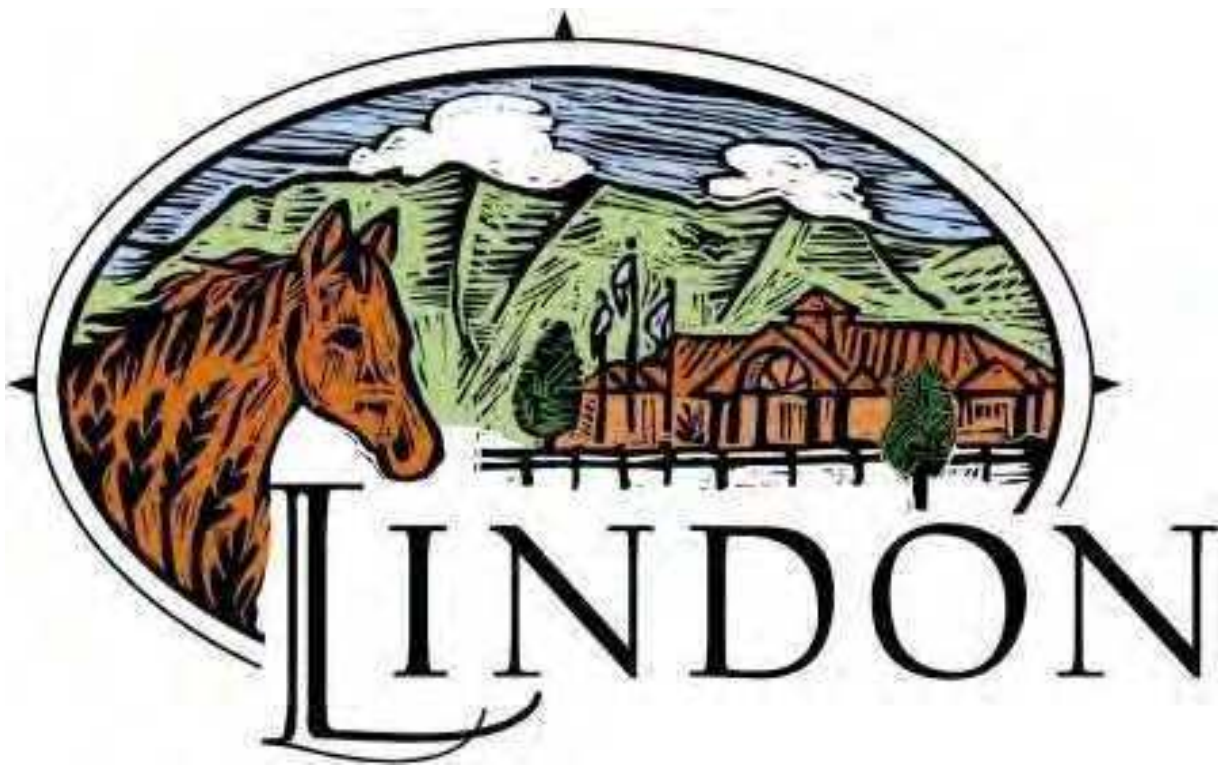


# **Lindon City Planning Commission Staff Report**



**June 14, 2022**

**Notice of Meeting**  
***Lindon City Planning Commission***



**Item 1 – Call to Order**

Sharon Call  
Mike Marchbanks  
Rob Kallas  
Steve Johnson  
Scott Thompson  
Jared Schauers  
Renee Tribe

# Notice of Meeting

## Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on **Tuesday, June 14, 2022**, 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](http://www.youtube.com/LindonCity). The agenda will consist of the following items:

### Agenda

Invocation: By Invitation

Pledge of Allegiance: By Invitation



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

- 1. Call to Order**
- 2. Approval of minutes**  
Planning Commission 5/24/2022
- 3. Public Comment**
- 4. Conditional Use Permit – SinCity Therapeutic Bodywork and Massage – 179 N 290 W.** SinCity Therapeutic Bodywork and Massage requests conditional use permit approval to operate a massage establishment in the General Commercial zone at 179 N 290 W. (48:388:0179) (10 minutes)
- 5. Public Hearing for a Recommendation to the Lindon City Council to amend Appendix A: Lindon City Land Use Table.** Cade Orvin requests an amendment to the Lindon City Standard Land Use Table, to allow commercial indoor volleyball as a conditional use in general commercial zones, and a permitted use in mixed commercial and light industrial zones. (10 minutes)
- 6. Major Subdivision Recommendation – David Fryer – Approx. 150 E 800 N.** The applicant requests preliminary approval and a recommendation to the City Council to develop four (4) single family home lots in the R1-20 zone, at approximately 150 E 800 N. (14:042:0134) (15 minutes)
- 7. Continued Public Hearing for a Recommendation to the Lindon City Council to amend Title 17.76 – Planned Residential Development Overlay Zone.** Lindon City requests an amendment to Section 17.76 to amend the site design standards, including updates for the map, density, parking and driveways, street, and sidewalk requirements. (15 minutes)
- 8. 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](http://www.lindoncity.org). The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs or events should call Kathy Moosman at 785-5043, giving at least 24 hours' notice.

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

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

**Posted By:** Kathryn Moosman, City Recorder

**Date:** 6/10/2022 **Time:** 5:00 pm

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

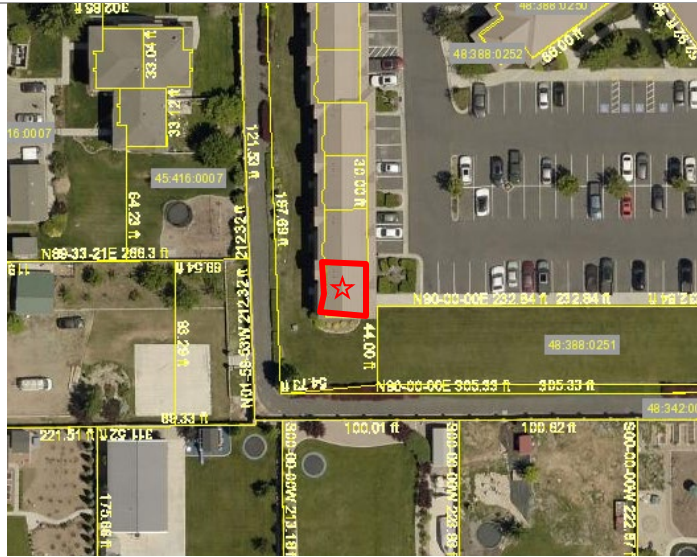
# Item 4: Conditional Use Permit – SinCity Therapeutic Bodywork and Massage

**Date:** June 14, 2022  
**Applicant:** Lorinda Clark  
**Presenting Staff:** Michael Florence

**General Plan:** Commercial  
**Current Zone:** Commercial General

**Property Owner:** Ladd Enterprises  
**Address:** 179 N 290 W  
**Parcel ID:** 48:388:0179  
**Lot Size:** .017 acres

**Type of Decision:** Administrative  
**Council Action Required:** No



## SUMMARY OF KEY ISSUES

To review a conditional use permit for a massage therapy business, pursuant of LCC 5.30 Massage Establishments.

## MOTION

I move to (*approve, deny, continue*) the applicant's request for a conditional use permit to use the property located at 179 N 290 W for a massage therapy business, with the following conditions:

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

## OVERVIEW

1. Lorinda Clark requests conditional use permit approval to operate a one-room massage therapy business above an existing chiropractic office at 179 N. 290 W.
2. Lorinda will be the only full-time employee.
3. Notices were mailed on June 3, 2022 to adjoining property owners in accordance with Lindon City Code Section 17.14.50 Third Party Notice. Staff has received no public comment at this time.

## SURROUNDING ZONING AND LAND USE

North: **CG** – Commercial General

East: **CG** – Commercial General

South: **CG and R1-20** – Open Space and Single Family Homes

West: **CG and R1-20** – Open Space and Single Family Homes

## Code Requirements

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

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

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

**STAFF ANALYSIS**

The applicant has met all the requirements for a Massage Establishment Business license, the final step is this conditional use permit. This will be a one-room one-employee massage establishment with red-light therapy. It is expected that this business will have minimal impact and will be compatible with the chiropractic use.

**EXHIBITS**

1. Aerial Image
2. Business description
3. LCC 5.30 Massage Establishments



## Exhibit 1: Aerial Image



## Exhibit 2: SinCity Therapeutic Bodywork and Massage Business Description

One room massage business above a chiropractic office, with the following services:

- Swedish Massage
- Deep Tissue Massage
- Therapeutic Massage
- Pre-Natal Massage
- Red-Light Therapy

Exhibit 3:

**CHAPTER 5.30  
MESSAGE ESTABLISHMENTS**

**SECTION:**

- 5.30.010 DEFINITIONS.**
- 5.30.020 ZONING - CONDITIONAL USE PERMITTED REQUIRED**
- 5.30.030 LICENSE REQUIRED – APPLICATION.**
- 5.30.040 QUALIFICATIONS OF THE LICENSEE.**
- 5.30.050 SANITATION OF PREMISES.**
- 5.30.060 EMPLOYEES, INDEPENDENT CONTRACTORS AND LESSEES.**
- 5.30.070 HOURS OF OPERATION.**
- 5.30.080 LICENSE FEES.**
- 5.30.090 DISPLAY OF STATE AND CITY LICENSES.**
- 5.30.100 TRANSFER OF OWNERSHIP OF BUSINESS LICENSE PROHIBITED.**
  
- 5.30.110 PROHIBITED ACTS.**
- 5.30.120 DENIAL, SUSPENSION OR REVOCATION.**
- 5.30.130 APPEALS.**
- 5.30.140 VIOLATIONS.**

**5.30.010 DEFINITIONS.**

For the purposes of this Chapter, the words set out in this Section shall have the following meanings:

1. “Massage” means the same as Practice of Massage Therapy as defined in Utah Code § 58-47b-102, as may be amended.
  - a. “Massage” as used in this Section does not mean the manual or mechanical manipulation of soft tissue of the body by a licensed physician, chiropractor, or physical therapist.
2. “Massage Apprentice” means an individual licensed by the State of Utah under the Utah Massage Therapy Practice Act as a Massage Apprentice to work under the direct supervision of a licensed Massage Therapist.
3. “Massage Establishment” means any location, place, area, structure, or business used for the practice of Massage or instructing Massage for either a fee, a gratuity, or as a free service or as demonstrations.
  - a. “Massage Establishment” does not include the offices or facilities of a licensed physician, chiropractor, or physical therapist.
4. “Massage Establishment Business License” means a business license issued pursuant to the provisions of this Chapter.
5. “Massage Therapist” means an individual licensed by the State of Utah under the Utah Massage Therapy Practice Act as a Massage Therapist.
6. “Specified Anatomical Areas” means the same as defined in Section 8.30.040 of the Lindon City Code, as may be amended.
7. “Specified Sexual Activities” means the same as defined in Section 8.30.040 of the Lindon City Code, as may be amended.

**5.30.020 ZONING - CONDITIONAL USE AND HOME OCCUPATION PERMIT REQUIRED.**

1. Massage Establishments shall only be allowed as a Conditional Use in the CG, CG-A, CG-A8, CG-S, and MC zones within Lindon City.
2. A Massage Establishment may be permitted as a home occupation subject to the following conditions:
  - a. A home occupation for message therapy must comply with all conditions and requirements set forth in this Chapter;
  - b. A home occupation for Message Therapy must comply with all conditions set forth Section 17.04.400 of the Lindon City Code;



- c. A home occupation for Massage Therapy shall not be allowed to have any employees or part-time equivalent employees. All Massage Therapy services provided in association with the home occupation shall be provide only by the home occupation permit holder.

#### **5.30.030 LICENSE REQUIRED – APPLICATION.**

1. **Massage Establishment Business License Required:** It is unlawful for any person to operate, conduct, carry on or maintain a Massage Establishment without meeting the requirements of this Chapter and obtaining a Massage Establishment Business License as required by this Chapter.
2. **State License Required:** It is unlawful for any person to operate a Massage Establishment or to engage in the business of a masseur or the practice of massage therapy in the city without first being licensed by the State of Utah as a Massage Therapist or Massage Apprentice.
3. **Requirements for the Issuance of a Massage Establishment Business License:** Every person desiring a Massage Establishment Business License shall file an application to the business license authority of the city. The application shall contain the following information:
  - a. A statement and verification that the applicant for a Massage Establishment Business License is of at least twenty-one (21) years of age;
  - b. A statement describing the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises and what fees and rates the applicant will charge for massages and other services.
  - c. A statement describing what rules, regulations or employment guidelines, if any, the applicant will implement to ensure compliance with state and local regulations;
  - d. A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant has previously operated or is seeking to operate, in this or any other county, city, state or territory, has ever had a license, permit or authorization to do business denied, revoked, or suspended, or has had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the date, the name of the issuing or denying jurisdiction and state in full the reasons for the denial, revocation, or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application;
  - e. Written disclosures of all convictions of crimes involving moral turpitude within the past five (5) years of the applicant and all employees;
  - f. Proof that the applicant and all employees are licensed by the State of Utah as Massage Therapists or Massage Apprentices; and
  - g. Contact information for a responsible owner and/or operator who may be reached during all business hours.
4. **Investigation of Licensee and Premises:** All applications for a Massage Establishment Business License shall be referred to:
  - a. The Development Review Committee for zoning approval and to determine compliance of the premises with the provisions of the fire code;
  - b. The Lindon City Police Department for a search for any outstanding warrants and a criminal history for the applicant and each employee providing massage services;
  - c. The Utah County Health Department for investigation of the sanitary condition of the premises and compliance with applicable health regulations.
5. **Obligation to Update Required Information:** Any change in the information required to be submitted under this Chapter, including the name and DOPL license number of each new employee providing massage services, shall be filed, in writing, with the City Recorder within fourteen (14) days of such a change occurring.

#### **5.30.040 QUALIFICATIONS OF THE LICENSEE.**

Each individual desiring a Massage Establishment Business License shall:

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

**5.30.050 SANITATION OF PREMISES.**

Each Massage Establishment shall maintain its premises in compliance with state and county health regulations and shall ensure all patrons are provided with clean, sanitary, and opaque coverage capable of covering the patron's Specified Anatomical Areas. No common use of such coverings shall be permitted, and reuse of such coverings is prohibited unless they have been adequately cleaned and laundered. In addition, no owner, operator, managing employee, manager, employee, or masseur should administer a massage unless the patron has, at a minimum, a clean, opaque covering over their Specified Anatomical Areas.

**5.30.60 EMPLOYEES, INDEPENDENT CONTRACTORS AND LESSEES.**

1. The owner and operator of a Massage Establishment shall be responsible for all activities and services provide in or on the establishment's premises, regardless of whether or not a Massage Therapists or Massage Apprentice is an employee, independent contractor, or is otherwise a third-party lessee who has rented space within the Massage Establishment. Any violation of this Chapter by any of employee, independent contractor or lessee shall constitute a violation of the Chapter by the owner and operator of the Massage Establishment.
2. The owner and operator of a Massage Establishment shall be responsible to maintain current contact information, including residential addresses, and proof of licensure by the State of Utah for all employees, independent contractors, or lessees who provide massages or other services at the Massage Establishment.

**5.30.070 HOURS OF OPERATION.**

Massage Establishments may not be open or operated between the hours of 10:00 PM and 6:00 AM.

**5.30.080 LICENSE FEES.**

Licensing fees for a Massage Establishment Business License shall be the same as for other business licenses issued by the city and shall be paid pursuant to Section 5.04.130 of the Lindon City Code.

**5.30.090 DISPLAY OF STATE AND CITY LICENES.**

1. Every Massage Establishment licensed under this Chapter shall display its Massage Establishment Business License in a conspicuous place on the premises.
2. Every Massage Therapist or Massage Apprentice, while on the premises of a licensed Massage Establishment, shall maintain in his or her possession or immediate presence his or her state issued Massage Therapist or Massage Apprentice license or have it conspicuously displayed on the premises.

**5.30.100 TRANSFER OF OWNERSHIP OF BUSINESS LICENSE PROHIBITED.**

Massage Establishment Business Licenses granted under this Chapter shall not be transferable.

**5.30.110 PROHIBITED ACTS.**

The following acts are prohibited:

1. It is unlawful for any person to practice or engage in or attempt to practice or engage in massage, without first being licensed by the State of Utah as a Massage Therapist or Massage Apprentice.
2. It is unlawful for any Massage Establishment to employ or contract with, for the purpose of performing massage, any individual who is not licensed by the State of Utah as a Massage Therapist or Massage Apprentice.
3. It is unlawful to serve, store, allow to be consumed any alcoholic beverage on the licensed premises of a Massage Establishment.
4. It is unlawful for a Massage Therapist, a Massage Apprentice, an employee, or an independent contractor of a Massage Establishment to touch, massage, or apply any instrument or device, or offer to touch, massage, or apply any instrument or device, to the Specified Anatomical Areas of any person while on the premises of a Massage Establishment.
5. It is unlawful for a Massage Therapist, Massage Apprentice, employee, independent contractor, or customer of the Massage Establishment to display to any other person any Specified Anatomical Area or to engage in any Specified Sexual Activities while on the premises of the Massage Establishment.
6. It is unlawful for a premise licensed as a Massage Establishment to be used for the purpose of housing, sheltering or harboring, or cause to permit the same to be used as living or sleeping quarters by employees or other persons.
7. With the exception of bathrooms, dressing rooms, or any other room used for dressing purposes, no owner, operator, responsible managing employee, manager or licensee in charge of or in control of any Massage Establishment shall permit any person in any area within the Massage Establishment which is used in common by the patrons, or which can be viewed by patrons from such an area, unless the person's Specified Anatomical Areas are fully covered. Further, no owner, operator, responsible managing employee, manager, or licensee in charge of or in control of a Massage Establishment shall permit any person to be in any room with another person unless all the person present have their Specified Anatomical Areas completely covered.
8. It is unlawful for any owner, operator, or other person in charge of or in control of a Massage Establishment to permit any masseur or employee to be on the premises of a Massage Establishment during its hours of operation or while performing, or available to perform, any task or service associated with the operation of a massage business, unless the masseur or employee is fully covered from the center of the kneecap to the base of the neck, excepting the hands and arms. Such covering must be of opaque material and maintained in a clean and sanitary condition.
9. It is unlawful for a Massage Establishment to hold itself out as a licensed facility or to advertise massage services to the public without being properly licensed by both Lindon City and the State of Utah.
10. It is unlawful for any person to hold themselves out as a licensed Massage Therapist or to advertise massage services to the public without being properly licensed by the State of Utah.
11. It is unlawful for any owner, operator, responsible managing employee, manager, licensee, or lessee in charge of or in control of a Massage Establishment to allow such establishment and its related massages and operations to be conducted in violation of the Utah Massage Therapy Practice Act, as set forth in Title 58, Chapter 47b of the Utah Code, as may be amended.

**5.30.120 DENIAL, SUSPENSION OR REVOCATION.**

1. Conditions of Denial, Suspension or Revocation: Any Massage Establishment Business License issued by the city may be suspended or revoked, and any application for any business license or for the renewal of any business license may be denied, by the business license authority upon a finding of a violation of the City Code or conviction of any of the following with respect to the licensee or licensee's operator or agent:
  - a. A violation of or a conviction for violating any ordinance regulating or governing the Massage Establishment for which said license was granted; or
  - b. A violation of or conviction for violating any other city ordinance or law of the state which affects the health, welfare or safety of its residents, including, but not limited to, a public nuisance, and which violation or conviction relates to the business so licensed or to be licensed;or

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

**5.30.130 APPEALS.**

1. An applicant or license holder who has a Massage Establishment Business License denied, suspended or revoked, may appeal the decision to the City Administrator.
2. Notice of an appeal shall be filed with the City Administrator within fourteen (14) days of the decision denying or revoking the license.
3. The notice of appeal shall identify the appellant and set forth the grounds for the appeal.
  - a. If a notice fails to state the grounds for the appeal it may be summarily denied.
  - b. An appellant must present every theory of relief it is claiming to preserve that theory for review.
4. They may hear the appeal or may appoint an appeals officer to hear the appeal.
5. Upon receipt of an appeal, the City Administrator or appeals officer shall set an informal hearing as soon as practically possible (but not later than thirty (30) days after receipt of the request) in which the appellant and interested parties may address the city's decision.
6. The appellant has the burden of proving the city's decision was made in error.
7. The City Administrator or appeal officer shall review factual matters on the record and shall be limited to reviewing documents and information presented to the city licensing authority during the application or suspension/revocation process.
8. Any decision by the City Administrator or appeals officer shall:
  - a. Be issued in writing within fourteen (14) days of the meeting at which the appeal was heard;
  - b. Set forth the findings of the City Administrator or designated appeals officer; and
  - c. Be delivered in person or by first-class mail to the appellant.

**5.30.140 VIOLATIONS.**

Any person, firm, or corporation violating any provisions of this Chapter shall be guilty of a class B misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued or permitted.

## Item: 5 - Ordinance Amendment – Indoor Volleyball Land Use

**Date:** June 14, 2022  
**Applicant:** Cade Orvin  
**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 2022-3-O (*as presented, or with changes*).

**Overview:**

- Cade Orvin, on the behalf of SAND, is proposing an ordinance amendment to make indoor volleyball a conditional use in all commercial general areas, and a permitted use in mixed commercial and light industrial areas.
- SAND will be an indoor sand volleyball facility at 183 N State St, prompting the need for this ordinance amendment.
- Currently, the Standard Land Use Table calls out individual sports uses instead of putting them all under one umbrella term. Therefore, to bring in a new volleyball use, the applicant was required to apply for an ordinance amendment to add volleyball to the standard land use table.

**Current Recreational Permitted/Conditional Uses**

This table lists a few of the multiple recreational uses in Lindon City’s Standard Land Use table, and the zones where the uses are permitted or conditional. The new indoor volleyball use will mimic Private Tennis Courts, Roller Skating and Blading, Indoor Soccer Facilities, and Commercial Swimming Pools.

Use	Permitted Zones	Conditional Zones
Golf Driving Range	Not permitted	CG, RMU, MC, LI
Tennis Courts- Private	MC	CG, LI
Roller Skating and Blading	MC	CG, LI
Play Fields & Athletic Fields	Not permitted	RMU-W, LI
Gymnasium and Athletic Clubs	PC-1,2, MC	CG, LI, R&B
Recreation Centers- General	PC-1,2, MC	CG, LI
Indoor Soccer Facilities	MC	LI
Swimming Pools- Commercial	MC	CG
<b>*Proposed* Indoor Volleyball- Commercial</b>	<b>MC</b>	<b>CG, LI</b>

## **Staff Analysis**

The one thing that stands out to city staff is that indoor soccer, play fields, and athletics fields are prohibited in the General Commercial zones. However, tennis courts are permitted. About a year ago the planning commission granted site plan approval for a private indoor pickle ball facility, which is a similar use to the private indoor tennis court facility. In making a recommendation to the city council for the ordinance amendment, the planning commission should consider the purpose of the general commercial zone which is:

**17.48.010 General Provisions** – The Commercial Ordinance is established to promote commercial and service uses for general community shopping. The objective in establishing commercial zones is to provide areas within the City where commercial and service uses may be located. These zones include the General Commercial Zones (CG, CG-A, CG-A8, CG-S), Lindon Village Commercial Zone and the Planned Commercial (PC-1 and PC-2) Zones.

**The Lindon City General Plan:** Provide a variety of goods and services to the people who visit, live, and work in Lindon. It is the purpose of the commercial area to provide areas in appropriate locations where a combination of business, commercial, entertainment, and related activities may be established, maintained, and protected. Commercial use areas should be located along major arterial streets for high visibility and traffic volumes.”

The goal of commercial development is to encourage the establishment and development of basic retail and commercial stores which will satisfy the ordinary and special shopping needs of Lindon citizens, enhance the City's sales and property tax revenues, and provide the highest quality goods and services for area residents.

Objectives of this goal are to:

1. Expand the range of retail and commercial goods and services available within the community.
2. Provide for adequate access, off-street parking, traffic circulation, noise buffering, and other operational considerations within commercial areas.
3. Improve the image and appearance of commercial areas by adoption of specific design guidelines and possible improvement districts, especially along State Street, Geneva Road, 200 South, 600 South, 700 North and the freeway interchange off-ramp areas.
4. Promote new office, retail, and commercial development along State Street and 700 North.
5. Encourage development of commercial facilities, such as hotels, restaurants and vehicle-related services at transportation interchanges.
6. Carefully limit any negative impact of commercial facilities on neighboring land use areas, particularly residential development.
7. Build upon existing commercial site design and development standards, including architectural design guidelines and guidelines for landscaping and signage, to express the desired overall image and identity as outlined in the Community Vision Statement.
8. Encourage safe and convenient pedestrian access to shopping and service areas.

## **Exhibits**

1. Aerial Image of 183 N State St
2. SAND Business Description
3. Standard Land Use Table Amendment



Exhibit 1: Aerial Image of 183 N State St

#### Exhibit 2: SAND Business Description

SAND will be a multisport complex that provides its users with various services focused on sand as the surface instead of a hard surface. 5 full-size indoor sand volleyball courts that can accommodate many sports, a fitness center and a food and beverage/lounge area. Along with these amenities, SAND will provide its users with qualified and knowledgeable people to make sure all of their sport and fitness needs are met.



**1. Weights and Fitness**

SAND will house a 30'X10' fitness and training center with free weights. Squat racks, kettlebells, etc.

**2. Sand Courts**

There will be 5 sand volleyball courts. The sand portion of the building will make up 170'X70'.

Along with volleyball the area will be able to accommodate badminton, cornhole, paddleball, spikeball, sand yoga, sand training and more. SAND will quickly become known as the place to be for leagues, camps, or pick-up games to feel like you're playing on the beach.

**3. Beverage/Food Services**

There will be food and beverage provided where users of the facility can replenish their bodies. Included in this area will be various big screen TVs that will show either sporting events, sports news, or appropriate programs that users wish to watch. This aspect of the facility will be crucial in providing the desired atmosphere that SAND hopes to create.

**4. Shop**

A pro shop will be placed to attract impulsive buyers. The pro shop will sell our own line of products as well as other items that our customers would desire to purchase.

**5. Products/Services**

SAND Sports Center will offer speed, strength and agility training that focuses on building self-confidence for all athletes. Other services will include sports-specific training and use of the facility for parties and events.

**6. Revenue Plan**

SAND Sports Center's main source of revenue will be league and court rental payments for access to the sand facility. This income will be supplemented by revenue from sports-specific training, beverages, apparel and commissions from coaching/lessons taught by instructors at the facility.

ORDINANCE NO. 2022-5-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING APPENDIX A, THE STANDARD LAND USE TABLE 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 general plan for commercial and industrial development to promote employment opportunities, quality businesses, and environmentally clean industrial and technology development which will provide a diversified economic base; and

WHEREAS, the proposed amendment is consistent with the goal of the general plan to provide a variety of goods and services to people who visit, live, and work in Lindon; and

WHEREAS, the proposed amendment is consistent with the goal of the general plan to ensure close cooperation between the City, public and private schools, public agencies, community groups, volunteer organizations, business, and industry to provide recreational services; and

WHEREAS, the proposed amendment will allow the Lindon City Code to be consistent with existing recreational uses in the Lindon City standard land use table; and

WHEREAS, the Lindon City Council finds that it is in the best interest of the City to allow for commercial indoor volleyball uses; and

WHEREAS, on June 14, 2022, 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 \_\_\_\_\_, 2022, 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 ONE:                      Amendment of the Lindon City Land Use Table**

The daycare land use is amended in the Lindon City Standard Land Use Table as follow:

Parking Group	Permitted Primary Use	Residential	Mix Rec.		Commercial							Industrial			R/B
		R1-12, R1-20, R)	RMU -W	RUM -E	PC -1	PC -2	CG	CG -A	CG A8	CG -S	MC	HI	LI	LI W	
7100	Indoor Volleyball-Commercial	N	N	N	N	N	C	C	C	C	P	N	P	N	N

**SECTION TWO:    Severability.**

Severability is intended throughout and within the provisions of this ordinance. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION THREE:    Effective Date.**

This ordinance shall take effect immediately upon its passage and posting as provided by law.

PASSED AND APPROVED AND MADE EFFECTIVE by the City Council of Lindon City,

Utah, this \_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_,  
CAROLYN LUNDBERG  
Lindon City Mayor

ATTEST:

\_\_\_\_\_,  
Kathryn Moosman  
City Recorder

## Item 6: Temple Town Plat A Major Subdivision Approval Approximately 150 E. 800 N.

**Date:** June 14, 2022

**Applicant:** David Fryer  
**Presenting Staff:** Michael Florence

**General Plan:** Residential Low  
**Current Zone:** Residential R1-20

**Property Owners:** David H Fryer  
Properties LC (ET AL)

**Parcel ID's:** 14:042:0134

**Type of Decision:** Administrative  
**Council Action Required:** Yes



### Summary of Key Issues

1. David Fryer is seeking preliminary major subdivision approval for a 4-lot single family home development.

### Overview

1. The proposed 4-lot subdivision meets the minimum lot size requirements for the R1-20 zone;
2. All new lots will be accessed from 800 N.
3. Lot 1 has an irrigation easement for the piped irrigation canal in the southwest corner of the property that will limit any permanent structures being constructed or limit vehicle access. The buildable portion of the lot is approximately 18,640
4. Utilities that will service that property are shared between Lindon City and Pleasant Grove City.

### Motion

I move to recommend (approval, denial, or continue) of the applicant's request for preliminary approval of the Temple Town Plat A with the following conditions:

1. The applicant will continue to work with the city staff to make all final corrections to the engineering documents and plat;
2. The plat with lot layouts is approved as proposed;
3. Prior to plat recording, the applicant will provide staff with a final plat mylar to include notarized signatures of owner's consent to dedication, and obtain signature of all entities indicated on the attached subdivision plat;
4. Complete (or post an adequate improvement completion assurance), warrant and post required warranty assurance for all required public infrastructure improvements;
5. The plans and plat will meet and be constructed as per applicable specifications as found in the Lindon City Development Manual and subdivision ordinance;
6. Prior to final development approval the applicant shall place permanent survey monuments in the subdivision;
7. All items of the staff report

### Surrounding Zoning and Land Use

**North:** Pleasant Grove City - single family homes

**East:** Residential R1-20 – Single family homes

**South:** Residential R1-20/single family homes

**West:** Residential R1-20 – single family

**Lot Requirements – Residential (R1-20) Zone**

<b>Required</b>	<b>Compliant</b>
Minimum lot size: 20,000 square feet	Yes, lots range in size from 20,004 square feet to 27,148 square feet

**Subdivision Requirements**

<b>Required</b>	<b>Compliant</b>
No single lot shall be divided by municipal or county boundary lines, roads, alleys, or other lots.	Yes
All residential lots shall front on a public street	Yes
Side lot lines shall be at right angles or radial to street lines.	Yes
The street layout shall conform to the master plan	Yes
Minimum right-of-way width for Minor streets	Yes – The applicant will finish out the street requirements
Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public	Yes – The applicant will be installing sidewalks, curbs and gutters in front of the proposed development.
Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of 15 feet apportioned equally in abutting properties.	No, but this is a condition of approval as found in condition 4.
Underground utilities and piped sanitary sewerage shall be provided by the subdivider.	Yes
No lot shall be created which is more than three times as long as it is wide.	Yes
Street lights	Yes

**Engineering Requirements**

The City Engineer is working through technical issues related to the plat and civil engineering plans and will ensure all engineering related issues are resolved before final approval is granted.

**EXHIBITS**

1. Aerial photo
2. Photos of the site
3. Plat



Exhibit 1

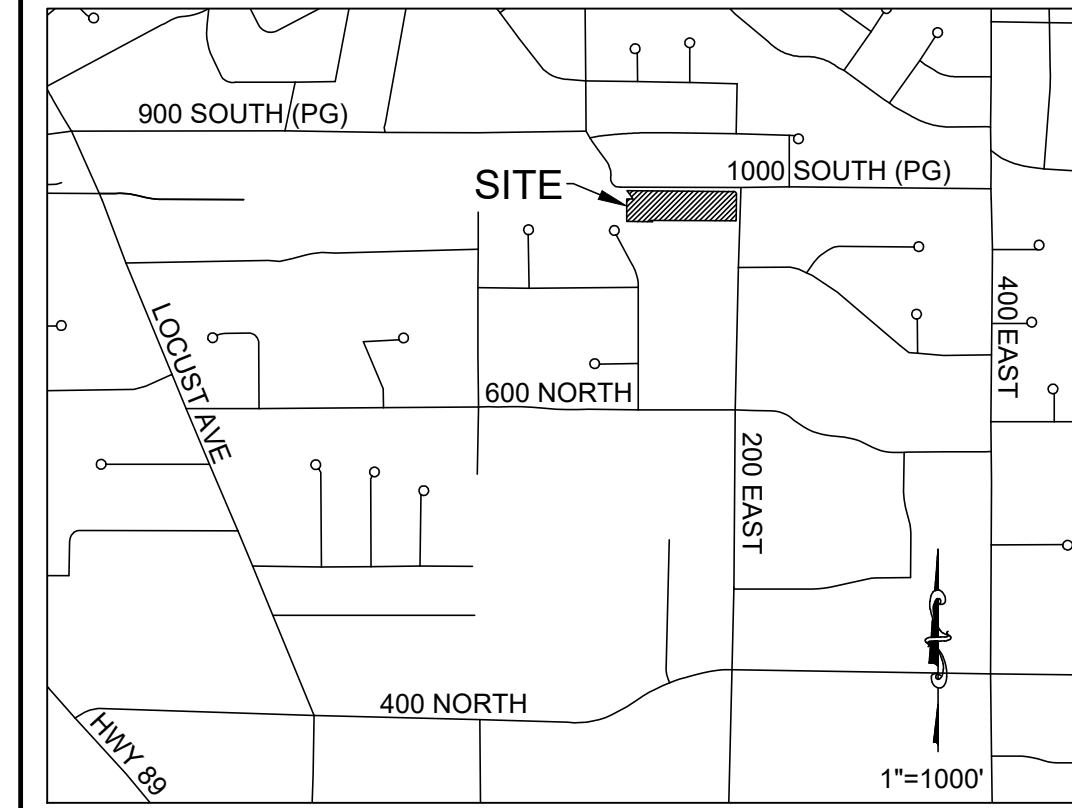
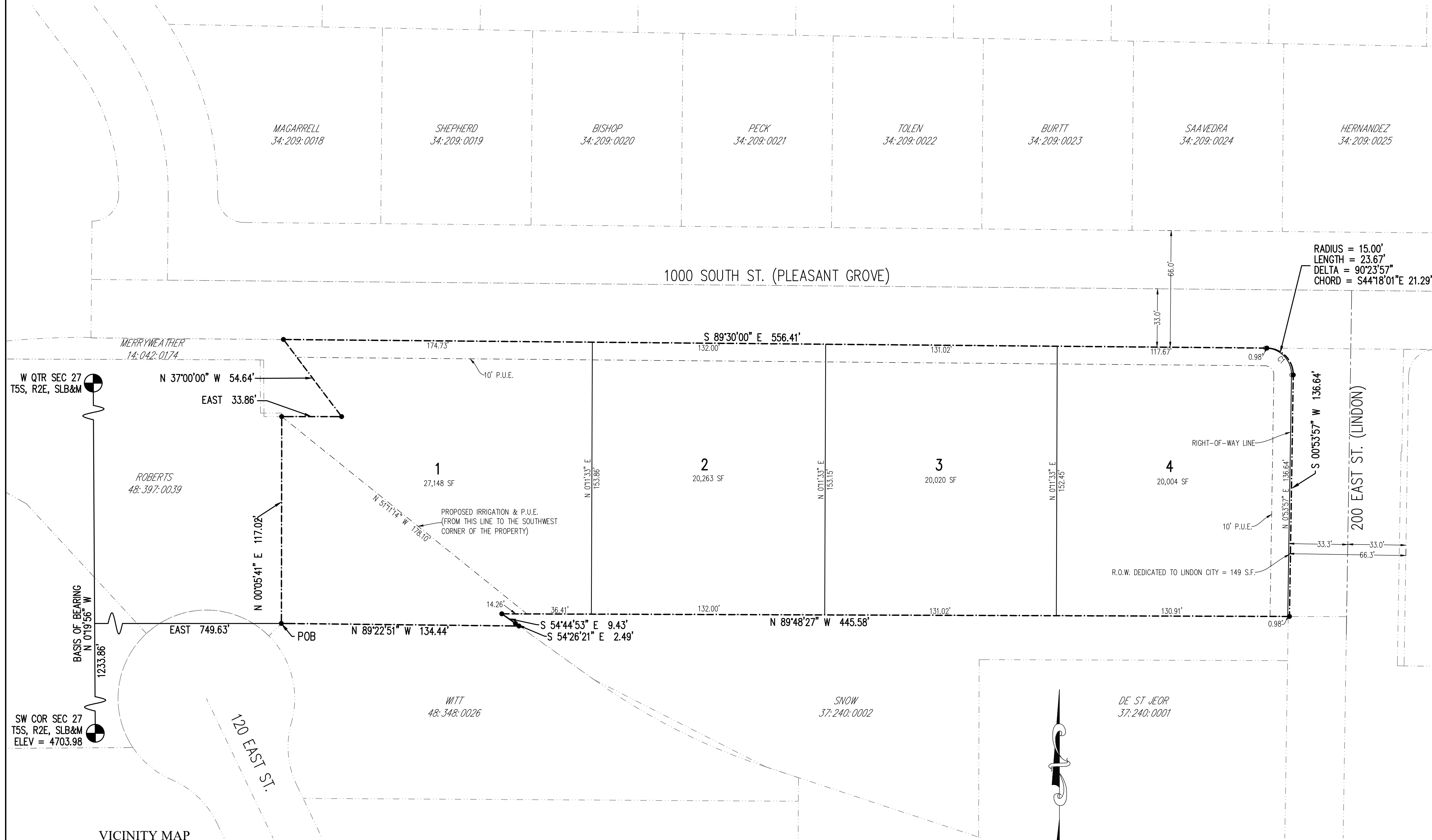


Exhibit 2



# TEMPLE TOWN PLAT A

LOCATED IN THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN.  
CITY OF LINDON, COUNTY OF UTAH,  
STATE OF UTAH



**CURVE TABLE**

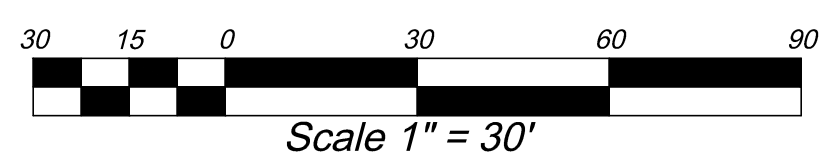
CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	15.00	23.67	90°23'57"	21.29	S 44°18'1" E

**TABULATIONS:**

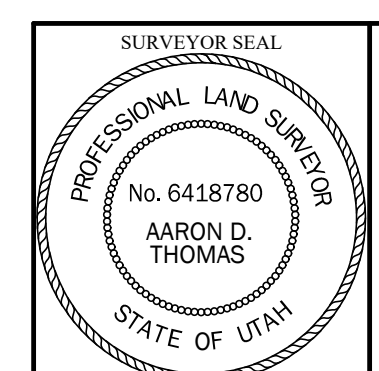
TOTAL AREA:	87,584 S.F.
RIGHT-OF-WAY DEDICATION (200 EAST):	149 S.F.
LOT AREA:	87,435 S.F.
NUMBER OF LOTS:	4

**PLAT NOTES:**

1. ZONE = R1-20
2. ALL POTENTIAL BUYERS OF THIS PLAT ARE HEREBY NOTICED OF THE LINDON CITY R2 OVERLAY ORDINANCE. UNDER THIS ORDINANCE THERE IS POTENTIAL FOR SMALL LOCALIZED HOUSING PROJECTS IN THE NEIGHBORHOOD CONSISTING OF SINGLE FAMILY PLANNED UNIT DEVELOPMENTS, DUPLEXES, TRIPLEXES, AND ACCESSORY APARTMENTS. CONDITIONS COVENANTS AND RESTRICTIONS (C.C.&R'S) WHICH PROHIBIT THIS TYPE OF HOUSING IN SPECIFIC SUBDIVISIONS ARE CONSIDERED ILLEGAL AND IN VIOLATION OF LINDON CITY CODE. PLEASE CONTACT THE LINDON CITY PLANNING DEPARTMENT AT (801) 785-7687 FOR DETAILS REGARDING THIS ORDINANCE.
3. THIS SUBDIVISION IS LOCATED IN ZONE X, FEMA FIRM COMMUNITY PANEL NUMBER 49049C0330F, EFFECTIVE DATE JUNE 19, 2020.
4. A GEOTECHNICAL STUDY WAS NOT PERFORMED FOR THIS SUBDIVISION.



LAND SURVEYOR: **AZTEC ENGINEERING INC.**  
732 N. 780 W.  
AMERICAN FORK, UT. 84003  
AZTECENGINEERING@GMAIL.COM



NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	CITY RECORDER SEAL	COUNTY RECORDER

**SURVEYOR'S CERTIFICATE**

I, AARON D. THOMAS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 6418780 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNER, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE, CORRECT AND ACCURATE.

**BOUNDARY DESCRIPTION**

Beginning at a point located North 0°19'56" West along section line 1233.86 feet and East 749.63 feet from the Southwest Corner of Section 27, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence North 0°05'41" East along the easterly boundary of Orchard Park Estates Plat "B" a distance of 117.02 feet; thence East 33.86 feet; thence North 37°00'00" West 54.64 feet; thence South 89°30'00" East along the southerly boundary of Appleleaf Plat "A" a distance of 556.41 feet; thence along the arc of a 15.00 foot radius curve to the right 23.67 feet through a central angle of 90°23'57" (chord bears South 44°18'01" East 21.29 feet); thence South 0°53'57" West 136.64 feet; thence along the northerly boundary of De St. Jeor Estates Plat "A" the following three courses and distances: 1) North 89°48'27" West 445.58 feet, 2) South 54°44'53" East 9.43 feet, and 3) South 54°26'21" East 2.49 feet; thence North 89°22'51" West along the northerly boundary of Orchard Park Estates Plat "A" a distance of 134.44 feet to the point of beginning.

Containing Area = 2.011 Acres

BASIS OF BEARING IS BETWEEN WEST 1/4 AND SOUTHWEST CORNER OF SECTION 27, T5S, R2E (N 0°19'56" W)

AARON D. THOMAS (See Seal Below) DATE \_\_\_\_\_

**OWNER'S DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS PLAT, HAVE CAUSED A SURVEY AND THIS PLAT TO BE MADE OF THE PROPERTY AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENTS, AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC. THE UNDERSIGNED OWNERS CONSENTS TO RECORDATION OF THIS PLAT.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

BY: \_\_\_\_\_  
BY: \_\_\_\_\_  
BY: \_\_\_\_\_  
BY: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF UTAH } S.S.  
COUNTY OF UTAH }

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING CERTIFICATE AND DEDICATION WHO DULY ACKNOWLEDGED TO ME THAT THEY DID EXECUTE THE SAME IN THE CAPACITY INDICATED.

Commission Number \_\_\_\_\_ Signed (A Notary Public Commissioned in Utah)  
Commission Expires \_\_\_\_\_ Print Name of Notary \_\_\_\_\_

**ACCEPTANCE BY LEGISLATIVE BODY**

THE CITY OF LINDON, COUNTY OF UTAH, APPROVES THIS SUBDIVISION SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

MAYOR \_\_\_\_\_ CITY ATTORNEY \_\_\_\_\_  
PLANNING COMMISSION CHAIR \_\_\_\_\_ PLANNING DIRECTOR \_\_\_\_\_  
CITY ENGINEER (See Seal Below) \_\_\_\_\_ CITY RECORDER (See Seal Below) \_\_\_\_\_

**OCCUPANCY RESTRICTION NOTICE**

IT IS UNLAWFUL TO OCCUPY ANY BUILDING LOCATED WITHIN THIS SUBDIVISION WITHOUT FIRST HAVING OBTAINED A CERTIFICATE OF OCCUPANCY ISSUED BY THE CITY OF LINDON.

**CONDITIONS OF APPROVAL**

**TEMPLE TOWN PLAT "A"**

LINDON CITY, UTAH COUNTY, UTAH  
SCALE: 1" = 30' FEET



# Item: 7 - Ordinance Amendment 17.76 – Planned Residential Development Overlay

**Date:** June 14, 2022  
**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 2022-5-O (*as presented, or with changes*).

## Overview:

From the April 26<sup>th</sup> meeting city staff made the following draft ordinance changes to the Planned Residential Development Ordinance as requested by the planning commission:

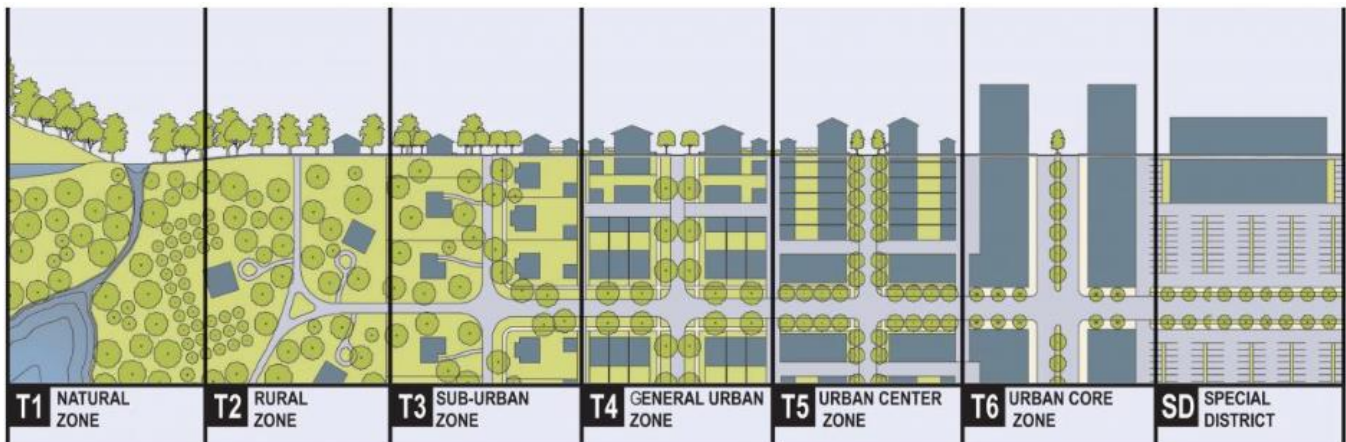
## **Existing Commercial Areas**

### 23. Existing Commercial Improvements

- a. Where the residential development is part of an existing commercial development, the site for the commercial portion of the development shall be reviewed by the land use authority as part of the approval process. To the extent feasible, the commercial site shall be brought into compliance with site development standards as found in Title 17 and the Lindon City Development Manual.
- b. New Commercial development shall follow the development requirements for new commercial as found in Title 17 and the Lindon City Development Manual.

## **Density – 17.76.080 (2)**

Staff studied the issue for some time and found that it would be difficult to measure varying densities within the development by describing the boundaries of how those are measured. Any development within the overlay is required to have a 7' masonry fence and a 30' rear yard setback when it abuts existing single family residential. Staff recommends removing the last sentence of the proposed density language and instead requiring that the developer provide a transect map identifying how the density transition is accomplished. Below is an example of a transect map.



Highest density phases of the development shall be located adjacent to commercial uses. Where a development will connect to an existing and abutting single-family neighborhood or Residential R1-20 zone through street connections, the development shall be required to transition the density from ten (10) units per gross acres to six (6) units per gross acre and the density transition area shall be developed with only detached single-family lots that meet the lot size requirements of 17.76.030. The transition to six (6) units per acre shall be measured two hundred (200) feet from the street connection of the existing and abutting single-family neighborhood to the development. Where a density transition is required, the development shall provide a transect map to identify how the density transition requirement is met. ~~Where a planned residential development abuts an existing single-family neighborhood or Residential R1-20 zone and there is not a street connection, the density shall be reduced to eight (8) units per acre.~~

## **Exhibit**

1. Proposed ordinance amendments to Planned Residential Development Overlay

ORDINANCE NO. 2022-5-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLE 17.76 PLANNED RESIDENTIAL DEVELOPMENT OVERLAY (PRD OVERLAY) ZONE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 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 General Plan that a variety of housing types should be provided where appropriate, and innovative development patterns and building methods that will result in more affordable housing should be encouraged; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan that the relationship of planned land uses should reflect consideration of existing development, environmental conditions, service and transportation needs, and fiscal impacts; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan that transitions between different land uses and intensities should be made gradually with compatible uses, particularly where natural or man-made buffers are not available; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan that growth should be guided to locations contiguous to existing development to provide city services and transportation in a cost-effective and efficient manner; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan that density increases should be considered only upon demonstration of adequate infrastructure and resource availability; and

WHEREAS, on April 12, 2022 the Planning Commission held properly noticed public hearings 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 City Council held a public hearing on \_\_\_\_\_, to consider the recommendation and the City 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: AMENDMENT**

Amend Lindon City Code Section 17.76 as follows:

**Chapter 17.76**

**PLANNED RESIDENTIAL DEVELOPMENT OVERLAY (PRD OVERLAY)  
ZONE**

Sections:

- 17.76.010 Purpose.
- 17.76.020 Applicability.
- 17.76.030 Permitted uses and building types.
- 17.76.040 Zone map amendment, site plan and conditional use permit approval.
- 17.76.050 Final plat and improvement drawings.
- 17.76.060 Building permits.
- 17.76.070 Completion and maintenance of site.
- 17.76.080 Development standards and requirements.
- 17.76.090 *Repealed.*

**17.76.010 Purpose.**

1. The Planned Residential Development Overlay zone promotes the following purposes:
  - a. Create diverse and quality housing options in Lindon City;
  - b. Effectively develop unique commercial lots and parcels that do not naturally accommodate traditional commercial development patterns;
  - c. Allow for appropriate housing transitions from commercial properties to low density single-family residential;
  - d. Improve the design and livability of residential buildings in the Planned Residential Development Overlay zone;
  - e. To preserve the commercial tax base and intent of the General Commercial zone.
2. The purposes of the Planned Residential Development Overlay zone are accomplished by:
  - a. Allowing densities higher than a typical low-density residential development, as identified in the Lindon City Land Use Map;

b. Establishing standards for landscaping, building and site design, public safety, parking, aesthetics, traffic circulation, fencing, lighting, and other similar site improvements; and

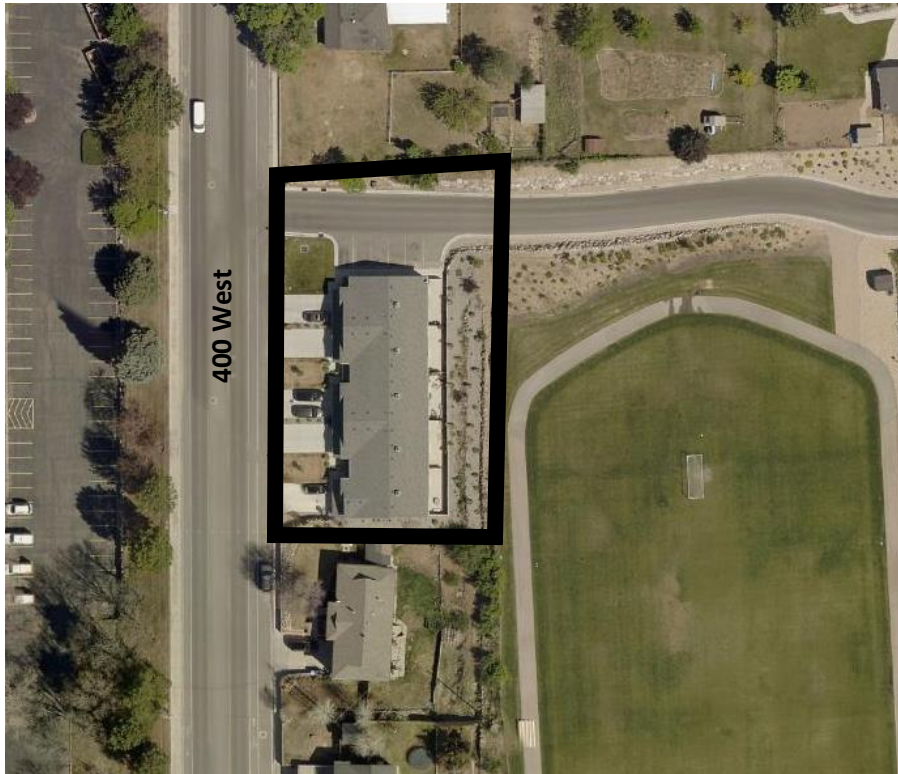
c. Requiring standards that enable planned residential developments to fit into the surrounding development. (Ord. 2020-8 § 1, amended, 2020)

#### 17.76.020 Applicability.

1. This section identifies, with the below maps, where the Planned Residential Development Overlay zone is established and is consistent with the Lindon City Zoning Map. The Planned Residential Development Overlay zone may be applied to lots or parcels only in the General Commercial (CG) zone after application and approval of an amendment to this ordinance and a zone map amendment by the city council after a recommendation from the planning commission. (Ord. 2020-8 § 1, amended, 2020)







### 17.76.030 Permitted uses and building types.

1. *Permitted Uses.* In addition to uses permitted or conditionally permitted in the underlying General Commercial (GC) zone, a planned residential development is a conditionally permitted use in the Planned Residential Development Overlay zone and is not permitted in any other zone.
2. Planned residential developments may include the following building types: detached single-family, twin homes, triplex, multi-unit buildings and townhouses. All individual residential units shall be subdivided into separate lots or condominium units.
  - a. The minimum lot size for detached single-family shall be five thousand (5,000) square feet with fifty feet (50') of frontage.
  - b. Multi-unit buildings shall be limited to a maximum of four (4) units per building.
  - c. Townhome building types shall be limited to a maximum of six (6) units in a single row within a single building.
3. In order to preserve the intent of the General Commercial zone, building permits from Lindon City shall be obtained and construction commenced for at least twenty-five percent (25%) of the approved commercial square footages prior to releasing building permits for residential construction.
4. Accessory apartments are not permitted in the Planned Residential Development Overlay zone. (Ord. 2020-8 § 1, amended, 2020)

### 17.76.040 Zone map amendment, site plan and conditional use permit approval.

1. *Zone Map Amendment.* An application to apply the Planned Residential Development Overlay zone shall include a concept site plan, building elevations, and renderings showing the proposed project for the subject site. Any concept plan presented to the planning commission and city council for approval shall first be reviewed by the development review committee to ensure the proposal is technically feasible.
2. *Site Plan.*
  - a. Proposed development in the Planned Residential Development Overlay zone shall first submit a land use application for site plan approval. The applicant shall provide all requirements of the site plan to the city before the city considers the application submitted and before action is taken. The application for a site plan shall include all necessary fees and documentation required by this chapter.
  - b. The applicant shall submit the site plan for a planned residential development according to site plan submittal requirements outlined in the Lindon City Land Development Policies, Standard Specifications and Drawings Manual (Development Manual). In addition to the items required in the Development Manual, a complete application shall include building elevations and renderings, open space percentages and landscape plan, site circulation, and project size and density. At that time the applicant shall pay a fee



in an amount established in the most recently adopted Lindon City Consolidated Fee Schedule. No development, construction, revisions, or additions shall take place on the site until the planning commission has approved the site plan, the site plan is considered finalized by the city, and the developer has obtained the appropriate permits. Applicants for amended site plans for planned residential developments shall follow the same procedures, pay the same fees, and be bound by the same development standards and requirements as applicants for site plans for planned residential developments. The planning director or designee has the authority to make minor amendments to the site plan where such amendments are in compliance with the ordinance and the site plan is not materially altered.

c. The procedure for site plan approval shall be as follows:

i. *Development Review Committee.* The planning department shall forward the proposed site plan to the development review committee for initial review. The development review committee shall review the site plan, civil engineering, and architectural designs while considering whether it complies with the Lindon General Plan and all city ordinances, resolutions, and policies. The site plan and architectural designs shall comply with the Lindon General Plan and all city ordinances, resolutions, and policies before the planning commission can review the application.

ii. *Planning Commission.* The planning commission shall review the site plan and be the land use authority for all site plans for planned residential developments. The planning commission shall consider whether the proposed site plan complies with city ordinances, resolutions, policies, Development Manual and the General Plan when reviewing a site plan for a planned residential development.

d. The applicant shall not amend or change any approved site plan without first following the procedure for approval of site plans.

e. The planning commission may impose conditions or require further studies of the site plan to mitigate dangerous hazards or evaluate impacts to public infrastructure or surrounding neighborhoods where there is substantiated evidence that a real safety hazard exists. (Ord. 2020-8 § 1, amended, 2020)

#### 17.76.050 Final plat and improvement drawings.

1. The form and contents of the final plat and improvement drawings, where applicable, shall contain all of the requirements found in Chapter [17.32](#), Subdivisions – Special Requirements, and the Lindon City Development Manual. The final plat shall also contain the following information:

a. A designation of common areas, limited common areas, and private ownership areas.

b. For condominiums, three dimensional drawings of buildings and building elevations. In the case where the planned residential development is a condominium project, the developer shall submit a written statement by an attorney and architect who are licensed to practice in Utah. This written statement shall be the attorney's and architect's opinion that the condominium declaration, the subdivision plat and the

other supporting documentation comply in all respects with the Utah Condominium Ownership Act (UCA Sec. 57-8-1, et seq.) as well as all applicable federal, state and local laws and ordinances and that when the office of the Utah County Recorder has recorded the condominium declaration and final plat, the proposed project will be a validly existing and lawful condominium project in all respects.

c. Plat restrictions, lot restrictions, and other information required by the planning commission or city council.

2. Planned residential development site plans may be built in phases as long as each phase of a planned residential development complies with all of the requirements of this chapter. A phase of a planned residential development may not be less than twenty thousand (20,000) square feet.

3. The planning director shall approve the final plat of the planned residential development provided he/she finds that:

a. The applicant has redrawn the site plan to incorporate all the requirements as approved by the planning commission and city council and has submitted the corrected site plan with the final plat.

b. The applicant has incorporated all of the improvements and conditions of the approved site plan into the final plat.

c. The city engineer has marked the construction drawings of the planned residential development as finalized.

4. The city shall record the final plat after it obtains all of the required signatures and after it receives all of the required bonds, fees, and documents.

5. The procedure for subdivision shall be as follows:

a. The site plan must be approved by the planning commission before the final plat can be approved.

b. Subdivision approval shall be approved by the appropriate land use authority as found in [Chapter 17.09](#).

c. The developer shall submit a land use application for final plat approval of all or part of the planned residential development together with all required fees. The final plat shall be prepared by the developer's surveyor and engineer.

d. The development review committee shall review the final plat and give their recommendations to the planning director.

e. The planning director is the final approving authority, after receiving approval from the planning commission and city council, for final plats and shall approve the application request if it meets the requirements of the approved site plan and all applicable city ordinances.

f. All applications shall meet the expiration time lines as found in Section [17.12.210](#) (Ord. 2020-8 § 1, renumbered, 2020. Formerly 17.76.070)

#### 17.76.060 Building permits.

The city shall not issue a building permit for any project until the final plat has been recorded by the city. (Ord. 2020-8 § 1, renumbered, 2020. Formerly 17.76.080)

#### 17.76.070 Completion and maintenance of site.

Every planned residential development shall conform to the approved site plan. The applicant or any other person or entity shall not add any buildings or make any improvements or changes to a planned residential development that did not appear on the approved site plan. The applicant and subsequent owners and applicable associations shall maintain all improvements shown on the site plan in a neat and attractive manner. Failure to complete or maintain a planned residential development in accordance with this chapter and with the approved site plan is a violation of the terms of this chapter. The city may initiate criminal and/or civil legal proceeding against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer or otherwise, for failure to complete or maintain a planned residential development in accordance with this chapter and with the approved site plan. (Ord. 2020-8 § 1, renumbered, 2020. Formerly 17.76.100)

#### 17.76.080 Development standards and requirements.

The city requires the following development standards for all planned residential developments:

1. *Compliance with Lindon City Code.* A proposed planned residential development shall comply with the requirements of this chapter, the Lindon City Development Manual, and with all applicable Lindon City Code provisions and with conditions imposed by the land use authority.
2. *Density.* A planned residential development shall not exceed ~~an average~~ a density of ten (10) dwelling units per gross acre. ~~Development phases with a density above ten (10) units to the acre shall be located adjacent to commercial uses. Densities shall be ten (10) units or less as a transition to low density single-family residential.~~ Highest density phases of the development shall be located adjacent to commercial uses. Where a development will connect to an existing and abutting single-family neighborhood or Residential R1-20 zone through street connections, the development shall be required to transition the density from ten (10) units per gross acres to six (6) units per gross acre and the density transition area shall be developed with only detached single-family lots that meet the lot size requirements of 17.76.030. The transition to six (6) units per acre shall be measured two hundred (200) feet from the street connection of the existing and abutting single-family neighborhood to the development. Where a density transition is required, the development shall provide a transect map to identify how the density transition requirement is met.
3. *Height.* No lot or parcel of land in a planned residential development approved pursuant to the Planned Residential Development Overlay zone shall have a building or structure used for dwelling which exceeds a

maximum average height of thirty-five feet (35') or two (2) stories, measuring the four (4) corners of the building from finished grade to the highest point of the roof structure. The planning director and chief building official shall be responsible for designating and identifying the four corners of a structure. No dwelling shall be erected to a height less than one (1) story above grade.

4. *Minimum Area.* The minimum area required for any planned residential development shall be twenty thousand (20,000) square feet.

5. *Maximum Area.* The maximum allowable size for any planned residential development shall be one (1) acre with no more than ten (10) units where development is not part of an existing or new commercial development. Lindon City has a number of deep commercial lots that front State Street. Residential may be allowed on the rear portion of these lots following the development and entitlement requirements in this chapter and when the following requirements are met:

a. To preserve the commercial intent, use and zoning along State Street, a three hundred foot (300') commercial depth shall remain and residential uses are not allowed within this depth. The Planning Commission and City Council may consider a reduction in this depth upon evaluating the following:

- i. Viable commercial options remain for the site;
- ii. A commercial lot is irregularly shaped;
- iii. The reduction does not limit future redevelopment opportunities of the commercial property.

b. The area required for any planned residential development that is part of an existing or new commercial use shall be a minimum of one (1) acre.

6. *Building Types and Variety.* At least two (2) different building types shall be included in projects larger than two (2) acres and with multiple buildings. Buildings shall be differentiated from other building types through type of building, variations to building materials, color, rooflines, and the use of architectural features such as awnings, light fixtures and eave details.

7. *Setbacks.* The following building setbacks, as measured from property lines, for primary buildings shall apply in the Planned Residential Development zone:

a. For residential developments one (1) acre or less not including an existing or new commercial use as part of the project:

- i. Front Setback: ~~Thirty~~ twenty-five feet (~~30~~ 25).
- ii. Rear Setback: thirty feet (30').
- iii. Side Setbacks: For attached units the setback between buildings is ten feet (10') and six feet (6') for a combined side yard setback of sixteen feet (16'). For interior units with common walls the

setback is zero feet (0'). For detached buildings the side setback is six feet (6') for a combined side yard setback of twelve feet (12').

b. For residential developments proposed for a property with new or existing commercial uses the below setbacks are required:

i. Buildings shall be set back a minimum thirty feet (30') from the abutting property line of any single-family residential or R1-20 zone and any commercial building.

ii. Side Setbacks: Ten feet (10') and six feet (6') for a combined side yard setback of sixteen feet (16'). For interior units with common walls the setback is zero feet (0'). When abutting the property line of any single-family residential the side yard shall be increased to thirty feet (30').

iii. Corner side setbacks: Twenty feet (20').

iv. Front: ~~Thirty~~ twenty-five feet (~~30'~~ 25'). The front setback may be modified by the land use authority where design items such as common open space, paseos or similar design features are proposed.

v. Rear: Thirty feet (30'). The rear setback may be modified by the land use authority where design items such as common open space or similar design features are proposed. Setbacks from abutting single-family residential may not be reduced.

8. *Utilities.* Compliance with the Development Manual and applicable Lindon City Code provisions regarding utility connections to residential units is required. The public sewer system and the public water supply shall serve all dwellings. All utilities shall be underground. The developer shall individually meter natural gas and electricity for each individual dwelling. No water or sewer lines shall be located under covered parking areas. Wall-mounted and ground-based meters, HVAC, and utility equipment serving a building shall be located as close to each other as possible and fully screened from view. Screening shall either be incorporated aesthetically into the design of the building, fencing or screened by landscaping.

9. *Fences.*

a. *Perimeter Fences.* A minimum seven-foot (7') masonry or concrete perimeter fence shall be required as a buffer when abutting single family residential or commercial uses. The planning commission may allow alternative materials and location and placement of perimeter fencing. Any fence erected around or within the development shall comply with Section [17.04.310](#), involving fencing standards. Any perimeter fencing shall have a consistent design throughout the project and shall consist of the same construction materials.

b. *Patio/Limited Common Area Fences.* A patio or limited common area adjacent to the rear of a dwelling unit may be enclosed with a six foot (6') high fence.

10. *Landscaping and Open Space.*

a. All land within a planned residential development not covered by buildings, driveways, sidewalks, structures, and patios shall be designated as common area and shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practice. All required setback areas adjacent to public streets shall be landscaped. All landscaping shall have a permanent underground sprinkling system.

b. Development greater than one (1) acre shall include common open space, according to the following standards:

i. At a minimum, twenty percent (20%) of the development site, excluding roads or private driveways and required setback areas, shall be in common open space. Setback areas that are in usable size segments and where a common amenity is provided can be counted towards the common open space requirement. The land use authority may approve a reduction in the open space requirement by twenty-five percent (25%) of the required open space square footage if the site is within one quarter mile, as measured at the closest property lines, of an existing Lindon City park or trail. Private balconies, porches, patios of a minimum sixty (60) square feet may be counted towards a maximum of ten percent (10%) of the required open space percentage;

ii. Open spaces shall include both active and passives spaces including plazas, courtyards, paseos, landscaped detention basins, playgrounds, pavilions, pools, spa, pool deck, or other areas that can be made into useable areas, and interior spaces available to residents as common area such as a clubhouse;

iii. Open spaces shall be designed to be an integral part of any development. A majority of the required open space shall be consolidated into a primary central and common open space area. Alternative and innovative open space options may be presented to the land use authority for consideration which accomplish the similar goal of open space being an integral part of any development. Buildings shall be designed around the common open space edge. Majority open spaces shall not be located in perimeter outlying areas of the development;

iv. Where appropriate, the planning commission may approve individual private yard areas in place of common open space. However, development with private open space shall have no loss of the required open space percentage:

1. Rear-loaded buildings shall provide private open space through porches, balconies, and small front yards;

2. Front-loaded units may provide private open space as enclosed rear yards.

v. Trees shall be planted along any property line abutting single-family residential with trees planted as a buffer every thirty feet (30'). Trees shall be a minimum two inch (2") caliper, measured one foot (1') above the ground and shall be at least six feet (6') in height. Tree species shall be planted as found in the Lindon City Tree Planting Guide. An eight foot (8') landscaped area shall be

provided for trees to be planted and allow for future tree growth. It shall be the responsibility of the property owner to maintain the trees in a healthy manner and to replace any trees that have died in order to maintain the buffer.

vi. Accent elements such as trellises, arches, arbors, columns, or low monument features shall be used to demarcate entrances to the development, common open spaces and paseos. Alternative accent elements may be approved by the land use authority.

11. *Lighting Plan.* All planned residential developments shall include a lighting plan and photometric study for parking lots, pedestrian walkways and buildings. The lighting plan shall be designed to:

- a. Discourage crime;
- b. Enhance the safety of the residents and guests of the planned residential development;
- c. Prevent glare onto adjacent properties, and enhance the appearance and design of the project.

All planned residential development homeowner's associations and housing units are required to control and meter all outside lighting shown on the lighting plan except for front and back door lighting. The lighting plan shall designate which lighting shall be commonly metered to the association or owner.

12. *Parking.* There shall be a minimum of two (2) parking spaces provided for each dwelling. All units shall have a two-car garage. ~~At a minimum, sixty-five percent (65%) of the residential units shall have a garage-capable of parking two (2) vehicles. Required off-street parking spaces shall not be permitted within the street-side yard setbacks.~~ There shall be a minimum of one half (½) parking space for each dwelling for guest parking within the development. Guest parking shall be located on the same lot, ~~or~~ parcel of the dwellings served or within the same development. ~~With approval of the land use authority, a development may count building unit driveways up to fifty percent (50%) of the required spaces toward meeting the guest parking requirement.~~ All parking spaces shall measure at least nine feet (9') by eighteen feet (18'). Developers shall pave with asphalt and/or concrete all parking spaces, parking areas, and driveways and provide proper drainage. Drainage shall not be channeled or caused to flow across pedestrian walkways. The architecture of all covered parking structures shall be the same as the architecture of the main buildings within the planned residential development.

~~a. Direct access to each parking space shall be from a private driveway and not from a public street unless otherwise granted by the planning commission based on the following guidelines:~~

~~i. Topography or other development constraints on the project area are such that a private drive is impractical to serve the project.~~

~~ii. Traffic volumes, safety, and visibility on the public roadway will not create a dangerous situation for direct parking stall access.~~

~~iii. No more than six (6) units shall directly access any public roadway.~~



- a. All off-street parking spaces shall be approved by the planning commission which shall review traffic volumes and visibility on the public roadway to ensure that parking is not located in a safe manner;
- b. Frontage on corner lots shall meet Title 17.18.110 to ensure that driveways are not within forty (40) feet of an intersection of a public street.

13. *Irrigation Systems.*

- a. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within one hundred feet (100') of a proposed subdivision, complete plans for relocation or covering or other safety precautions shall be submitted with an application for preliminary approval of a plat.
- b. All pressure irrigation systems in or within one hundred feet (100') of a proposed subdivision shall be identified and otherwise color-coded as to pipe and valve color to meet state standards and regulations.

14. *Solid Waste Receptacles.* All solid waste receptacles which are not located within a building shall be enclosed on at least three sides with similar materials as used on the exterior of the main structures within the planned residential development. Central waste receptacles shall only be permitted within a trash enclosure which meets standards found in the Development Manual. Trash enclosures shall be located in the side or rear of the dwelling units, but not the streetside, and must be accessible for garbage trucks.

15. *Architectural and Façade Designs.* The treatment of building design, materials and exteriors shall be architecturally and aesthetically pleasing and have unique individual feel and sense of place, while still being architecturally compatible with the surrounding buildings and properties. Buildings within developments shall have a variety of building materials to architecturally set them apart and to create unique and separate buildings. Both vertical and horizontal elements shall be used, as appropriate, to give variety and architectural detail. Side façades of buildings shall typically receive equal design consideration, particularly when fronting common open spaces, public ~~or private~~ streets, and development entrances. The following architectural design requirements shall be applied:

- a. Buildings shall contain more than a single-color application and more than a single material application.
- b. *Building Materials.*
  - i. The following materials may be used as the primary exterior materials of a building consisting of at least sixty percent (60%): wood clapboard, cementitious fiber board, wood board and batten, wood siding, brick, stone, or similar material as approved by the land use authority. The following secondary materials may be used: cementitious fiber board, brick, wood, stone, glass, architectural metal panel, or similar material as approved by the land use authority.
  - ii. EIFS or stucco may be used for up to thirty percent (30%) on the front façade of a building and forty percent (40%) of a side façade when facing a public ~~or private~~ street, development entrance or common open space. EIFS and stucco do not have a maximum percentage on the remaining side and

rear façades when not fronting on a public ~~or private~~ street, development entrance or common open space.

- c. Each building shall include varied wall plains, recesses, or similar façade design to incorporate wall variation.
- d. Changes in materials and color shall correspond to variations in building mass or shall be separated by a building element.
- e. Buildings shall incorporate a variety of materials and architectural elements to provide variation among the building types.
- f. Eaves and rooflines are encouraged to emphasize vertical proportions. They shall be broken up with gables, building projections, and articulation to emphasize the individual quality of the units.
- g. Garage doors shall be designed consistent with the overall style of the building. Material, pattern, and color to be coordinated with the architectural style. Garages shall be recessed from wall plane. Where garage doors are flush with façades, the façade shall feature upper level building projections and decorative building elements such as trellises to provide interest and relief. For buildings with front loading garages, garage doors shall include windows to add variety to the door.
- h. Stucco-textured foam trim molding shall not be used as the only application to enhance building façades.
- i. All windows along the front façade shall incorporate at least one (1) of the following:
  - i. Mullions and/or transoms;
  - ii. Trim or molding at least four inches (4") in width;
  - iii. Canopies, shutters, or awnings proportional to window size;
  - iv. Recessed inset from the front façade by at least two inches (2").
- j. The front façade of any residential building shall not face or front the rear yard or side yard of a single-family home.

16. *Roof Pitch.* All buildings shall have a pitched roof consistent with the overall architectural style of the building.

17. *Homeowner's Association.* The applicant shall establish a homeowner's association for every planned residential development containing common or limited common property with more than one (1) owner for the purpose of maintaining the planned residential development. The homeowner's association, the individual property owners, and tenants shall maintain the PRD (planned residential development) in accordance with the approved site plan.

18. *Existing Homes.* No planned residential development shall include an existing single-family dwelling. If a single-family dwelling exists on the property where a planned residential development is proposed, the applicant shall plat separately a lot containing the home. The plat shall comply with the requirements of the Lindon City Development Manual.

19. Each attached unit must contain enhanced sound attenuation and sound mitigation construction.

20. *Pedestrian Connections.*

a. The project site plan and development ~~must connect each separate building with~~ shall include sidewalks on both sides of the street that meet specifications as found in the Lindon City Policies, Stand Specifications, and Drawings Manual. Internal concrete walkways are required to provide safe and convenient pedestrian access to common areas and amenities. The width of internal walkways that are adjacent to parking stalls shall be no less than five feet (5'). The width of internal walkways that are not adjacent to parking stalls shall be no less than four feet (4').

b. To the extent possible, developments shall make at least one (1) pedestrian access connection to a public street right-of-way.

21. *Frontage, Orientation and Entrances.*

a. Building entrances shall, to the extent feasible, front onto streets, private driveways designed as streets or common open spaces. Where an end unit fronts onto a street or private driveway designed as a street, center block residences may front onto a common open space, courtyard, paseo or landscaped pedestrian way;

b. In order to create neighborhood connections, all residential buildings shall have expansive windows, entryways, balconies, terraces or other architectural design features which are oriented to the street, pedestrian way or common open spaces;

c. Building entrances shall be the primary feature of the front façade and identify access to individual units;

d. Stoops or front porches, raised a minimum of one foot (1') above the adjacent grade, shall be provided at entrances that face a street, paseo, common open space area, or other public space.

22. *Access and Streets.*

a. Development access shall be identified on the site plan and subdivision plans. New public streets shall follow the Lindon City Streets Master Plan Map. Projects may be accessed through existing or new commercial developments when appropriate easements or land is secured for access. Proposed developments shall not remove existing single-family homes for access connections to adjacent neighborhoods.

b. All streets within the development shall be public streets with a minimum asphalt width of twenty-nine (29) feet that meet specifications as found in the Lindon City Policies, Stand Specifications, and Drawings Manual. ~~The minimum width for private streets shall be twenty four feet (24') if residential buildings are less than thirty feet (30') in height. For residential buildings thirty feet (30') or greater in height, the minimum private street width is twenty six feet (26'). Where a street includes public utilities, the minimum street width shall be twenty nine feet (29'), constructed to a public street standard as found in the Lindon City Development Manual, and dedicated to Lindon City. Hard surfacing for both private and public streets shall not include the gutter when determining minimum street widths.~~ (Ord. 2020-8 § 1, renumbered, 2020. Formerly 17.76.110)

c. Where a development will connect to an existing and abutting single-family neighborhood or a Residential R1-20 zone through street connections, the city engineer shall evaluate traffic calming measures in order to minimize traffic impacts.

### 23. *Commercial Improvements*

a. Where the residential development is part of an existing commercial development, the site for the commercial portion of the development shall be reviewed by the land use authority as part of the approval process. To the extent feasible, the commercial site shall be brought into compliance with site development standards as found in Title 17 and the Lindon City Development Manual.

b. New Commercial development shall follow the development requirements for new commercial as found in Title 17 and the Lindon City Development Manual.

### **SECTION TWO: Severability.**

Severability is intended throughout and within the provisions of this ordinance. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

### **SECTION THREE: Effective Date.**

This ordinance shall take effect immediately upon its passage and posting as provided by law.

PASSED AND APPROVED AND MADE EFFECTIVE by the City Council of Lindon City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_,  
CAROLYN LUNDBERG

Lindon City Mayor

ATTEST:

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Kathryn Moosman  
City Recorder