm Zone

Date: February 27, 2024
Applicant: Lindon City
Presenting Staff: Michael Florence

Type of Decision: Legislative

Council Action Required: Yes, the planning commission is the recommending body on this application.

MOTION

I move to recommend to (*approve, deny, continue*) ordinance amendment 2024-04-O (*as presented, or with changes*).

Overview:

In 2023, the Lindon City Planning Commission and City Council made several amendments to the Commercial Farm zone to allow bed and breakfast uses, modified the number of residential units in the zone, and removed amphitheaters as an allowable use. During the amendment process there was a lot of discussion of ensuring that ordinance meets the intent and expectation of the Commercial Farm zone which states:

“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.”

City staff came back to the planning commission and city council at the end of 2023 and had a discussion of amendments that should be made to the ordinance to meet the intent of promoting agricultural production. A summary of the items that came out of those discussions focused on the following:

- Most of the commission and council felt like the commercial uses were self-regulating due to parking requirements and size of commercial areas.
- There was discussion regarding the phrase: “agricultural production be managed in such a way that there is a reasonable expectation of profit.”
- Move the agricultural production section of the ordinance to the beginning so it is the focus of the ordinance.
- Clarify that the building coverage requirement applies to the commercial areas.
- Youtube video of city council discussion: (Discussion begins at 1 hour 15 minutes)
https://www.youtube.com/watch?v=dWy6B4JoX_0&t=6538s

General Plan

The Lindon City General Plan has a focus on ensuring the historical heritage of Lindon is preserved while also implementing compatible development. Below is a list of goals and implementation measures of the plan:

- Identify and work with property owners to preserve remaining agricultural properties.
- Ensure commercial uses located in close proximity to residential uses do not negatively impact established characteristics and qualities.

Staff Analysis

The proposed amendments to the Commercial Farm zone try to bring to the forefront the importance of meeting the intent of preserving agricultural production and agricultural open space. As a reminder, for a property owner to be able to apply the Commercial Farm zone to their property, they are required to submit a land use application for a zone change with the planning commission and city council. This is a legislative act where the planning commission and city council can review if the agricultural and commercial uses are compatible with the area and meet the zoning requirements. During the zone change process the city is not obligated to approve a zone change request.

The proposed ordinance makes the following amendments:

- **17.51.010** – makes a reference to the commercial uses and replaces the word agricultural industry with agricultural production. The purpose in changing industry to production was so that there was not any inference that industrial agriculture is allowed. The city has a specific definition for agricultural industry that applies to feed lots, commercial raising of animals, food packaging, etc. The amendment will also make this section so it's consistent with the agricultural production section of the code.
- **17.51.011** – this is a new section and moves the agricultural production section to the beginning of the ordinance instead of following the allowable commercial uses. The ordinance also makes the following amendments:
 - Redefines what agricultural production is.
 - New definition: “agricultural activities including cultivation, processing and distribution of agricultural products that result in that product being marketed and sold at retail or wholesale but does not include industrial agricultural uses.”
 - Previous definition: “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.”
 - The city already defines the term agriculture which means: “the production of food through the tilling of the soil, the raising of crops, breeding and raising of domestic animals and fowl except household pets and not including any agricultural industry or business.”
 - The new definition removes the requirement that there is an expectation of profit and replaces it with the requirement that there be a retail or wholesale requirement. In some situations, a sales tax number is already required as part of a retail use. Such situations would be the Walker Farms store or when the Red Barn comes online at Wadley Farms. Seasonal agricultural sales are exempt from the sales tax requirement, but products are still being sold at retail.
 - To make the focus more on agricultural production, staff is proposing to increase the agricultural production percentage from 40% to 50% of the minimum 5 acre requirement. For a 5 acre property an owner would not be required to provide 2.5 acres of agricultural property instead of 2 acres. This shows that the city values the agricultural equal to the commercial uses of the property.
 - The amendment also requires that as part of the zone change request a property owner would need to provide the city with an agricultural production plan that outlines the products that will be sold, how agricultural open space will be preserved and a plan outlining the proposed commercial use and how the use will sustain and support the emphasis of agricultural production.
- **17.51.012** – removes the word “nonpermitted” because the list of commercial uses does not include a list of nonpermitted uses.

- 17.51.020 – clarifies that the minimum 5 acre requirement needs to be consolidated into one lot or parcel. By having multiple parcels property owners can move property lines around without city approval which could make it hard to ensure that the agricultural area requirement is being met long-term.
- 17.51.120 – clarifies that the 40% building coverage applies to the non-agricultural area. The ordinances also proposes a minimum coverage requirement of 15% for agricultural areas. This would allow up to 16,335 square feet of agricultural buildings.

Exhibits

1. Draft Ordinance
2. Planning commission meeting minutes
3. City council meeting minutes

ORDINANCE NO. 2024-04-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLE 17.51 – COMMERCIAL FARM ZONE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lindon City Council is authorized by state law to enact and amend ordinances establishing land use regulations; and

WHEREAS, the proposed amendment is consistent with the goal of the Lindon City General Plan to carefully limit negative impact of commercial facilities on neighboring land-use areas, particularly residential development; and

WHEREAS, on February 26, 2024, the Planning Commission held a properly noticed public hearing to hear testimony regarding the ordinance amendment; and

WHEREAS, after the public hearing, the Planning Commission further considered the proposed ordinance amendment and recommended that the City Council adopt the attached ordinance;

WHEREAS, the Council held a public hearing on _____, to consider the recommendation and the Council received and considered all public comments that were made therein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lindon, Utah County, State of Utah, as follows:

SECTION I: Amend Lindon City Code sections as follows:

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~~ uses as listed in 17.51.012 which could be used as additional revenue sources to help sustain and support agricultural ~~industry production~~ 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)

~~17.51.015~~ **17.51.011 Agricultural production required.**

To meet the purpose and objectives of this zone an applicant shall submit as part of the zone map amendment an agricultural production plan with the following requirements:

1. For this purposes of this chapter, “agricultural production” shall be defined as agricultural activities including cultivation, processing and distribution of agricultural products that result in that product being marketed and sold at retail or wholesale but does not include industrial agricultural uses.”
2. A site plan demonstrating that at ~~At least forty percent (40%)~~ fifty percent (50%) of the property ~~must~~ will 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. The plan

shall also include associated commercial uses and buildings that meet the site plan submittal requirements as found in the Lindon City Land Development Policies, Standard Specifications and Drawings manual.

~~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)~~

3. An agricultural production plan shall be submitted with the zone change application that specifically outlines the following:

- a. agricultural product(s) that will ultimately be marketed and sold at retail or wholesale.
- b. a plan demonstrating how agricultural open space will be preserved through continued agricultural production.
- c. A plan outlining the proposed commercial use and how the use will sustain and support the emphasis of agricultural production.

17.51.012 Permitted uses.

The following is a list of permitted, ~~and~~ 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, located outside the designated fifty (50) percent agricultural production area, 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)
3. All buildings, including accessory buildings and structures within the fifty percent (50%) agricultural production area shall not cover more than fifteen percent (15%) of the area of the lot or parcel of land.

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)

SECTION II: The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect.

SECTION III: Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

SECTION IV: This ordinance shall take effect immediately upon its passage and posting as provide by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this _____ day of _____, 2024.

Carolyn Lundberg, Mayor

ATTEST:

Kathryn A. Moosman,
Lindon City Recorder

SEAL

Exhibit 2 - Planning Commission Meeting Minutes

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **November 14, 2023** beginning at 6:00 p.m. at the Lindon City Center, City Council Chambers,
4 100 North State Street, Lindon, Utah.

REGULAR SESSION – 6:00 P.M.

6
7 Conducting: Sharon Call, Chairperson
8 Invocation: Karen Danielson, Commissioner
9 Pledge of Allegiance: Scott Thompson, Commissioner

10

PRESENT

EXCUSED

11 Sharon Call, Chairperson Mary Barnes, Associate Planner
12 Rob Kallas, Commissioner
13 Mike Marchbanks, Commissioner
14 Steven Johnson, Commissioner
15 Scott Thompson, Commissioner
16 Jared Schauers, Commissioner
17 Karen Danielson, Commissioner
18 Michael Florence, Community Development Director
19 Britni Laidler, Deputy Recorder
20

26 **5. Discussion and Work Item – Commercial Farm Zone** City Staff and the planning
28 commission will discuss a potential ordinance amendment and feedback from the June
19, 2023 city council meeting.

30 Mr. Florence also presented this item stating on June 19, 2023, the Lindon City Council
approved the ordinance amendment for Bed and Breakfast uses in the Commercial Farm Zone.
32 At that 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
34 see if regulations and uses allowed in the zone need to be “tightened up” to ensure the original
intent of the ordinance is met, with focus on the conditional use permits. At the city council
36 meeting, there was discussion about adding additional standards to encourage strong agricultural
uses to meet the intent of the zone. Mr. Florence noted that Mr. Jorgensen of Walker Farms, and
38 Mr. Colledge of Wadley Farms were in attendance to help give input. Topics of discussion of the
Planning Commission included the following:

- 40 1. Ensuring that the 40% open space/agricultural requirement in the Commercial
42 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
44 requires that there be a reasonable expectation of profit.

2 a) At the city council meeting, there was discussion about adding
4 additional standards to encourage strong agricultural uses to meet the
intent of the zone.

6 2. Reviewing the conditional uses that are allowed in the Commercial Farm zone. As
8 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:

- 10 a) Caretaker's or farm-help accessory dwelling unit; commercial horse
12 stables; farmers' market; greenhouses; plant or garden nursery; garden
center; bed and breakfast guestroom units; educational programs and
14 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)
- 16 b) A property owner would need to meet the parking requirements for each
18 use. Parking requirements would be reviewed with each conditional use
application.
- 20 c) The city council did remove amphitheater uses from the zone as part of
their review to protect surrounding neighborhoods.
- 22 d) 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%.
- 24 e) In regarding the uses how best should the city regulate those:
- 26 i. By building square footage
- 28 ii. Reduce the percentage of allowable building coverage in the zone.
- 30 a. Wadley Farms has an approximate building coverage of
5%. A 40% building coverage would allow up 318,859
square feet of building coverage.
- 32 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.
- 34 c. Most likely neither commercial farm zone would meet their
allowed building coverage due to parking requirements.
- 36 iii. Regulating the overall number of uses
- 38 iv. Regulating the number of uses by acreage
- v. 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

40 Mr. Florence went on to discuss the topic of conditional uses. He stated they wanted the
42 commission to make sure that those listed are still appropriate and that they are evaluated to help
protect the neighborhoods. Mr. Florence reminded the commission that once terms for
44 conditional uses are listed, the city would have a hard time regulating them later on.
Commissioner Thompson stated that he did note that the council removed the amphitheater use,
46 Mr. Florence let the commission know that that the City Council wanted to make sure
neighborhoods are protected in terms of noise.

2
3 Chairperson Call asked about the restaurant terms and voiced her thoughts on restaurant
4 verses café. She also voiced concern with the idea of a Vet Clinic, and how that could look in the
5 future. Discussion on the Vet Clinic ensued. Mr. Florence then asked if the commission was
6 happy with allowing all the uses as listed, or if they wanted to cap the limit on the number of
7 uses on properties. Commissioner Marchbanks stated he didn't see a problem having all those
8 options on their property, and that they will only do what fits on their property and fits their
9 needs.

10 Following some general discussion Commissioner Kallas asked for any suggestions from
11 the current owners with the Commercial Farm Zone.

12 **Alan Colledge**: Mr. Colledge stated he helped work with the city years ago on how to preserve
13 agriculture within the city. At that time, it was forward thinking, and what they thought they may
14 see in 10 years. He stated that in trying to preserve Lindon, the conditional uses are what will
15 help maintain those open spaces with the owners ability to supplement. He noted that he isn't
16 sure what the future will hold, but these conditional uses will allow open spaces to remain. He
17 stated that he didn't see any concern with the conditional uses as listed due to the city having
18 input in making sure that any new Commercial Farms stay in compliance.

19 **Mike Jorgensen**: Mr. Jorgensen noted that their property isn't near the size of Wadley Farms, so
20 they are somewhat limited in what they can do. He voiced that the Farm Zone is more about
21 open space, but you can't make a profit on farming now as you used to be able to. Mr. Jorgensen
22 then stated it's important to keep the open space, to avoid another subdivision. He stated that if a
23 conditional use is listed, the actual property size of the commercial farm zone may not allow for
24 some of them, so he saw no issue with the conditional list as is.

25 **Tanner Colledge** – Mr. Tanner Colledge noted he is the Project Manager at Wadley Farms. He
26 thought that perhaps having any proposed uses go before the commission and council would help
27 control any potential issues in the future instead of trying to predict the future. Mr. Florence
28 gave his input that sticking with the amendment process would be better and give more control in
29 the future.

30 **DeAnne Terry**: Ms. Terry asked the commission about adding something about storing unused
31 or unusable items on the farm zone. Mr. Colledge stated that the current Commercial Farm Zone
32 has a stipulation for fencing to help with this that is already in place.

33 Following some general discussion, the commission moved on to the discussion of
34 whether or not to tighten up the 40% agricultural requirement. Chairperson Call asked Ms. Jill
35 Jorgensen about the production they do on Walker Farms. Ms. Jorgensen let the commission
36 know they produce yarn from their alpacas and that they do make some revenue from it.
37 Discussion on reasonable revenue versus profit followed.

38 Commissioner Johnson wanted to have a clearer definition of intent of the city to
39 preserve open space or to preserve production. Mr. Florence stated his feeling from the City
40 Council meeting was the city wants to align more with its agricultural focus, with other purposes
41 to help supplement. Discussion on changing the order of the ordinance to allow better

2 understanding was then discussed. Commissioner Schauers stated he would like more
opportunities to visit these properties besides just weddings. He likes the idea of grabbing donuts
4 and cider on the way home from work, or something like that which allows for people to enjoy
the experience not only during weddings or events.

6
8 Mr. Florene then addressed the last item he would like to discuss with the commission on
the 40% building coverage limit. He presented what 40% would look like on Wadley Farms and
Walker Farms, and voiced concern with it taking up too much space on the lots. Following some
10 general discussion, the commission found that the previous standards of 40% agricultural and the
parking lot requirements will help control the amount of actual building coverage on a property.

12
14 Adjustments the commission decided on regarding this agenda item are as follows: 1) The
commission did not want to change the list of conditional uses. They felt they were self-
regulating with the parking and acreage requirements; 2) They recommended changing the word
16 from profit to revenue in 17.51.015. Look at making this section more the focus so when a new
application comes to the city that the primary focus will be evaluating the agricultural use first;
18 3) Move the agricultural requirement ahead of the allowed commercial conditional uses; and 4)
Clarify the building coverage if it applies to just commercial buildings or to all areas of the
20 property including the agricultural areas.

22 Mr. Jorgensen then addressed the Commission asking about putting in a greenhouse on their
property where planter boxes are currently located. Following some discussion regarding setback
24 requirements it was decided that Mr. Jorgensen would need to file for an ordinance amendment
with the city.

26
28 Following some additional discussion by the commission, Chairperson Call called for any
further discussion or comments. Hearing none she moved on to the next agenda item.

2 The Lindon City Council regularly scheduled meeting on **Monday, December 4, 2023,**
4 **at 7:00 pm** in the Lindon City Center, City Council Chambers, 100 North State Street,
Lindon, Utah.

6 **REGULAR SESSION – 7:00 P.M.**

8 Conducting: Carolyn Lundberg, Mayor
Invocation: Mike Vanchiere, Councilmember
10 Pledge of Allegiance: Anthony Sanchez

12 **PRESENT**

Carolyn Lundberg, Mayor
14 Jake Hoyt, Councilmember
Van Broderick, Councilmember
16 Randi Powell, Councilmember
Mike Vanchiere, Councilmember
18 Adam Cowie, City Administrator
Brian Haws, City Attorney
20 Mike Florence, Community Dev. Director
Mary Barnes, Associate Planner
22 Kathryn Moosman, Recorder

EXCUSED

Daril Magleby, Councilmember

10 **11. Discussion and Work Item — Commercial Farm Zone.**

11 City council will
12 discuss potential amendments to the Commercial Farm zone. This item is for
13 discussion purposes only with no action necessary.

14 Mike Florence, Community Development Director presented this item stating on
15 June 19, 2023, the Lindon City Council approved the ordinance amendment for Bed and
16 Breakfast uses in the Commercial Farm Zone. He noted at the same meeting the city
17 council reviewed the current list of permitted and conditional uses allowed in the
18 Commercial Farm Zone. The city council asked that the ordinance be reviewed to see if
19 regulations and uses allowed in the zone need to be “tightened up” to ensure the original
20 intent of the ordinance is met. The city council did remove amphitheater uses from the
21 allowable list of conditional uses. Mr. Florence noted the city council will not be making
22 any official decisions at this meeting, but discussing options with city staff in preparation
23 for a future ordinance draft and public hearing.

24 Mr. Florence then explained that the topic of discussion with the planning
25 commission and overview of comments to ensure that the 40% open space/agricultural
26 requirement in the Commercial Farm zone is the primary focus of the zone. At the June
27 19, 2023 meeting, the city council requested further discussion of whether additional
28 agricultural standards should be added to the ordinance. The planning commission felt
29 like a few minor changes could be made to the ordinance which includes the following:

- 30 1. amending the ordinance from an expectation of profit to reasonable
31 revenue. Second, moving section 17.51.015, which is the Agricultural
32 Production Requirement, above the list of permitted uses so that it is the
33 focus of the ordinance.
- 34 2. Review of the number and types of allowable conditional uses in the
35 Commercial Farm Zone.

36 Mr. Florence further explained the Commercial Farms zone currently allows 14
37 commercial uses as conditional uses. With the ordinance, as is currently adopted, a
38 property owner could request for conditional use permit approval for each of the 14 uses.
39 a. The planning commission felt like the uses in the zone did not need to be modified.
40 Their opinion was that with the parking requirements and 40% agricultural requirement
41 the list of conditional uses is self-regulating. 86 b. List of allowable conditional uses in
42 17.15.012: Caretaker’s or farm-help accessory dwelling unit; commercial horse stables;
43 farmers’ market; greenhouses; plant or garden nursery; garden center; bed and breakfast
44 guestroom units; educational programs and associated facilities; reception center;

2 conference center; boutique; cafe; restaurant; veterinary clinic; and food manufacturing
(not to exceed two thousand (2,000) square feet of processing and production area) c. If
4 the city council wants to look at options to regulate the number of uses below are a few
ideas: i. Cap the allowable building square footages ii. Reduce the percentage of
6 allowable building coverage in the zone. (a) Wadley Farms has an approximate building
coverage of 5% of the entire property. A 40% building coverage would allow up 318,859
8 square feet of building coverage. (b) Walker Farms has an approximate building coverage
of 9% of the entire property. A 40% building coverage would allow up to 105,589 square
10 feet of building coverage. (c) Most likely neither commercial farm zone would meet their
allowed building coverage due to parking requirements. iii. Regulate the overall number
12 of uses. iv. Regulate the number of uses by acreage. v. Follow something similar to the
animal code where a property owner is allowed to have a certain number and type of uses
14 depending on the overall acreage and type of uses. 3. Clarify in the ordinance that the
40% building coverage only applies to the non-agricultural areas. Currently, the
16 ordinance says that 40% of the overall lot or parcel can construct up to 40% of the
property in buildings.

18 Mr. Alan Colledge stated he helped work with the city years ago on how to
preserve agriculture within the city. At that time, it was forward thinking, and what they
20 thought they may see in 10 years. He stated that in trying to preserve Lindon, the
conditional uses are what will help maintain those open spaces with the owner's ability to
22 supplement. He noted that he isn't sure what the future will hold, but these conditional
uses will allow open spaces to remain. He stated that he didn't see any concern with the
24 conditional uses as listed due to the city having input in making sure that any new
Commercial Farms stay in compliance.

26 Mr. Florence asked for direction from the council at this time including the
number of conditional uses, 40% building coverage and revenue vs. profit. There was
28 then some general discussion regarding these topics. Mr. Florence stated he come back
with an ordinance draft for the public hearing.

30 Brian Haws, City Attorney, stated it comes down to complaint-based issues where
we will review and ensure they are complying with the ordinance noting this gives us an
32 instrument if a problem arises.

Mayor Lundberg called for any further discussion or comments from the Council.
34 Hearing none she moved on to the next agenda item.

Item 5 - Ordinance Amendment – 17.04.420 Portable Storage Containers

Date: February 27, 2024
Applicant: Lindon City
Presenting Staff: Michael Florence

Type of Decision: Legislative

Council Action Required: Yes, the planning commission is the recommending body on this application.

MOTION

I move to recommend (*approval, denial, or continuance*) of ordinance 2024-02-O (*as presented, or with changes*).

Overview:

- Lindon City made an application for a portable storage container ordinance on May 17, 2023 and discussed this item with the planning commission as a pending ordinance on June 13, 2023 and August 22, 2023.
- The purpose of the ordinance is to establish standards for placing portable storage containers in residential, commercial/industrial and agricultural zones.
- Lindon City has recently seen an increased use of portable storage containers as accessory buildings.
- In 2023 the city dealt with a code enforcement case where a property owner brought in 11 storage containers to use as a retaining wall and storage.
- City staff felt like with the interest in using portable storage containers as accessory buildings, the city should draft standards so that these structures are compatible with the zones where they are being located.
- The draft ordinance allows for both temporary and permanent use of storage containers depending on how they are being used. Temporary is allowed for when someone is remodeling their home, emergency situations, firework stands, or shipping/receiving merchandise for commercial/industrial businesses.
- Youtube link to August 22, 2023 Planning Commission Meeting. Begins at minutes 1 hour 50 minutes
 - <https://www.youtube.com/watch?v=RRmg2OGSZgA&t=8231s>

Updates Since August 22, 2023 Meeting

- Containers are prohibited on lots less than 12,000 square feet
- **Instead of calling out a “greenbelt” requirement as a minimum standard for agricultural areas it is proposed that a 3-acre minimum be used.**
- **A minimum setback of 5’ from the property line in agricultural areas.**

General Requirements

- Permanent placement of containers must meet setback requirements and not located in the front yard area
- Not used for anything other than the intended storage purpose (no residences, camping, cooking, etc.)
- A building permit is required for permanent containers over 120 square feet and that will be on the property longer than 180 days
- For construction or remodeling the temporary container can be onsite for one year but must be removed within 10 days of final inspections

- Temporary containers are allowed to be used on a property for 180 days for emergency situations such as a building fire or flood. The ordinance allows 180 days for those moving as well.
- No vertical stacking of containers
- No containers on vacant lots or parcels
- Cannot be used for retaining walls

Residential Requirements

- 1 container per residential lot or parcel
- The container shall either be clad in material comparable to the onsite single-family home or painted to cover advertising, letters, or numbers.

Agricultural Requirements

- Allows 2 storage containers but the minimum lot size is required to be 3 acres.

Commercial/Industrial Requirements

- Allowed where used for shipping or receiving merchandise for up to 180 days.
- Temporary containers cannot be stored in vehicle circulation lanes, fire lanes, utility easements, or rights-of-way. They can be stored in parking areas when shipping and receiving merchandise but cannot affect overall parking management.

Building Code Requirements

In 2023 the 2021 the International Residential and Building Codes went into effect in Utah. The newest versions of the building code require property owners to implement the below general requirements. This is not an exhaustive list and property owners should meet with the Lindon City Building Official to discuss specific requirements. The building code recognizes that containers were constructed but built for storage. A person can use them, but they need to be safe.

- Permanent anchorage
- Data plate on the container
- Manufacturers information
- Foundation. Options for gravel and concrete

Requirements for other Cities

Portable Shipping Containers in Residential Zones	
Municipality	Allowed or Prohibited
Provo	Allowed, 1 per residential or agricultural lot
Mapleton	Prohibited
West Valley	Prohibited
Daggett County	Allowed, the exterior of the storage container shall be painted or altered to cover any advertising, lettering, or numbers.
South Salt Lake	Yes, 1 per residential lot
Lehi City	Prohibited
Orem City	Prohibited
Payson City	Allowed only if the container were reclad or enhanced so it doesn't appear like a shipping container.
Saratoga Springs	Allowed if color and construction are compatible with and similar to the primary structure. Buildings over two hundred (200) square feet shall be built of durable materials, except metal on exterior walls, and shall include a wainscot, siding, or other similar architectural feature covering a minimum of thirty percent (30%) of all building sides (except door areas), made of similar materials used on the primary structure;
Sandy City	Prohibited
St. George	Prohibited. Only allowed as a temporary building during construction
Cedar Hills	Prohibited
Riverton	Prohibited
Holladay	Prohibited
Millcreek	Prohibited, unless they are modified to meet all the design requirements

Exhibits

1. Draft ordinance
2. Planning Commission meeting minutes from August 2023

ORDINANCE NO. 2024-02-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLES 17.02 DEFINITIONS AND ESTABLISHING TITLE 17.04.420 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lindon City Council is authorized by state law to enact and amend ordinances establishing land use regulations; and

WHEREAS, the proposed amendment is consistent with the goal of the Lindon City General Plan to preserve and protect neighborhood as diverse and attractive places; and

WHEREAS, the Lindon City Council finds that it is in the best interest of the City to allow for portable storage containers and where specific standards are met to limit negative effects on surrounding properties; and

WHEREAS, on August 22, 2023, the Planning Commission held a properly noticed public hearing to hear testimony regarding the ordinance amendment; and

WHEREAS, after the public hearing, the Planning Commission further considered the proposed ordinance amendment and recommended that the City Council adopt the attached ordinance; and

WHEREAS, the Council held a public hearing on _____, to consider the recommendation and the Council received and considered all public comments that were made therein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lindon, Utah County, State of Utah, as follows:

SECTION I: Amend Lindon City Code section as follows:

17.02.010

"Portable Storage Container" means a container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, intermodal shipping containers, storage units, or other portable structures that are placed on private property and used for storage and shipment of materials and merchandise.

SECTION II. Establish Lindon City Code section as follows:

17.04.420. Portable Storage Containers

1. Portable Storage Containers, as defined in 17.02 of this title, may be used as accessory buildings, only in accordance with the following:

- a. Permanent placement of the portable storage container shall meet all setback requirements for the zone in which it will be located. Storage containers shall not be located in any front yard area on a lot or parcel.
- b. Portable storage containers may not be used for uses other than storage.
- c. A building permit shall be required for permanent portable storage containers that exceed one hundred twenty (120) square feet in area, are located on the property longer than one hundred and eighty (180) days and shall meet all zoning and building code requirements.
- d. If a building permit has been issued for the construction or remodeling of a building, one (1) temporary portable storage container may be used for up to one (1) year. The container must be removed within ten (10) days of approval of the final inspection.

- e. A temporary portable storage container may be placed on a property located in any zone for an emergency, such as for storage following a building fire or flood, or for the purpose of moving, and shall be removed within one hundred and eighty (180) days. This requirement may be extended by following the requirements in subsection d.
- f. Portable shipping containers shall not be used for retaining walls.
- g. Only one (1) portable storage container shall be permitted per lot or parcel in all residential zoning districts where a residential dwelling is located with the following requirements:
 - a. All requirements of Title 17.44.140 and building code requirements shall be met.
 - b. The exterior of the container shall either be clad in a material comparable to the onsite single-family dwelling or painted to cover any advertising, letters, or numbers on the container.
 - c. Portable shipping containers are prohibited on lots less than twelve thousand (12,000) square feet.
- h. Portable storage containers are not permitted on vacant property except where allowed as part of an ongoing agricultural operation of minimum three (3) acres. Such agricultural operation shall be limited to two containers. Containers shall have a minimum setback of five (5) feet from the property line and shall meet building code requirements if located on the property longer than one hundred and eighty (180) days.
- i. Portable storage containers may be used in commercial and industrial zones where the containers are being used for shipping or receiving merchandise for a period not to exceed one hundred eighty (180) days. Portable storage Containers used longer than one hundred eighty (180) days are considered permanent.
- j. Vertical stacking of portable storage containers and stacking of any other materials on top of any portable storage container shall be prohibited in all zones.
- k. No temporary portable storage container shall be placed or located in a vehicle circulation aisle/lane, fire access lane, public utility easement or rights-of-way, including streets and sidewalks. Portable storage containers may be placed temporarily in a parking stall when shipping or receiving merchandise. The placement of a portable storage container in a parking stall shall not affect the overall parking management of the property.
- l. Portable shipping containers are permitted for temporary site plan uses such as firework stands or similar uses and shall follow location and time limits as provided in Section 17.17.140 for temporary site plan uses.

SECTION III: The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect.

SECTION IV: Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

SECTION V: This ordinance shall take effect immediately upon its passage and posting as provide by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this _____ day of _____, 2024.

Carolyn Lundberg, Mayor

ATTEST:

Kathryn A. Moosman,
Lindon City Recorder

SEAL

2 The Lindon City Planning Commission held a regularly scheduled meeting on Tuesday, August
22, 2023 beginning at 6:00 p.m. at the Lindon City Center, City Council Chambers, 100 North
4 State Street, Lindon, Utah.

REGULAR SESSION – 6:00 P.M.

6 Conducting: Sharon Call, Chairperson
8 Invocation: Karen Danielson, Commissioner
Pledge of Allegiance: Jared Schauers, Commissioner

<u>PRESENT</u>	<u>EXCUSED</u>
12 Sharon Call, Chairperson	Scott Thompson, Commissioner
Rob Kallas, Commissioner	
14 Mike Marchbanks, Commissioner – arrived at 6:11	
Steven Johnson, Commissioner	
16 Jared Schauers, Commissioner	
Karen Danielson, Commissioner	
18 Michael Florence, Community Development Director	
Mary Barnes, Associate Planner	
20 Brian Haws, City Attorney	
Britni Laidler, Deputy Recorder	

18 **8. Public hearing for a recommendation to the Lindon City Council to amend Title**
20 **17.02 and adopt ordinance 17.04.420 regarding requirements for portable storage**
22 **containers.** Lindon City requests a recommendation to the Lindon City Council to
define portable storage container and adopt regulations and standard for portable storage
containers.

24 COMMISSIONER MARCHBANKS MOVED TO OPEN THE PUBLIC HEARING.
COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED IN
26 FAVOR. THE MOTION CARRIED.

28 Mr. Florence led this agenda item by stating Lindon City made an application for a
portable storage container ordinance on May 17, 2023 and then discussed this item with the
30 planning commission as a pending ordinance on June 13, 2023. He noted the purpose of the
ordinance is to establish standards for placing portable storage containers in residential,
32 commercial/industrial and agricultural zones. Lindon City has recently seen an increased use for
the desire to use portable storage containers as accessory buildings and city staff feels like with
34 the interest in using portable storage containers as accessory buildings, the city should draft
standards so that these structures are compatible with the zones where they are being located.
36 The draft ordinance allows for both temporary and permanent use of storage containers
depending on how they are being used. Temporary is allowed for when someone is remodeling
38 their home, emergency situations, firework stands, or shipping/receiving merchandise for
commercial/industrial businesses.

40 Mr. Florence then presented the terms of Ordinance 17.04.420 regarding requirements for
portable storage containers and went over each aspect of the ordinance. He then proceeded to
42 present what other cities are doing for their storage containers ordinances.

44 Commissioner Kallas asked why Lindon wants to permit these storage containers, when so
many other cities prohibit them. Mr. Florence stated this came to light with a code enforcement
issue. Commissioner Kallas doesn't know why Lindon would want to permit these and believes

2 if the city were to permit these, there would need to stricter rules. He then stated the ones he has
4 the residents in those neighborhoods.

Commissioner Call asked for clarification on the containers that are already on lots being
6 required to improve them for this ordinance. Mr. Haws, City Attorney stated that any resident
8 that has gone through the channels and gotten a permit to use them as a structure would be
10 grandfathered in. Commissioner Kallas asked how many of those have gotten a building permit. Mr. Florence stated in his time with the city he knew of only one. Commissioner Danielson
12 inquired if neighbors have had any concerns or issues with the one that had gotten a permit. Mr. Florence stated he hadn't heard of any complaints.

Commissioner Marchbanks gave insight on his view, voicing that some neighbors may
14 enjoy their neighbors putting their stuff into a container instead of left on the property in view. Mr. Florence stated if there were still things the commission would like to consider, they can
16 always bring it back with those changes. Commissioner Schauers expressed his opinion that there is a place for these containers and there should be an ability for people to have them with a permit.

18 Resident, DeAnn Terry addressed the commission with input on this topic. She then asked for clarification on the "Green Belt" definition and her concern with that situation. She
20 then let the commission know that the situation she is dealing with at her property isn't getting better. She worries that if we don't make the rules tight that there will be people that will take
22 them and run with them. Mr. Florence clarified how the draft ordinance is currently written and stated if the commission wants to change the setbacks, then it will need to come back before the
24 commission. Mr. Haws stated he does see that there needs to be different requirements to protect the abuse of this for potential use on greenbelt property. Ms. Terry stated she would like to see
26 stricter terms within this ordinance and to have things be more specific within the ordinance.

After some general discussion Chairperson Call called for any further public comments or
28 discussion. Hearing none she called for a motion to close the public hearing.

30 COMMISSIONER KALLAS MOVED TO CLOSE THE PUBLIC HEARING.
COMMISSIONER SCHAUERS SECONDED THE MOTION. ALL PRESENT VOTED IN
32 FAVOR. THE MOTION CARRIED.

At this time, Mr. Florence went over the changes he noted that needed to be changed in
34 the ordinance. These were as follows: 1. Setback requirements. 2. Screening requirements. 3. Look further into the greenbelt requirements. 4. Potential of prohibiting containers on certain
36 smaller lot sizes.

Chairperson Call called for any further comments or discussion from the Commission.
38 Hearing none she called for a motion.

40 COMMISSIONER KALLAS MOVED TO RECOMMEND A CONTINUANCE OF
ORDINANCE 2023-16-O TO LET STAFF MAKE CHANGES. COMMISSIONER JOHNSON
42 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COMMISSIONER CALL	AYE
44 COMMISSIONER JOHNSON	AYE
COMMISSIONER SCHAUERS	AYE

2 COMMISSIONER MARCHBANKS AYE
COMMISSIONER KALLAS AYE
4 COMMISSIONER DANIELSON AYE

6 **9. Public hearing for a recommendation to the Lindon City Council to amendment**
Title 44 Single Family Residential. Lindon City requests a recommendation to the
8 Lindon City Council to incorporate by reference all single family zoning districts as well
as adopt and clarify single family development requirements for the Anderson Farms
10 Planned Development, R3 Overlay, and Planned Residential Development single family
zones.
12