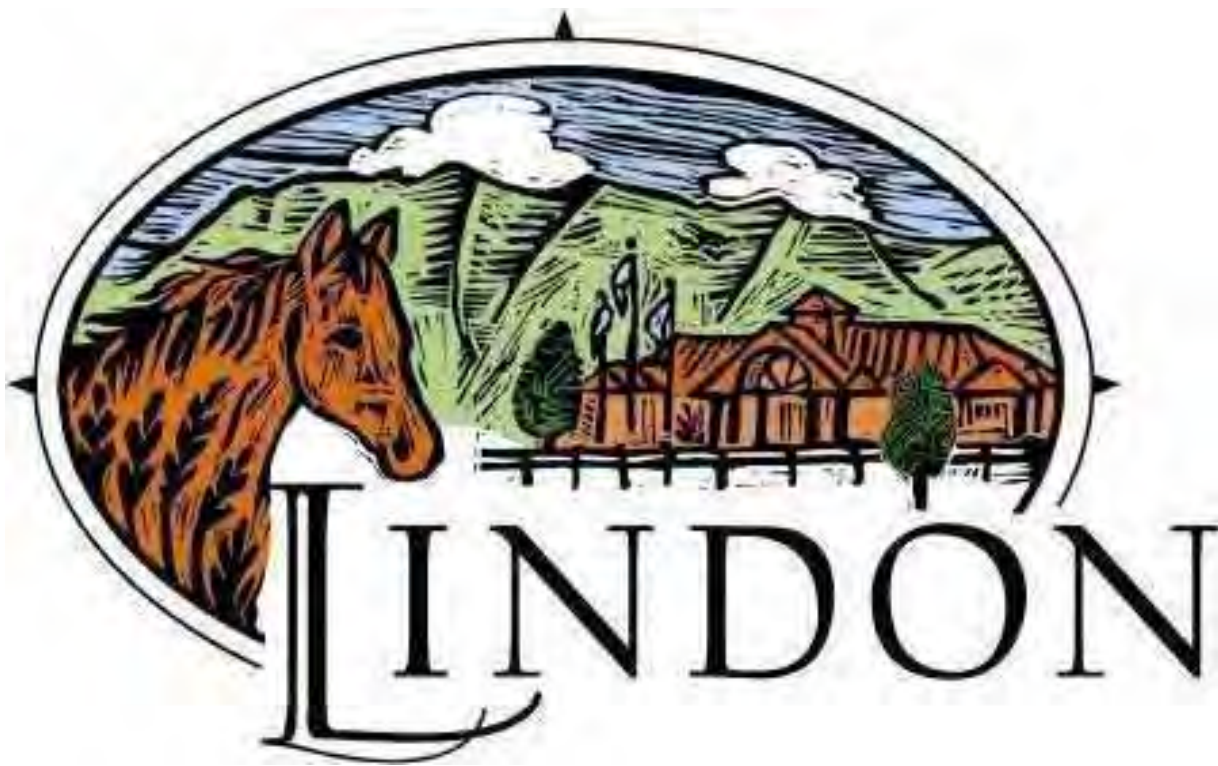


Lindon City Planning Commission Staff Report



April 25, 2023

Notice of Meeting
Lindon City Planning Commission



Item 1 – Call to Order

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

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on Tuesday, April 25, 2023, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at 6:00 p.m. This meeting may be held electronically to allow a commissioner to participate by video or teleconference. Meetings are broadcast live at www.youtube.com/LindonCity. The agenda will consist of the following items:

Agenda

Invocation: By Invitation

Pledge of Allegiance: By Invitation



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

1. Call to Order
2. Approval of minutes
Planning Commission 4/11/2023
3. Public Comment
4. Conditional Use Permit – The Market at Walker Farms – 484 E Center St
The applicant is requesting conditional use permit approval for a boutique in connection with a Commercial Farm zone at 484 E Center St (Parcel ID #14:073:0028) (10 minutes)
5. Public Hearing for a recommendation to the Lindon City Council to amend ordinances 17.02, 17.18, 17.43, 17.45, 17.47, 17.48, 17.49, 17.50, 17.51, 17.54 pertaining to grass and sod landscaping requirements and create Title 17.19 – Waterwise Landscaping and Design.
Application is made by Lindon City. Central Utah Water Conservancy will also give a presentation at the hearing. (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 Kathy Moosman at 785-5043, giving at least 24 hours' notice.

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

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

Posted By: Kathryn Moosman, City Recorder

Date: 4/21/2023 Time: 5:00 pm

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

The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, April 11, 2023 beginning at 7:30 p.m.** at the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

REGULAR SESSION – 7:30 P.M.

Conducting: Sharon Call, Chairperson
Invocation: Commissioner Schauers, Commissioner
Pledge of Allegiance: Commissioner Kallas, Commissioner

PRESENT

Sharon Call, Chairperson
Rob Kallas, Commissioner
Mike Marchbanks, Commissioner
Steven Johnson, Commissioner
Jared Schauers, Commissioner
Karen Danielson, Commissioner
Mike Florence, Economic Development Director
Mary Barnes, Associate Planner
Britni Laidler, Deputy Clerk

EXCUSED

Kathryn Moosman, City Recorder
Scott Thompson, Commissioner

1. **CALL TO ORDER** – The meeting was called to order at 7:30 p.m.

2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the Planning Commission meeting of March 28, 2023 were reviewed.

COMMISSIONER JOHNSON MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MARCH 28, 2023 AS PRESENTED. COMMISSIONER MARCHBANKS 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. **Public Hearing for a Recommendation to the Lindon City Council to amend the Lindon City zoning map from RC to PC-1 – 455 S Lindon Park Dr** The applicant is seeking a recommendation to the City Council for this rezone to reduce the landscaping regulations for a new KIA dealership. (Parcel ID #17:015:0121)

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

Mike Florence, Community Development Director, presented this item stating in June 2021, the planning commission held a public hearing to change the zoning of the subject property from PC-1 to Mixed Commercial. He noted the applicants at that time were proposing office warehouse buildings for the entire 9.6 acres. The planning commission worked with the applicants and agreed to recommend an amendment to the zoning of the property to Regional Commercial which had a higher design standard than the Mixed Commercial zone. The City Council approved the zone change on July 19, 2022.

After the zone change, Doug Smith Kia purchased the front 6.8 acres. Recently, Doug Smith Kia received site plan approval from the planning commission to locate a new Kia dealership on the property. In finalizing the plans, Doug Smith is concerned with the amount of landscaping that is required in the Regional Commercial zone. The RC zone requires 25% of the site to be landscaped.

Doug Smith Kia is petitioning the planning commission for a recommendation to rezone the property back to the original Planned Commercial 1 (PC-1) zoning. The PC-1 zone requires 20% of the site to be landscaped; the 5% landscaping difference equals .35 of an acre or 15,246 square feet. The reduction in landscaping will preserve an additional area for vehicle inventory and display. Perimeter landscaping will remain and will be increased from what is presently on the site. The main areas that will see a reduction in landscaping is in the parking lot and next to the building.

Chairperson Call called for any public comments. Hearing none she called for a motion to close the public hearing.

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

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

COMMISSIONER MARCHBANKS MADE A MOTION TO RECOMMEND APPROVAL OF ORDINANCE 2023-04-O TO AMEND THE LINDON CITY ZONING MAP FROM REGIONAL COMMERCIAL (RC) TO PLANNED COMMERCIAL-1 (PC-1) AT 455 S. LINDON PARK DRIVE (PARCEL NUMBER 17:015:0121). COMMISSIONER KALLAS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COMMISSIONER CALL	AYE
COMMISSIONER JOHNSON	AYE
COMMISSIONER SCHAUERS	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER DANIELSON	AYE
COMMISSIONER KALLAS	AYE

5. Conditional Use Permit – Elite Repairs and Specialized Services – 465 N 1030 W

The applicant is requesting conditional use permit approval to operate an auto, small engine, machine, and recreational vehicle repair business in the Light Industrial zone at 465 N 1030 W. (Parcel ID #45:111:0014)

2 Mary Barnes, Associate Planner, presented this item. She let the commission know that
the applicants, Mark Minson and Austin McEwen (who are in attendance), are requesting
4 conditional use permit approval to operate an auto, small engine, machine, and recreational
vehicle repair business at 465 N 1030 W. This business will work on automobiles, RVs, and also
6 small engines during the business hours of 7:30 a.m. until 5:30 p.m. She noted they do have
plans to add another building if business goes well. This building was originally approved as a
8 site plan and conditional use permit for an auto body shop named Lindon Collision in 2003, so
there has already been a business of the same type in that location.

10 Ms. Barnes explained the proposed business, Elite Repairs and Specialized Services, will
perform all work indoors and within their unit and no changes are proposed to the site or
12 building at this time. In the future, Elite repairs may install a third car lift. She stated notices
were mailed on March 31, 2023 to adjoining property owners in accordance with Lindon City
14 Code and staff has not received any public comments back at this time.

At this time there was some general discussion on the conditions of the permit and the
16 landscaping requirements the business would need to follow. Commissioner Kallas asked for
clarification on the storage of cars being worked on. Mr. McEwen explained that cars are often in
18 and out quickly, however if time is needed for parts delivery, the vehicle will be stored in a
parking spot. There is also a gravel area in the back that can allow for storage of vehicles.
20 Commissioner Call reminded the applicants that with a conditional use permit, if the city
receives complaints of storage of vehicles they can be brought back before the commission.

22 After some additional discussion, Chairperson Call called for any further comments or
discussion from the commission. Hearing none she called for a motion.

24
COMMISSIONER JOHNSON MADE A MOTION TO APPROVE THE
26 APPLICANT'S REQUEST FOR A CONDITIONAL USE PERMIT TO USE THE PROPERTY
LOCATED AT 465 N 1030 W FOR AN AUTO, SMALL ENGINE, MACHINE, AND
28 RECREATIONAL VEHICLE REPAIR BUSINESS, WITH THE FOLLOWING
CONDITIONS: 1. VEHICLES MAY NOT BE STORED OUTDOORS FOR LONGER THAN
30 72 HOURS UNLESS THE OWNER IS WAITING ON DELIVERY OF PARTS; 2. NO
AUTOMOBILE PARTS WILL BE STORED OUTSIDE OF THE BUILDING; 3. THE
32 APPLICANT WILL COMPLY WITH ALL OF THE LIGHT INDUSTRIAL SPECIAL
PROVISIONS REQUIREMENTS FOUND IN SECTION 17.49.090 OF THE LINDON CITY
34 CODE; AND 4. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER MARCHBANKS
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

36 COMMISSIONER CALL	AYE
COMMISSIONER JOHNSON	AYE
38 COMMISSIONER SCHAUERS	AYE
COMMISSIONER MARCHBANKS	AYE
40 COMMISSIONER DANIELSON	AYE
COMMISSIONER KALLAS	AYE

42
6. New Business: Reports by Commissioners – Chairperson Call called for any new
44 business or reports from the Commissioners.

46 Commissioner Call asked for an update on the Corbridge Property and where things are
at on that property and if the dental school is still planning on locating there. Mr. Florence stated
48 he was unsure and would look more into the issue. She then asked about requiring businesses to

2 keep things cleaned up and not storing things in the front. She then referenced the Lindon
Nursery property and stated that currently their front area is very cluttered. Mr. Florence stated
4 the city has currently not notified them, but can look into informing the code enforcement officer
on this issue.

6 Mr. Florence stated this topic could be put on as an agenda item for further discussion.
He also mentioned at the next meeting the CUWCD will be presenting. The commission asked
8 if there was any update on the 35% landscaping being moved to the backyard discussed at a
previous meeting, Mr. Florence stated that CUWCD said it currently only applies to front and
10 side yards.

At this time Chairperson Call asked the new Commissioner, Karen Danielson, to
12 introduce herself. The Commission voiced excitement to have her on the commission and for her
representation for the Fieldstone Area.

14 **7. Planning Director Report - General City updates.**

- 16
- April 20th Open House for the General Plan.
- 18

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

22 **ADJOURN** –

24 COMMISSIONER DANIELSON MADE A MOTION TO ADJOURN THE MEETING
AT 8:00 PM. COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT
26 VOTED IN FAVOR. THE MOTION CARRIED.

Approved April 25, 2023

28

30 _____
Sharon Call, Chairperson

32 _____
Michael Florence, Planning Director

34

Item 4: Conditional Use Permit – The Market at Walker Farms – 484 E Center St

Date: **April 25, 2023**
Applicant: **Mike Jorgensen**
Presenting Staff: **Mary Barnes**

General Plan: **Residential Low**
Current Zone: **Commercial Farm (CF)**

Property Owner: **JOJ Real Estate Holdings, LLC**
Address: **484 E Center St**
Parcel ID: **14:073:0028**
Lot Size: **1.25 acres**

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



Outlined land is Walker Farms total area.

SUMMARY OF KEY ISSUES

To review a conditional use permit for a boutique within the Commercial Farm zone, and conditions to mitigate the impacts of a proposed use.

MOTION

I move to *(approve, deny, continue)* the applicant's request for a conditional use permit to use the small home located at 484 E Center St as a boutique in connection with a Commercial Farm use, with the following conditions:

1. The operating hours of the boutique must be from 12:00 PM to 8:00 PM;
2. Any outstanding building code requirements will be addressed with the Lindon City Building official and building permits obtained;
3. Overflow parking for the boutique must be contained within the main southern parking lot;
4. This boutique will not cause a noise or traffic impact on the surrounding neighborhood; and
5. All items of the staff report.

OVERVIEW

1. This small home was originally built in 1900 as the homestead for the original owners of the farm, the Walker family.
2. The Commercial Farm zone was created in 2017, with the following purpose - to provide encouragement of agricultural production and associated commercial activities that are compatible with and/or promote agricultural uses within the city

3. **Mike Jorgensen finished the main Walker Farms building in 2019, after getting planning commission and City Council approval for a zone map amendment to Commercial Farm and the original conditional use permit for the entire project.**
4. **The Market was originally going to be a caretaker's residence, which is permitted in the Commercial Farm zone.**
5. **The structure for the market was remodeled about two years ago, and has recently opened as a small boutique on Center St. The Commercial Farm zone allows a boutique as a conditional use, which is the purpose of this application.**
6. **Currently, the hours of the boutique are Tuesday-Saturday, noon to 5 PM. Staff has made the hours of operation in the conditional use permit to 8:00 pm in case the boutique stays open longer.**
7. **Notices were mailed on April 14, 2023 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: R1-20 – Residential Homes

East: R1-20 – Residential Homes

South: CF – Walker Farms Barn

West: R1-20 – Residential Homes

DEVELOPMENT STANDARDS

Building, Site, and Landscaping

The building is half historical home, and half remodeled exterior. The landscaping was put in as part of the 2017 overall site plan approval. It is still in compliance.

Parking

There are 10 available parking stalls for this boutique. In the parking code, 1 parking spot is required for every 200 sq ft of general merchandise. This boutique is 1,379 sq ft, so 7 parking stalls are required.

LCC 17.51.012 Permitted Uses

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

1. **Permitted Uses. Single-family dwelling; accessory buildings to a single-family dwelling; agricultural production and related accessory buildings; other permitted uses in the R1 residential zones.**
2. **Conditional Uses. Caretaker's or farm-help accessory dwelling unit; commercial horse stables; farmers' market; greenhouses; plant or garden nursery; garden center; bed and breakfast facility; educational programs and associated facilities; amphitheater; 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).**

STAFF ANALYSIS

Conditional uses are subject to review by the planning commission if the conditions are not being followed, or if the boutique adversely affects the persons residing in the neighborhood. Based on the hours and conditions that are being placed on the boutique as part of this conditional use permit, it is expected that this business will have a minimal impact on surrounding properties.

EXHIBITS

1. Aerial photo
2. Picture
3. 2018 Site Plan
4. 2018 Landscaping Plan
5. Floor Plan

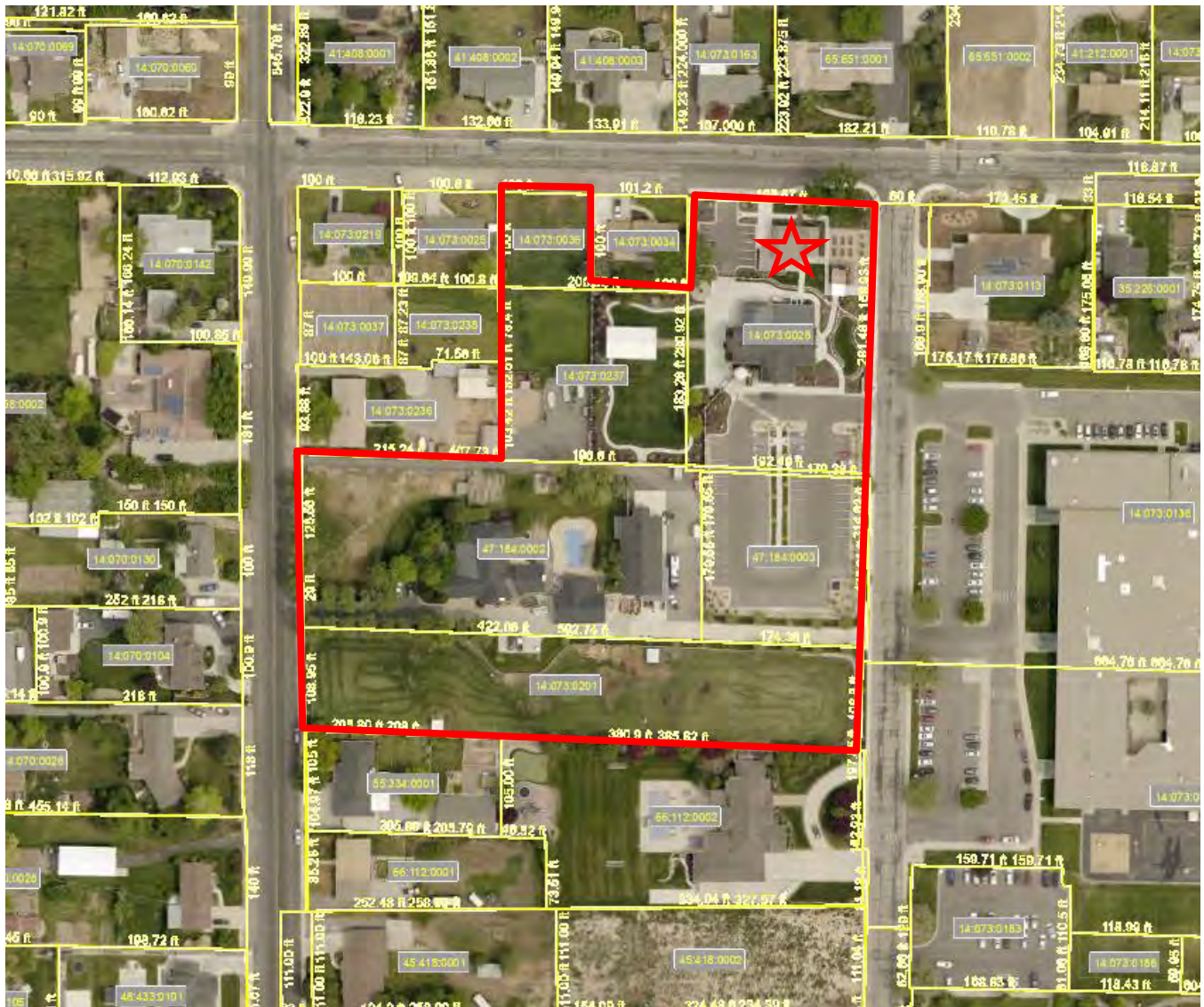


Exhibit 1: Aerial Photo



WALKER FARMS MARKET

484

400 East Street

N 00°21'29" W
291.45'

Pasture

MJ Real Estate Holdings LLC

Pasture

S 87°51'25" E
591.61'

South quarter corner
Section 34
Township 5 South
Range 2 East
S.L.B. & M.

North 89°44'49" East, along the Section line (Basis of Bearing)

618.35'

500 East Street

Point of Beginning
Southeast corner
Section 34
Township 5 South
Range 2 East
S.L.B. & M.

Thompson

Nichols

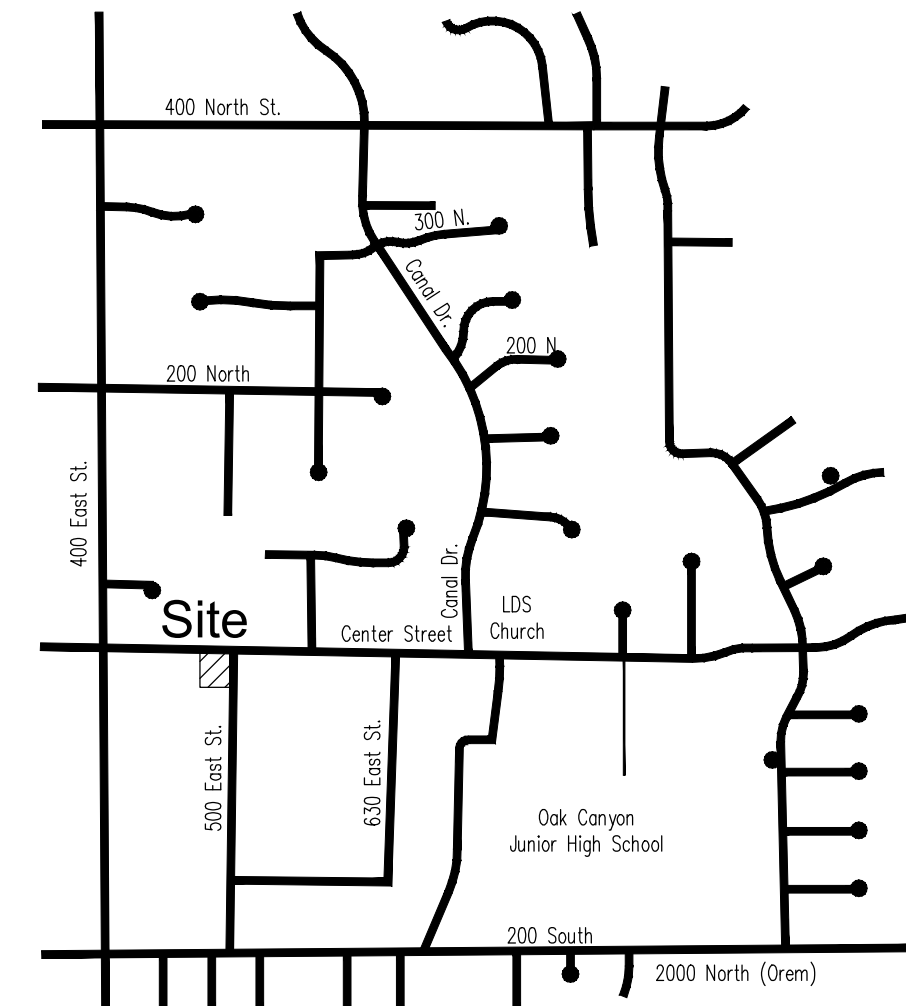
MJ Real Estate Holdings LLC
(Pasture)

MJ Real Estate Holdings LLC

Existing House

Existing House

500 East Street



Vicinity Map

DUDLEY AND ASSOCIATES
ENGINEERS PLANNERS SURVEYORS
353 EAST 1200 SOUTH, OREM, UTAH
801-224-1252

Walker Farm Reception Center (Events Barn)
26 South 500 East
Site Plan

Utah

Lindon

Note:

Developer is responsible for providing usable power to energize all street lights for the development.

No Floor drains and/or Grease Traps are proposed for this development.

Area Lighting Notes:

All interior pole lights are to be Granville type per city standards. (See detail)

10' Public Utility and Sidewalk Easement

City review is only for general conformance with the design concept of the project and general compliance with information provided in the contract documents. Contractor/Developer is responsible for dimensions which shall be confirmed and corrected at the job site; techniques of construction, coordination of his work with that of all other trades, and the satisfactory performance of his work. No work which may be defective in its construction or deficient in any of the requirements of the specifications will be accepted. Where no exceptions are taken this shall not relieve the Contractor/Developer of the responsibility for the proper execution of the work in accordance with all requirements of the specifications and applicable Development Agreements. Compliance is a responsibility of the Contractor/Developer and said responsibility shall not be avoided by any act or omission on the part of the City or its representatives.

Finalized
Lindon
Engineer
10/24/2019
Plans

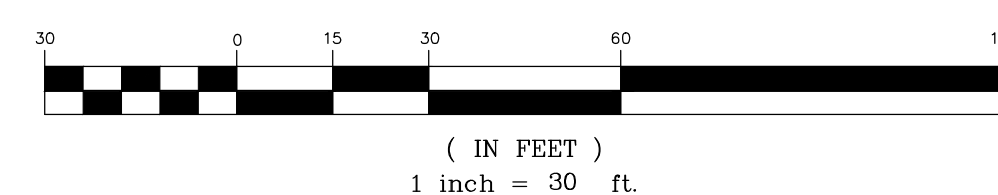
Supersedes sheet C-2.0
approved on 8/5/2019

	Square Footage	Acreage	Percent of total
Total Area	276,654	6.35	100
Reception Center Area	84,900	1.95	32
Existing House	1,958	0.04	2
NEW Building / Pad Area	5,667	0.13	7
Total Hard Surface Area	47,044	1.08	16
Total Impervious Area	52,711	1.21	62
Total Landscaped Area	32,136	0.74	38

Tabulation Table

Hatched area notes area used for parking lot landscaping calculations.
84 Parking Spaces x 40 sq.ft. per stall
= 3,360 sq.ft. required
Provided Landscaping = 3,918 sq.ft.

GRAPHIC SCALE



HARDSCAPE NOTES

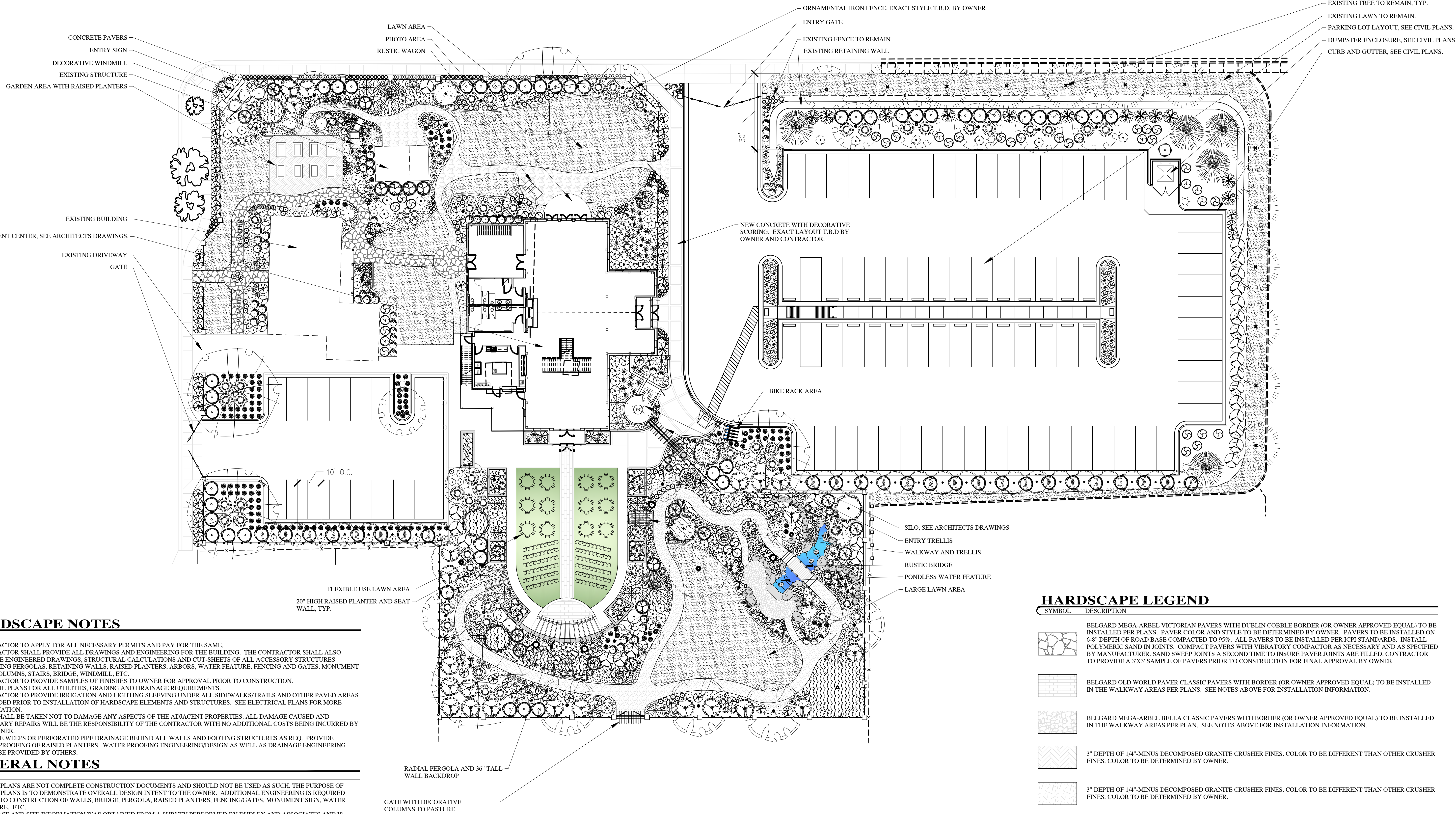
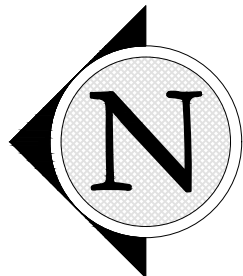
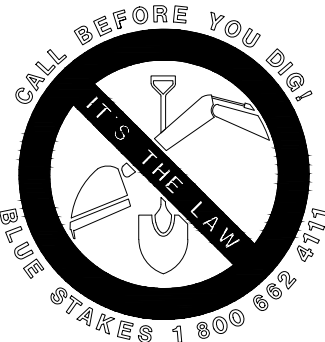
1. CONTRACTOR TO APPLY FOR ALL NECESSARY PERMITS AND PAY FOR THE SAME.
2. CONTRACTOR SHALL PROVIDE ALL DRAWINGS AND ENGINEERING FOR THE BUILDING. THE CONTRACTOR SHALL ALSO PROVIDE ENGINEERED DRAWINGS, STRUCTURAL CALCULATIONS AND CUT-SHEETS OF ALL ACCESSORY STRUCTURES INCLUDING PERGOLAS, RETAINING WALLS, RAISED PLANTERS, ARBORS, WATER FEATURE, FENCING AND GATES, MONUMENT SIGN, COLUMNS, STAIRS, BRIDGE, WINDMILL, ETC.
3. CONTRACTOR TO PROVIDE SAMPLES OF FINISHES TO OWNER FOR APPROVAL PRIOR TO CONSTRUCTION.
4. SEE CIVIL PLANS FOR ALL UTILITIES, GRADING AND DRAINAGE REQUIREMENTS.
5. CONTRACTOR TO PROVIDE IRRIGATION AND LIGHTING SLEEVING UNDER ALL SIDEWALKS/TRAILS AND OTHER PAVED AREAS AS NEEDED PRIOR TO INSTALLATION OF HARDSCAPE ELEMENTS AND STRUCTURES. SEE ELECTRICAL PLANS FOR MORE INFORMATION.
6. CARE SHALL BE TAKEN NOT TO DAMAGE ANY ASPECTS OF THE ADJACENT PROPERTIES. ALL DAMAGE CAUSED AND NECESSARY REPAIRS WILL BE THE RESPONSIBILITY OF THE CONTRACTOR WITH NO ADDITIONAL COSTS BEING INCURRED BY THE OWNER.
7. PROVIDE WEEDS OR PERFORATED PIPE DRAINAGE BEHIND ALL WALLS AND FOOTING STRUCTURES AS REQ. PROVIDE WATERPROOFING OF RAISED PLANTERS. WATER PROOFING ENGINEERING/DESIGN AS WELL AS DRAINAGE ENGINEERING SHALL BE PROVIDED BY OTHERS.

GENERAL NOTES

1. THESE PLANS ARE NOT COMPLETE CONSTRUCTION DOCUMENTS AND SHOULD NOT BE USED AS SUCH. THE PURPOSE OF THESE PLANS IS TO DEMONSTRATE OVERALL DESIGN INTENT TO THE OWNER. ADDITIONAL ENGINEERING IS REQUIRED PRIOR TO CONSTRUCTION OF WALLS, BRIDGE, PERGOLA, RAISED PLANTERS, FENCING/GATES, MONUMENT SIGN, WATER FEATURE, ETC.
2. ALL BASE AND SITE INFORMATION WAS OBTAINED FROM A SURVEY PERFORMED BY DUDLEY AND ASSOCIATES AND IS THEREFORE ASSUMED TO BE ACCURATE. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING AND PROPOSED GRADES, PROPERTY LINES ETC. ON-SITE PRIOR TO CONSTRUCTION AND WILL NEED TO MAKE ON-SITE ADJUSTMENTS AS NECESSARY DURING CONSTRUCTION.
3. CONTRACTOR IS RESPONSIBLE TO VERIFY CORRECT PROPERTY LINES AND MAKE ADJUSTMENTS TO PLAN AS NECESSARY. IN ADDITION, ALL UTILITIES AND/OR EASEMENTS ARE TO BE VERIFIED ON-SITE TO ENSURE NO CONFLICTS EXIST BETWEEN EXISTING UTILITIES, EASEMENTS AND THE PROPOSED LANDSCAPE PLAN.
4. ISDG OFFERS NO GUARANTEE, WRITTEN OR OTHERWISE, AS TO THE ACCURACY OF THESE DRAWINGS. THE OWNER AND CONTRACTOR ARE ULTIMATELY RESPONSIBLE FOR ENSURING LANDSCAPE IS CONSTRUCTED IN A SAFE MANNER THAT WILL NOT CAUSE HARM TO ANY PERSON, STRUCTURE OR OTHER ELEMENTS ON THE SAID PROPERTY OR ADJACENT PROPERTIES.
5. CONTRACTOR SHALL INSPECT ALL DRAWINGS AND SPECIFICATIONS. ANY DISCREPANCIES FOUND IN THE DRAWINGS, DETAILS OR SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND IN-SITE DESIGN GROUP PRIOR TO CONSTRUCTION. CONTRACTOR SHALL OBTAIN WRITTEN FIELD DIRECTIVES FROM IN-SITE DESIGN GROUP STATING PROPER COURSE OF ACTION IF DISCREPANCIES OR ERRORS ARE DISCOVERED PRIOR TO AND DURING CONSTRUCTION.



SCALE: 1"=20'-0" ON 24X36 SHEET



HARDSCAPE LEGEND

SYMBOL	DESCRIPTION
	BELGARD MEGA-ARBEL VICTORIAN PAVERS WITH DUBLIN COBBLE BORDER (OR OWNER APPROVED EQUAL) TO BE INSTALLED PER PLANS. PAVES COLOR AND STYLE TO BE DETERMINED BY OWNER. PAVERS TO BE INSTALLED ON 6-8\"/>
	BELGARD OLD WORLD PAVER CLASSIC PAVERS WITH BORDER (OR OWNER APPROVED EQUAL) TO BE INSTALLED IN THE WALKWAY AREAS PER PLANS. SEE NOTES ABOVE FOR INSTALLATION INFORMATION.
	BELGARD MEGA-ARBEL BELLA CLASSIC PAVERS WITH BORDER (OR OWNER APPROVED EQUAL) TO BE INSTALLED IN THE WALKWAY AREAS PER PLAN. SEE NOTES ABOVE FOR INSTALLATION INFORMATION.
	3\"/>
	3\"/>
	6\"/>
	BOULDER RETAINING WALL AND DECORATIVE LANDSCAPE BOULDERS. EXACT BOULDER TYPE AND COLOR TO BE DETERMINED BY OWNER. ENGINEERING TO BE PROVIDED BY OTHERS.
	DRY STACKED STONE WALL, EXACT STONE TYPE AND COLOR T.B.D. BY OWNER.
	PLANTER BOX, PAVER OR TIMBER PER OWNER. IF PAVERS ARE SELECTED, MATCH OTHER BELGARD HARDSCAPES PAVERS AND WALLS. IF TIMBER IS SELECTED, THE TIMBER GROW BOX SHALL BE CONSTRUCTED OF 6\"/>

Item: 5 - Ordinance Amendment – Waterwise Landscape and Design

Date: April 25, 2023
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 a continuance) of ordinance amendment 2023-01-O (as presented, or with changes).

Summary:

This item was continued from the March 14, 2023 planning commission meeting. The planning commission asked city staff to reach out to the representative from Central Utah Water Conservancy District to see if they could attend an upcoming planning commission meeting. Rick Maloy from CUWCD will be in attendance to answer questions. The City also advertised the ordinance on social media for addition public awareness.

Since the last planning commission meeting the following changes have been made to the ordinance:

- Removed the requirement that ties new residential landscaping to the certificate of occupancy
- Removed the requirement that residential developers are required to install the residential landscaping and placed that requirement on the property owner.
- Clarified the language for landscaping on deeper residential lots.
- Changed the effective date to June 1, 2023.

Overview:

- Lindon City is proposing to adopt a waterwise landscape ordinance applicable to residential, commercial, and industrial zones.
- The city is also proposing to amend those sections of current city code where the call out for sod or grass only is required so that it complies with the proposed waterwise landscape code.
- Central Utah Water Conservancy District delivers a portion of the city secondary water through the Alpine Aqueduct.
- The city has received information from Central Utah Water Conservancy District (CUWCD) that for the city and its residents to receive future grants or rebates then it must adopt a waterwise landscape ordinance.
- The city has received substantial grants in the past from CUWCD to improve water delivery. In addition, the city is evaluating moving water from the North Union Canal to the Murdock Canal in order to improve efficiency and reduce loss.
- Lindon residents are eligible for rebates such as smart controllers, flip you part strip, landscaping incentives, and toilet replacements. See below link for additional info:
<https://www.cuwcd.com/rebates.html#gsc.tab=0>
- CUWCD provided the city with expected landscape standards to conserve water which are to be adopted into a new landscape ordinance.
- The requirements from CUWCD applies to new construction only.
- For single family and multi-family developments the standards apply only to the front and side yards.
- For single family and multi-family developments, lawn areas are limited to 35% of the total front and side yard landscaped areas.
- For commercial and industrial development, lawn areas are limited to 20% of the total

landscaped area.

- **Park strips less than eight feet are required to be planted with water-conserving plants that do not include lawn.**

Exhibits

1. **Draft landscape ordinance**
2. **CUWCD landscape standards**

ORDINANCE NO. 2023-01-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLES 17.02, 17.18, 17.43, 17.45, 17.47, 17.48, 17.49, 17.50, 17.51, 17.54 AND CREATING TITLE 17.19 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 that encourages water conservation; and

WHEREAS, Lindon City desires to promote the design, installation and maintenance of landscapes that are both attractive and water efficient; and

WHEREAS, on March 14, 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;

WHEREAS, the Council held a public hearing on _____, 2023, 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:

17.02 Definitions

“Active Recreation Area” means an area that is dedicated to active play where lawn may be used as the playing surfaces. Examples of active recreation areas include sports fields, play areas, and other similar uses.

“Landscaping” means any combination of living plants, such as trees, shrubs, vines, ground covers, annuals, perennials, ornamental grass, or seeding; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, or benches.

“Lawn” means a ground that is covered with grass, sod, or turf that is regularly mowed. Means nonagricultural land planted in closely mowed, managed grass, sod, or turf.

“Mulch” means any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

“Planting Plan” means a plan that clearly and accurately identify the type, size, percentage and locations for new and existing trees, shrubs, planting beds, ground covers, lawn areas, driveways, sidewalks, hardscape features, and fences.

“Vegetative Coverage” means the ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity. It does not mean the ground level surface area covered by the exposed leaf area of a tree or trees.

17.18. Parking Lot Landscaping

17.18.080. Parking Lot Maintenance and Design

4. Where a parking area on a site is more than 120,000 square feet, the parking area must contain the following elements (Parking areas in structures are not included):

c. Each internal access way shall have at least one auto travel lane, curbs, landscaping, and unobstructed sidewalks on both sides that provide pedestrian access to the building on the site, and shall be designed in the following method:

i. The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide adjacent to the access way. The planting strip must be between the curb and the sidewalk, and be landscaped and irrigated ~~with grass or other living vegetation~~ to meet the design requirements of Title 17.19 and landscaped with 2" caliper trees at least 6' tall planted every 20' and centered within the planting strip.

17.18.085. Interior Landscaping Required

1. Any off-street parking lot adjacent to a residential use or residential zone shall provide a minimum 10' landscaped buffer from the parking lot to the adjacent residential use or zone. In addition to the following requirements, landscaping shall meet the design requirements of Title 17.19. Trees shall be planted at least every 10' along the landscaped strip adjacent to the residential use or residential zone. Trees must be a minimum of 2" caliper measured one foot off the ground and at least 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 20' tall in order to provide a visual barrier between the non-residential use and the residential use. The Planning Commission has flexibility to grant exceptions to this landscape screening standard if existing vegetation or other existing screening is found to meet the intent of the screening requirements found in this section.

2. For all required parking lots in any zone, interior parking lot landscaping is required as follows and meet and design requirement of Title 17.19:

17.43. Residential/Business District Overlay Zone (RBO)

17.43.050

Required Landscape Yards. All front and corner side yards shall be maintained in landscaping with vegetation in a living, healthy condition that meets the landscape and design requirements of Title 17.19. A minimum of eight feet (8') of landscaping, measured from back of walk, is required adjacent to all public rights-of-way, with seventy percent (70%) of the said landscaping covered with living vegetation and trees planted every thirty feet (30') on center. A minimum of twenty-five percent (25%) of the lot must be maintained in landscape area.

17.45. R-3 Overlay

17.45.030. General Requirements for all R3 Overlay Applications

4. Pathways and Trails. Pathways connecting neighboring streets and connection of any development to regional trails is strongly encouraged in any design. When feasible with the design layout, a subdivision shall provide paved pathways connecting cul-de-sacs to through streets or connecting to other adjacent cul-de-sacs. If the length of a roadway exceeds hundred (800) feet between any connecting streets, a pathway shall be provided between the connecting streets to allow access to neighboring roadways. All pathways shall be within a minimum twenty (20) foot corridor with a ten (10) foot paved path that is centered or meandering in the corridor. Sides of the pathway within the corridor shall be landscaped ~~with grass~~ and irrigated with an underground sprinkler system to meet the landscape and design requirements of Title 17.19. Pathway grades/slope, ADA access, and other design principles shall be approved by the City Engineer upon review of the subdivision plan.

17.47. Research and Business (R&B) Zone

17.47.060. Landscape Objectives

2. Overall landscaping plan. With the application for site plan approval, an overall landscaping plan shall be submitted. Landscaping plans shall show details on specific types and locations of trees and shall also identify areas to be ~~sed~~ lawn or other types of vegetation or ground cover. Additional 'interior parking lot landscaping' may be required per LCC 17.18.
4. Landscaping Strip. Unless otherwise approved by the Planning Commission, a landscaped berm at least three (3) feet high and twenty (20) feet in width shall be ~~planted with grass~~ landscaped to meet the design requirement of Title 17.19 and maintained in a living, growing condition along all public street frontages.
 - b. Thirty percent (30%) of the landscaping strip may consist of decorative rock, bark, mulch, and/or other ground covers other than grass lawn. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., in the ~~non-grass~~ non-lawn areas shall be submitted and approved by the Planning Director.

17.48 – Commercial Zones

17.48.030. Landscaping within the General Commercial Zones (CG, CG-A, CG-A8, CG-S)

2. Overall Landscaping Plan. With the application for site plan approval, an overall landscaping plan shall be submitted. Landscaping plans shall show details on specific types and locations of trees and shall also identify areas to be ~~sed~~ lawn or other types of vegetation or ground cover. Additional interior parking lot landscaping may be required per Chapter 17.18.
4. Landscaping Strip. Unless otherwise approved by the planning commission, a landscaped berm at least three feet (3') high and twenty feet (20') wide shall be ~~planted with grass~~ landscaped to meet the design requirements of Title 17.19 and maintained in a living, growing condition along all public street frontages.
 - b. Thirty percent (30%) of the landscaping strip may consist of decorative rock, bark, mulch, and/or other ground covers other than grass lawn. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., in the ~~nongrass~~ non-lawn areas shall be submitted and approved by the planning director.

17.48.100. Planned Commercial Zone

4. Landscaping

- b. Overall Landscaping Plan. With the application for site plan approval, an overall landscaping plan shall be submitted. Landscaping plans shall show details on specific types and location of trees and shall also identify areas to be ~~sed~~ lawn or other types of vegetation or ground cover. Additional 'interior parking lot landscaping' may be required per Chapter 17.18.
- d. Landscaping Strip. Unless otherwise approved by the planning commission, a landscaped berm at least three feet (3') high and twenty feet (20') in width shall be ~~planted with grass~~ landscaped to meet the design requirements of Title 17.19 and maintained in a living, growing condition along all public street frontages.
 - ii. Thirty percent (30%) of the landscaping strip may consist of decorative rock, bark, mulch, and/or other ground covers other than grass lawn. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., in the ~~nongrass~~ non-lawn areas shall be submitted and approved by the planning director.

17.49. Industrial Zones

17.49.060. Landscaping and Fencing

2. Overall landscaping plan. With the application for site plan approval, an overall landscaping plan shall be submitted. Landscaping plans shall show details on specific types and locations of trees and shall also identify areas to be ~~soed~~ lawn or other types of vegetation or ground cover.
3. Landscaping Strip. Unless otherwise approved by the Planning Commission, a landscaped strip twenty (20) feet in width shall be ~~planted with grass~~ landscaped to meet the design requirements of Title 17.19 and maintained in a living, growing condition along all public street frontages.
- b. thirty percent (30%) of the landscape strip may consist of decorative rock, bark, mulch, and/or other ground covers other than grass lawn. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., in the ~~non-grass~~ non-lawn areas shall be submitted and approved by the Planning Director.

17.50. Mixed Commercial

17.50.060. Landscaping and Screening

4. Landscaping Strip. Unless otherwise approved by the Planning Commission, a landscaped strip twenty (20) feet in width shall be ~~planted with grass~~ landscaped to meet the design requirements of Title 17.19 and maintained in a living, growing condition along all public street frontages.
- b. Thirty percent (30%) of the landscape strip may consist of decorative rock, bark, mulch, and/or other ground covers other than grass lawn. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., in the ~~non-grass~~ non-lawn areas shall be submitted and approved by the Planning Director.

17.51. Commercial Farm

17.51.120. Permissible Lot Coverage

2. At least forty percent (40%) of the front yard setback area of any lot shall be landscaped to meet the design requirements of Title 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. 2017-16 §1, amended, 2017)

17.54. Regional Commercial Zone

17.54.060. Parking Requirements

3. Where a parking area on a site is more than one hundred twenty thousand (120,000) square feet, the parking area must contain the following elements (parking areas in structures are not included):
- c. Each internal access way shall have at least one (1) auto travel lane, curbs, landscaping, and unobstructed sidewalks on both sides that provide pedestrian access to the building on the site, and shall be designed in the following method:
- i. The sidewalks must be at least six feet (6') wide. There must be a planting strip at least four feet (4') wide adjacent to the access way. The planting strip must be between the curb and the sidewalk, and be landscaped ~~and irrigated with grass or other living vegetation~~ to meet the design requirements of Title 17.19 and planted with two-inch (2") caliper trees at least six feet (6') tall planted every twenty feet (20') and centered within the planting strip.

17.54.070. Landscape and Screening

2. Overall Landscaping Plan. With the application for site plan approval, an overall landscaping plan shall be submitted. Landscaping plans shall show details on specific types and locations of trees and shall also identify areas to be ~~soed~~ lawn or other types of vegetation or ground cover. Additional interior parking lot landscaping may be required per Chapter 17.18 and Section 17.54.060.

4. Landscaping Strip (Landscaping behind Sidewalk). Unless otherwise approved by the land use authority, a landscaped strip sixteen feet (16') to twenty feet (20') in width (based on meandering location of sidewalk) shall be ~~planted~~ landscaped with living plant material to meet the design requirements of Title 17.19 and maintained in a living, growing condition along all public street frontages.

b. Thirty percent (30%) of the landscaping strip may consist of decorative rock, bark, mulch, and/or other ground covers other than live plant material. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., i.e., the ~~nongrass~~ non-lawn areas, shall be submitted and approved by the planning director.

17.19 Waterwise Landscape and Design

17.19.010 – Purpose

1. The city finds that it is in the public interest to conserve the public's water resources and to promote outdoor water efficient landscaping. The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste and establish standards that provide for the design and installation of landscapes that are both attractive and water efficient.

17.19.020 – Applicability

1. The provisions of this ordinance shall apply to all new landscaping after June 1, 2023, for the following:
 - a. New Commercial, industrial, institutional, and public agency development projects.
 - b. Landscaping for new multi-family and single-family residential dwellings within the front and side yards.
 - c. For amended site plans where fifty (50) percent or more landscape areas are already being altered as part of building additions or redevelopment of the property.
 - d. When existing commercial, industrial, institutional, and public agency properties are voluntarily relandscaping fifty (50) percent or more of existing landscaping.
 - e. Following landscape installation, an inspection shall be scheduled with the city to verify compliance with the approved landscape plans.
 - f. Specific landscape design requirements are also found in the related land use districts where development will be constructed, and interior off-street parking lot landscape standards as found in 17.18.085.
 - g. Typical front yard residential setbacks in Lindon City are thirty (30) feet. If a property owner has a greater setback than thirty (30) feet, such as a deep lot, the front yard landscaped area shall be designated on the site and landscape plans to ensure the landscape requirements are met.

17.19.030 – Required Documents

1. When new landscaping is part of a development requirements as listed in 17.19.020, a landscape plan shall be provided with the land use application. For new single-family developments, landscape plans shall be submitted prior to installation by the property owner.
2. The landscape plan shall include the following:
 - a. The location and dimensions of all existing structures, property lines, street names, easements, planting areas, buffers, parking lots, driveways, roadways and rights-of-way, sidewalks, freestanding signs, waste enclosures, bicycle parking areas, fences, walls, ground level utility equipment, recreational facilities, and any other freestanding structure.
 - b. Scale: graphic and written.
 - c. The location, spacing, quantity, size, and common names of all proposed plants.
 - d. The location, size, and common names of all existing trees and other plants on the property and in the park strip, either to be retained or removed.

- e. Elevations for fences and retaining walls proposed for location on the site.
- f. Summary data indicating the area of the site in the following classifications:
 - i. Total area and percentage of required landscaped area.
 - ii. Total area and percentage of the required landscape area in lawn.
 - iii. Total area and percentage of the required landscape area in water-efficient plant species after a two-year growth period.

17.19.40 – Landscape Design Standards

1. Plant Selection. Plants shall be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as possible.

Areas with slopes greater than twenty-five (25) percent, or 4:1 grade, shall be landscaped with deep-rooting, water-conserving plants, that do not include lawn. Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped with water-conserving plants, that do not include lawn. Lawn areas shall not be less than eight (8) feet wide at its narrowest point.

2. Mulch. After completion of all plantings, all irrigated non-lawn areas shall be covered with a minimum 3 to 4-inch layer of mulch that is permeable to air and water and shall be used in planting areas to retain water, inhibit weed growth and improve the appearance of landscaping. Non-porous material shall not be placed under the mulch.
3. Soil Preparation. Soil preparation should be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration.
4. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be selected from the Lindon City Tree Planting Guide and as follows:
 - a. Broad canopy trees shall be selected where shade or screening of tall objects is desired;
 - b. Low-growing trees shall be selected for spaces under utility wires.
 - c. Select trees from which lower branches can be trimmed to maintain a healthy growth habit where visual clearance and natural surveillance is a concern.
 - d. Narrow or columnar trees shall be selected for small spaces, or where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance.
 - e. Street trees shall be planted within existing and proposed park strips, landscape strips along the street and in sidewalk tree wells on streets without park strips. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, above and below ground utilities, lighting, and other obstructions.
 - f. Trees shall be a minimum two-inch caliper in size at planting.
5. Irrigation Design Standards
 - a. An irrigation plan identifying the layout of the irrigation system and a legend summarizing the type and size of all components of the system.
 - b. All irrigation shall be appropriate for the designated plant material to achieve the highest water efficiency. Drip irrigation or bubblers shall be used except in lawn areas. Drip irrigation systems shall be equipped with a pressure regulator, filter, and flush-end assembly.
 - c. Landscaped areas shall be provided with a smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.
 - d. Each irrigation valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Lawn and non-lawn planting areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
 - e. Drip emitters or a bubbler shall be provided for each tree.

6. Landscapes in New Single-family Residential Developments.

- a. Property owners shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance.
- b. Lawn areas in the front and side yards shall not exceed thirty-five (35) percent of the total landscaped area. Non-lawn planting areas shall include a minimum of seventy (70) percent water efficient vegetative coverage. Plant vegetative coverage shall be based off full maturity growing cycle at the ground plane.
- c. Small residential lots, which have no backyards, which the total landscaped area is less than 250 square feet, and which the front yard dimensions cannot accommodate the minimum eight (8) feet wide lawn area requirement of the landscape requirements in 17.19.140, are exempt from the eight (8) feet minimum width lawn area requirement and maximum of thirty-five (35) percent lawn requirement.

7. Landscapes in Commercial, Industrial, institutional, and public agency Developments

- a. Commercial, industrial, institutional, and public agency landscapes shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance.
- b. Lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas;
- c. Required non-lawn landscape area shall include a minimum seventy (70) percent water efficient vegetative coverage. Plant vegetative coverage shall be based off full maturity growing cycle at the ground plane.

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 provided by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this _____ day of _____, 2023.

Carolyn Lundberg, Mayor

ATTEST:

Kathryn A. Moosman,
Lindon City Recorder

SEAL