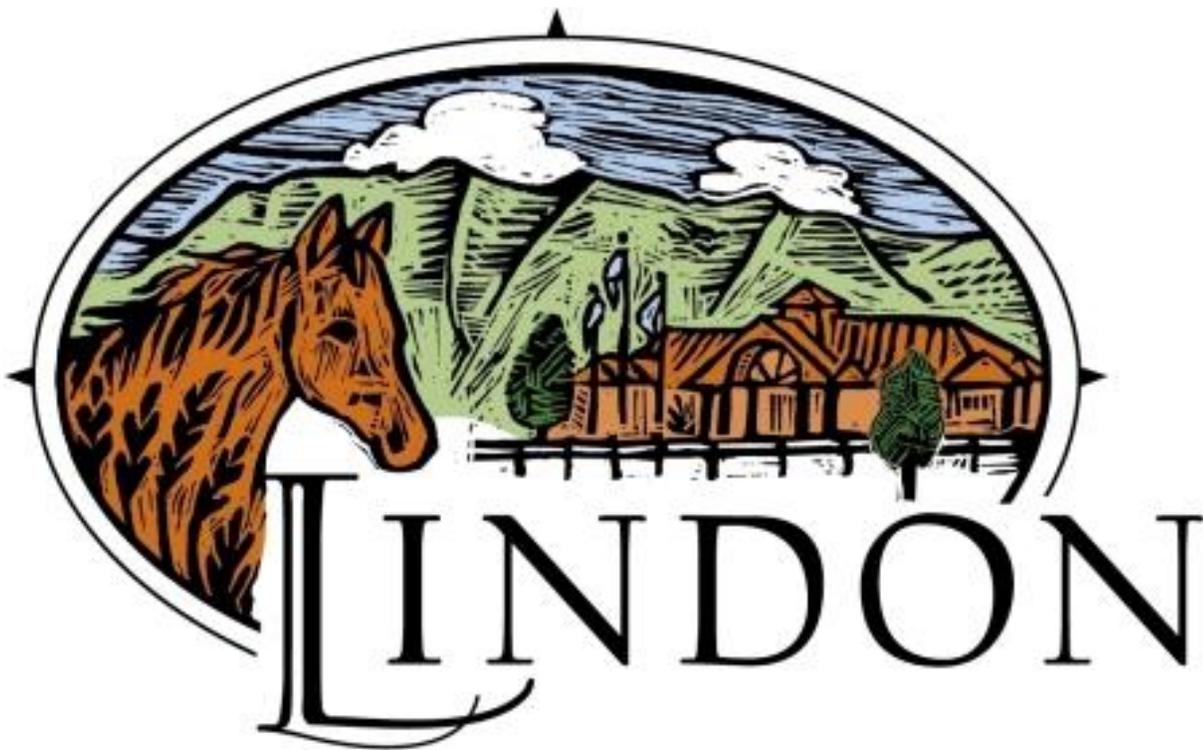


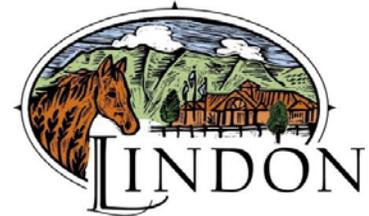
# **Lindon City Planning Commission Staff Report**



September 9, 2014

# Notice of Meeting

## Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on **Tuesday, September 9, 2014** in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at **7:00 P.M.** This meeting may be held electronically to allow a commissioner to participate by video or teleconference. The agenda will consist of the following:

### 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 from August 26, 2014**
3. **Public Comment**
4. **Plat Amendment — Bishop Corner Plat “B”**  
Lindon City requests approval of a Plat Amendment to Bishop Corner Plat “A” to create Bishop Corner Plat “B”. A new building lot will be designated, but no new lots will be created. *(Review times are estimates only.)*  
*(20 minutes)*
5. **Public Hearing — Ordinance Amendment, LCC 17.38 Completion Bonds** *(20 minutes)*  
Lindon City requests an amendment to Lindon City Code 17.38 Bonds for Completion of Improvements to Real Property.
6. **Public Hearing — Ordinance Amendments, LCC 17.32 Subdivisions; LCC 17.58 Dedication of Subdivisions; LCC 17.66.020 Subdivision recordation** *(20 minutes)*  
Lindon City requests amendments to the Lindon City Code to make general revisions to LCC 17.32, Subdivisions; LCC 17.58, Dedication of Subdivisions; and LCC 17.66.020, Subdivision Recordation.
7. **Public Hearing — Ordinance Amendment, LCC 17.44.140 Accessory Buildings** *(20 minutes)*  
Lindon City requests an amendment to Lindon City Code 17.44.140, Accessory Buildings, to allow reduced setbacks for certain accessory structures on corner lots in residential zones.
8. **New Business (Reports by Commissioners)**
9. **Planning Director Report**

### 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.

**Posted By:** Jordan Cullimore  
**Time:** ~12:30 pm

**Date:** September 5, 2014  
**Place:** Lindon City Center, Lindon Public Works, Lindon Community Center

## **Item I – Call to Order**

September 9, 2014 Planning Commission meeting.

### **Roll Call:**

Ron Anderson  
Sharon Call  
Rob Kallas  
Mike Marchbanks  
Matt McDonald  
Andrew Skinner  
Bob Wily

# Item 2 – Approval of Minutes

Planning Commission – Tuesday, August 26, 2014.

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
4 **August 26, 2014 at 7:00 p.m.** at the Lindon City Center, City Council Chambers, 100  
North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Sharon Call, Chairperson  
Invocation: Matt McDonald, Commissioner  
10 Pledge of Allegiance: Bob Wily, Commissioner

12 **PRESENT**

**ABSENT**

Sharon Call, Chairperson  
14 Mike Marchbanks, Commissioner  
Ron Anderson, Commissioner  
16 Rob Kallas, Commissioner  
Bob Wily, Commissioner  
18 Matt McDonald, Commissioner  
Andrew Skinner, Commissioner  
20 Hugh Van Wagenen, Planning Director  
Jordan Cullimore, Associate Planner  
22 Kathy Moosman, City Recorder

24 Special Attendee:  
Councilmember Matt Bean.

- 26 1. **CALL TO ORDER** – The meeting was called to order at 7:10 p.m.  
28 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of August 12,  
30 2014 were reviewed.

32 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE  
34 REGULAR MEETING OF AUGUST 12, 2014 AS WRITTEN. COMMISSIONER  
WILY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE  
MOTION CARRIED.

36 3. **PUBLIC COMMENT** –

38 Chairperson Call called for comments from any audience member who wished to  
address any issue not listed as an agenda item. There were no public comments.

40 **CURRENT BUSINESS** –

- 42 4. **Training** – *General Plan Purpose and Policies.* The Commission will review and  
44 discuss the purpose and policies of the Lindon City General Plan. Specifically, the  
Commission will review the Introduction and Land Use sections of the Plan.

46

2 Hugh Van Wagenen, Planning Director, opened the discussion by giving a brief  
summary of this agenda item stating the Commission will review and discuss the purpose  
4 and policies of the Lindon City General Plan. He noted that specifically, the Introduction  
and Land Use sections of the Plan will be reviewed. Mr. Van Wagenen noted that with no  
6 official applications on the agenda tonight he thought it would be an appropriate time,  
considering the new composition, to review the General Plan which helps steer the land  
8 use decisions that the Commission makes in the bigger picture and the long-term. He then  
asked the Commission how they would like to proceed; to read and discuss the points or  
10 reference the document in their own time. Commissioner Kallas commented that he  
would prefer that Mr. Van Wagenen read the plan and reference the main points for  
discussion.

12 Mr. Van Wagenen then read excerpts (included in the staff report) from ULCT  
Land Use Training Handbook and also the excerpts from the General Plan (by David  
14 Church) followed by some lengthy general discussion by the Commission. Mr. Van  
Wagenen concluded the discussion by referencing the General Plan Map. He also asked  
16 the Commission if they would be in approval of reviewing other sections and elements.  
The Commission was in agreement that further reviews would be beneficial.

18 Chairperson Call called for any further discussion from the Commission regarding  
this agenda item. Hearing none she moved on to the next discussion item.

- 20
- 22 5. **Discussion** – Architectural Concrete & Concrete Tilt-up Buildings. The Commission  
will review examples of existing architectural concrete and concrete tilt-up buildings  
24 and discuss Lindon City’s current architectural standards for concrete buildings. A  
formal ordinance amendment will not be proposed.

26 Jordan Cullimore, Associate Planner, led the discussion by explaining the  
Commission will review examples of existing architectural concrete and concrete tilt-up  
28 buildings and discuss Lindon City’s current architectural standards for concrete  
buildings. He noted that this issue was briefly discussed at the last meeting and it was  
30 suggested to further review the standards. Mr. Cullimore noted that a formal ordinance  
amendment will not be proposed.

32 Mr. Cullimore then referenced LCC 17.49.070 – Architectural Design Standards  
for Industrial Zones, including photos, followed by discussion.

34 **Chapter 17.49 Industrial Zones**

36 Section 17.49.070 Architectural design.

38 All buildings in the LI and HI zone shall be aesthetically pleasing, well-proportioned  
buildings, which blend with the surrounding property and structures. The following  
40 criteria shall be applied to all buildings and/or structures constructed in the LI, HI and  
T-zones and any other construction requiring a building permit in the LI, HI and T zones  
42 as per the currently adopted building code for Lindon City:

- 44 1. Twenty-five percent (25%) minimum of the exterior of all buildings (except as  
permitted in 17.40.070(2)) shall be covered with brick, decorative block, stucco,  
46 wood, or other similar materials as approved by the Planning Commission.  
Colored pre-cast concrete or colored tilt-up buildings also meet the architectural  
48 treatment requirement. (These architectural treatment standards are not applicable  
in the HI zone). Thirty percent

- 2 a. With the consent of the property owner, the Planning Commission may  
allow some or all of the required architectural treatment on a proposed  
4 building or addition to be transferred to a pre-existing building or  
structure, or transferred to one or more sides of a proposed structure,  
6 which may be more visible from a public street. Said transfer of  
architectural treatment would need to improve the overall visual character  
8 of the area in a greater manner than if the treatment is only applied to the  
less visible building, addition, or side of the structure being considered.  
10 No net loss of treatment should occur. When considering a transfer of the  
architectural treatment, the Planning Commission should be conscious of  
12 visual site lines of adjacent buildings and properties to determine if they  
would be negatively impacted by a Planning Commission decision to  
allow transfer of the architectural treatment on the proposed structures.
- 14 b. All exterior building materials in the LI, HI and T zones shall be earth-  
tone colors. A sample color palette of acceptable earth-tone colors is found  
16 in the Appendix of the Lindon City Commercial Design Guidelines.
- 18 c. The Planning Commission may approve ribless, metal, flat-faced, stucco  
embossed, metal sandwich panel buildings when the Planning  
20 Commission finds that the building is aesthetically pleasing, adequately  
trimmed, contrasted with different colors, is well proportioned, blends in  
22 with surrounding property, and has a similar look to that achieved by  
17.49.070(1). The exterior appearance of such buildings shall primarily be  
24 of earth tone colors. Applicants desiring to apply for this type of  
construction may consider the Lindon City Public Works building located  
26 at 946 West Center Street and the building located at 375 North 700 West  
in Pleasant Grove as examples of structures in compliance with this  
architectural design standard.

28  
30 Mr. Cullimore then referenced LCC 17.50.070 – Architectural Design Standards  
for the Mixed Commercial Zone, including photos, as follows:

32 **Chapter 17.50 Mixed Commercial**

34 **Section 17.50.070 Architectural Design**

36 All structures in the MC zone shall be aesthetically pleasing, well-proportioned buildings  
that blend with the surrounding property and structures. All structures in the MC zone  
38 shall have finishes of brick, decorative block, stucco, wood, concrete tilt-up or other  
materials and designs approved within the Lindon City Commercial Design Guidelines,  
or as otherwise approved by the Planning Commission.

40 There was then some lengthy discussion by the Commission regarding this  
agenda item. Mr. Van Wagenen stated that staff will take the suggestions from the  
42 discussion and come back with some actual text changes for approval. Chairperson Call  
called for any further discussion from the Commission. Hearing none she moved on to  
44 the next discussion item.

- 46 6. **Discussion** – *Home Occupations*. The Commission will review Lindon City’s  
existing home occupation ordinance and discuss potential changes and /or additions.

2 Specifically, the Commission will consider whether to create a major/minor home  
3 occupation distinction. A formal ordinance amendment will not be proposed.

4 Mr. Cullimore led the discussion by explaining the Commission will review  
5 Lindon City's existing home occupation ordinance and discuss potential changes and /or  
6 additions following a recent home occupation application and also some complaints  
7 regarding an existing home occupation business. He noted that specifically, the  
8 Commission will consider whether to create a major/minor home occupation distinction.  
9 Mr. Cullimore noted that a formal ordinance amendment will not be proposed. He stated  
10 that he pulled together some standards from neighboring cities and cities throughout Utah  
11 with the similar demographics and population as Lindon. Mr. Cullimore noted the  
12 options are to leave the general standards in place, address specific unique uses or to  
13 incorporate a major/minor distinction. He added that the question is if there is a desire by  
14 the Commissioners to change the ordinance or to leave it as "status quo." There was then  
15 some lengthy general discussion regarding this issue.

16 Mr. Cullimore then referenced LCC 17.04.400 – Home Occupation Requirements  
17 as follows:

18 Section 17.04.400 Home occupation requirements:

- 19 1. The purpose and intent of this section of the Lindon City Code is to allow  
20 occupations, professions, activities, or uses that are clearly customary, incidental,  
21 and secondary to the residential use of the property and which do not alter the  
22 exterior of the property or affect the residential character of the neighborhood.
- 23 2. No home occupation shall be conducted without first obtaining a home  
24 occupation permit pursuant to this chapter and a business license pursuant to this  
25 chapter and the Lindon City Code chapter regulating businesses.
- 26 3. The Planning Director may grant a home occupation permit in the residential  
27 zones, provided the use applied for meets all of the standards set forth in this  
28 Section.
- 29 4. A home occupation permit shall be obtained from the Planning Director before  
30 such home occupation is established. The permit shall have a fee as established  
31 per the Lindon City Fee Schedule.
- 32 5. As a matter of public policy, the City believes that commercial and industrial  
33 activities should be conducted in zones where such activities are specifically  
34 permitted. However, limited business activities may be conducted within  
35 residences located in any zone in the City if the business activity strictly complies  
36 with all of the following requirements:
  - 37 a. Be clearly incidental to and secondary to the residential use of the  
38 dwelling unit and not occupy more than five hundred (500) square feet or  
39 twenty- five percent (25%) of the total floor space of such dwelling unit,  
40 whichever is less. This requirement does not apply to accessory buildings  
41 approved as part of a home occupation.
  - 42 b. Be carried on entirely within the dwelling unit or accessory structure  
43 solely by one (1) or more of the residents of the immediate family who  
44 reside in the dwelling unit or employees as permitted in 5(c). For the  
45 purposes of this section, a carport, patio, or breeze way is not considered  
46 to be part of the dwelling unit. (This provision shall not prohibit the Utah

State requirement for outside use by licensed day care/preschool facilities.)

- c. Home occupations may have up to one (1) employee or part time equivalent to one (1) employee who does not live in the dwelling unit work at the home. Only one (1) non- resident employee shall work from the home at any given time. Such employee working at the home or coming to the home and moving to another job site associated with the home occupation shall be provided an off street parking stall on the home occupation owner's property. This employee shall be provided and required to use such parking on the business owner's property and off of a public street.
- d. Not have any external evidence of the home occupation, (except as may be required by State law or City ordinance) nor any exterior displays, displays of goods, nor advertising signs (except as allowed by this section) visible from outside of the dwelling unit. It shall not be permitted to conduct any activity outside the dwelling unit or to store materials or products outside the dwelling unit unless it is within an accessory structure approved as part of the home occupation.
- e. Not have more than six (6) vehicles parked at the residence at any time, provided all of the vehicles can be parked legally, either in normal parking places on the lot occupied by the residence without parking in front of any other property. The six (6) vehicles specified above shall include the vehicles owned or operated by the residents, visitors or any other person using or visiting the home. Exceptions to this requirement may be granted by the Planning Director provided the applicant can clearly demonstrate that additional vehicles can be parked legally, either in Lindon City Code normal parking places on the lot occupied by the residence containing the home occupation or by the curb directly in front of the residence without parking in front of any other property. In addition to the foregoing, the home occupation must not generate more than five (5) vehicles of traffic to the residence during any hour. The home occupation shall not generate any traffic before 7:30 a.m. or after 6:00 p.m. nor shall any vehicle weighing in excess of twenty four thousand (24,000) pounds, gross weight, and travel to the residence for the purpose of servicing the home occupation.
- f. Not emit noise, odor, dust, fumes, vibration, smoke, electrical interference or other interference with the residential use of adjacent properties.
- g. Comply with all City building and fire codes.
- h. Obtain a home occupation permit and a business license from the City.
- i. Shall have no more than one (1) sign, not larger than two and one-half (2.5) square feet, attached to the main dwelling unit. The sign shall be aesthetically pleasing and made of similar materials and colors as the building to which it is attached. The sign shall not be directly lit.
- j. Home occupation owners shall be good neighbors and mindful of possible impacts their activities have on the residential character of the neighborhood. All Home Occupation permits are reviewable upon written complaint to the Planning Commission. The Planning Commission, in reviewing such complaints, shall have the authority to attach conditions to

2 a home occupation to make it compatible with the surrounding  
neighborhood. If the Planning Commission makes a finding that the home  
4 occupation is not compatible with the surrounding neighborhood they  
shall have the authority to revoke such permit.

6 Mr. Van Wagenen then took a straw poll vote by the Commissioners whether to  
leave the requirements as written or amend it. The straw poll vote was unanimous with  
8 all Commissioners voting to leave LCC 17.04.400 – Home Occupation Requirements as  
written at this time. Chairperson Call called for any further discussion from the  
10 Commission. Hearing none she moved on to the next agenda item.

12 7. **NEW BUSINESS** – Reports by Commissioners.

14 Chairperson Call called for any new business or reports from the Commissioners.  
Chairperson Call asked for an update on the “Julia’s Preschool” application. Mr. Van  
16 Wagenen stated that the application has been withdrawn as the applicant obtained other  
employment. Chairperson Call also mentioned that a resident asked about the Lindon  
18 earthquake (emergency) plan and if the city has a plan in place. Mr. Van Wagenen stated  
that the city does have emergency plans in place. He noted the yearly “Drill Down for  
20 Safety” emergency drill will be held on September 15<sup>th</sup> and all residents are encouraged  
to participate.

22 Chairperson Call called for any further comments. Hearing none she moved on to  
the next agenda item.

24 8. **PLANNING DIRECTOR’S REPORT**–

26 Mr. Van Wagenen reported on the following items followed by some general  
discussion by the Commission.

- 28 • Planning (APA) Memberships
- APA/Western Planner Conference
- 30 • O’Neal Aquatics Update

32 Chairperson Call called for any further comments or discussion. Hearing none she  
called for a motion to adjourn.

34 **ADJOURN** –

36 COMMISSIONER MCDONALD MADE A MOTION TO ADJOURN THE  
38 MEETING AT 9:55 P.M. COMMISSIONER SKINNER SECONDED THE MOTION.  
ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

40 Approved – September 9, 2014

42  
44 \_\_\_\_\_  
Sharon Call, Chairperson

46 \_\_\_\_\_  
Hugh Van Wagenen, Planning Director

**Item 3 – Public Comment**

**1 - Subject** \_\_\_\_\_  
**Discussion**

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**2 - Subject** \_\_\_\_\_  
**Discussion**

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**3 - Subject** \_\_\_\_\_  
**Discussion**

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## Item 4: Plat Amendment — Bishop Corner Plat “B”

Lindon City requests approval of a Plat Amendment to Bishop Corner Plat “A” to create Bishop Corner Plat “B”. A new building lot will be designated, but no new lots will be created. File 13-003-10.

<p><b>Applicant:</b> Lindon City <b>Presenting Staff:</b> Jordan Cullimore</p> <p><b>General Plan:</b> Residential Low <b>Current Zone:</b> Single Family Res. (R1-20)</p> <p><b>Property Owners:</b> Lindon City Corp. <b>Address:</b> 319 North 135 West <b>Parcel IDs:</b> 35:572:0002 <b>Lot Sizes:</b> 0.347 acres</p> <p><b>Type of Decision:</b> Administrative <b>Council Action Required:</b> No</p>	<p><b><u>SUMMARY OF KEY ISSUES</u></b></p> <ol style="list-style-type: none"><li>1. Whether to approve the proposed plat amendment.</li></ol> <p><b><u>MOTION</u></b></p> <p>I move to (<i>approve, deny, continue</i>) the applicant’s request for approval of a plat amendment to Bishop Corner Plat “A” to create Bishop Corner Plat “B”, with the following conditions (if any):</p> <ol style="list-style-type: none"><li>1.</li><li>2.</li><li>3.</li></ol>
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### **BACKGROUND & DISCUSSION**

1. Recently, the Lindon City Board of Adjustment considered a City-initiated request to reclassify Lot 2 of the subdivision known as Bishop Corner Plat “A” from an substandard, unbuildable lot to a legal, nonconforming, buildable residential lot. The Board of Adjustment approved the request on July 2, 2014 pursuant to Lindon City Land Use Application 13-004-8.
2. Lindon City now requests that the Planning Commission approve a plat amendment to reflect the Board of Adjustment’s variance approval.

### **MOTION**

I move to (*approve, deny, continue*) the applicant’s request for approval of a plat amendment with the following conditions (if any):

- 1.
- 2.
- 3.

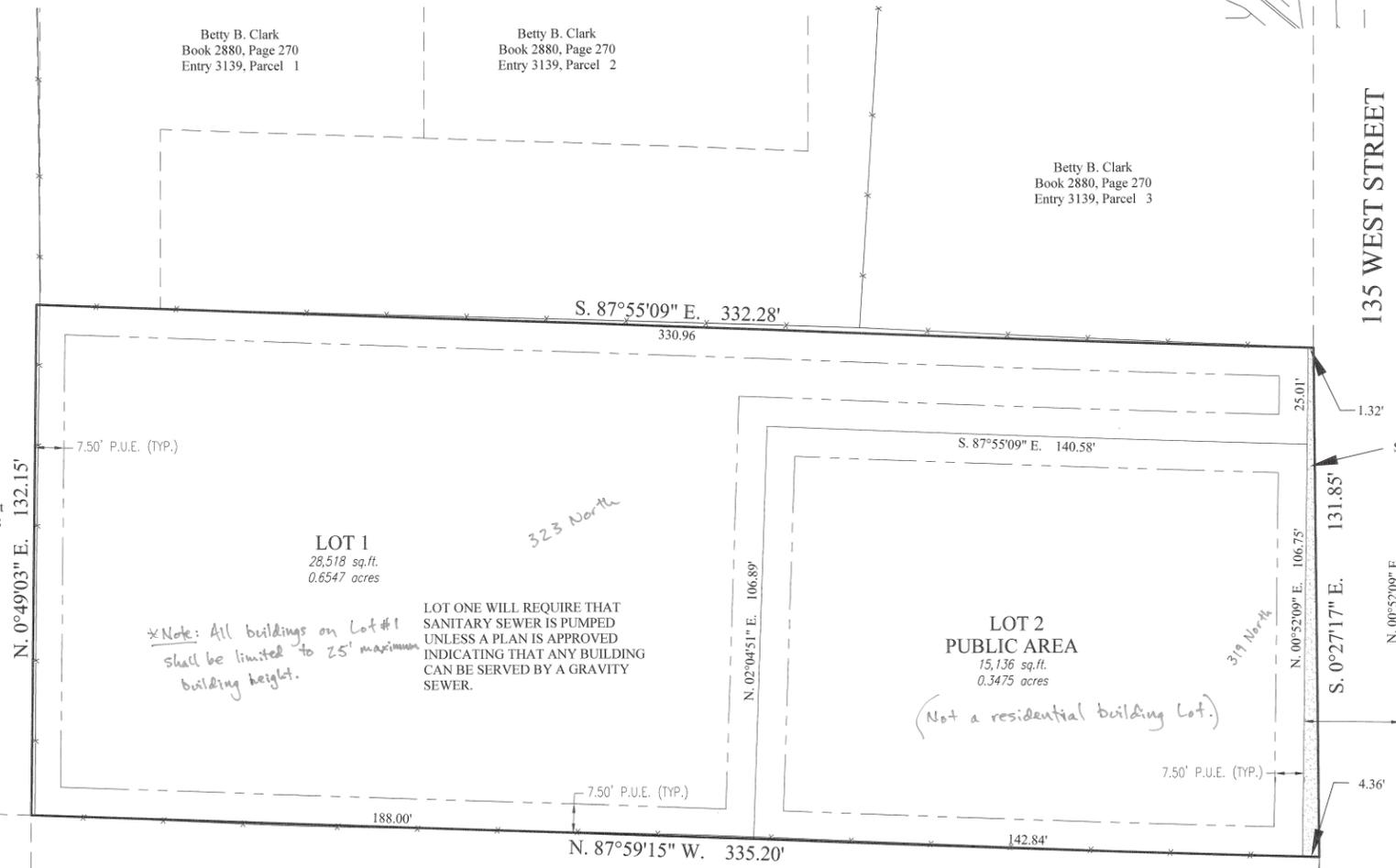
### **ATTACHMENTS**

1. Existing Subdivision Plat
2. Proposed Plat Amendment

# BISHOP CORNER "A"



VICINITY MAP



Alpine School District  
Book 2728, Page 108  
Entry 32552

Betty B. Clark  
Book 2880, Page 270  
Entry 3139, Parcel 1

Betty B. Clark  
Book 2880, Page 270  
Entry 3139, Parcel 2

Betty B. Clark  
Book 2880, Page 270  
Entry 3139, Parcel 3

323 North

319 North

### NOTICE OF LINDON CITY MULTIPLE FAMILY HOUSING ORDINANCE

All potential buyers of lots within this plat are hereby noticed of the Lindon City R2 Overlay Ordinance. Under this ordinance there is potential for small localized multifamily housing projects in this 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.

WEST 1/4 COR. SEC. 33  
T5S, R2E, SLB&M

QUARTER SECTION LINE

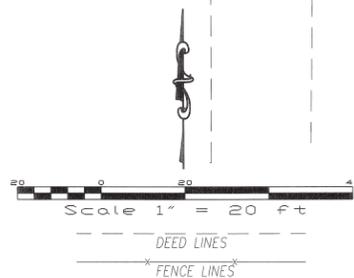
EAST 1/4 COR. SEC. 33  
T5S, R2E, SLB&M  
X=1,940,153.59  
Y=731,358.42

⊕ Lot #1 setbacks = Front 30', Rear 50', Sides 20'.

⊗ Note: Structural Fill imported into Lot #1 is limited to no more than 4' of fill that is placed higher than the grade level of 135 West roadway.

⊗ No Final CofD for buildings on Lot #1 will be issued until planter area on side of driveway is fully landscaped.

⊗ Address of Lot #1 shall be clearly displayed and visible from 135 West. (At entrance to driveway.)



**SURVEYOR'S CERTIFICATE**  
 I, CLIFF PETERSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 6891 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, 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, BLOCKS, 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 AND CORRECT.

**BOUNDARY DESCRIPTION**  
 Beginning at a point which is South 89°45'06" West 904.08 feet along the Quarter Section Line and NORTH 938.51 feet from the East Quarter Corner of Section 33, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence along a fence line as called out in Quit Claim Deed Entry 142977: 2005 recorded at the Utah County Recorders Office North 87°59'15" West 335.20 feet; thence along a fence line North 00°49'03" East 132.15 feet; thence along a fence line as called out in Boundary Line Agreement Entry 142976: 2005 recorded at the Utah County Recorders Office South 87°55'09" East 332.28 feet; thence along a fence line South 00°27'17" East 131.85 feet to the point of beginning.

Parcel contains 44,027 SF or 1.0107 Acres

**BASIS OF BEARING:** S 89°45'06" W along quarter section line from the E 1/4 Cor. of Sec. 33 to the W 1/4 Cor. of said section 33, T5S, R2E, SLB&M.

DATE: 26 April 07  
 SURVEYOR (SEE SEAL BELOW): [Signature]

**OWNER'S DEDICATION**  
 KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREIN AND SHOWN ON THIS MAP, 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 HEREIN FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS 9th DAY OF October A.D. 2007.

[Signatures]  
 managing member

**ACKNOWLEDGMENT**  
 STATE OF UTAH } s.s.  
 COUNTY OF UTAH }  
 ON THE 9 DAY OF October A.D. 2007 PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES 11-01-2010  
 NOTARY PUBLIC (SEE SEAL BELOW): [Signature]

**ACCEPTANCE BY LEGISLATIVE BODY**  
 THE CITY COUNCIL OF LINDON COUNTY OF UTAH, APPROVES THIS SUBDIVISION 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 9th DAY OF Oct A.D. 2007 BY RESOLUTION NO. N/A.

[Signatures]  
 MAYOR, COUNCIL MEMBER, CITY ATTORNEY, CLERK-RECORDER

**PLANNING COMMISSION APPROVAL**  
 APPROVED THIS 9 DAY OF October A.D. 2007 BY  
 LINDON PLANNING COMMISSION.  
[Signatures]  
 DIRECTOR/SECRETARY, CHAIRMAN

**CITY ATTORNEY APPROVAL**  
[Signature]  
 CITY ATTORNEY DATE 10-9-07

**OCCUPANCY RESTRICTION NOTICE**  
 It is unlawful to occupy any building within this subdivision without first having obtained a certificate of occupancy issued by the City.

**CONDITIONS OF APPROVAL**  
 \*Note: All street improvements along 135 West will be the responsibility of Lindon City. Owners of Lot #1 will not be required to participate in any street improvement costs.

PLAT "A"  
**BISHOP CORNER**  
 A RESIDENTIAL SUBDIVISION  
 LINDON UTAH COUNTY, UTAH  
 SCALE: 1" = 20 FEET

SEALS AND STAMPS:  
 - SURVEYOR'S SEAL: CLIFF PETERSON, No. 6891  
 - NOTARY PUBLIC SEAL: CAROLYN S. CHRISTENSEN, No. 188311  
 - CITY-COUNTY ENGINEER SEAL: MARK L. CHRISTENSEN, No. 188311  
 - CLERK-RECORDER SEAL: LINDON CITY, UTAH COUNTY, UTAH

12519

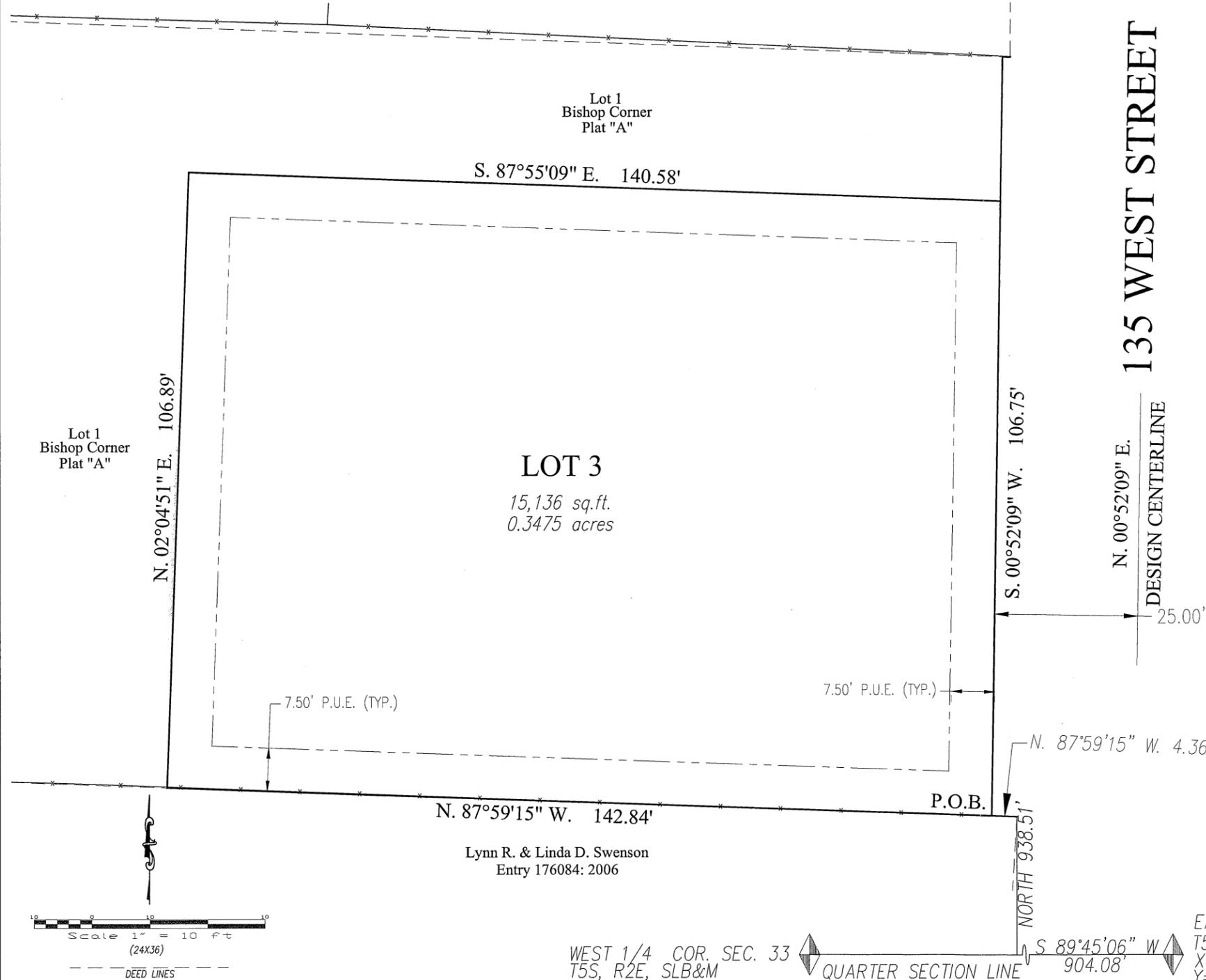
NE VASEC 33 T5S, R2E SLB&M TU 08D 04

# BISHOP CORNER "B"



VICINITY MAP

135 WEST STREET  
DESIGN CENTERLINE



**PUBLIC UTILITIES APPROVAL**

ROCKY MOUNTAIN POWER	
Rocky Mountain Power Representative	Date
Century Line	
Century Link Representative	Date
Approved Questar Gas	
Questar Gas Representative	Date
Concast	
Concast Representative	Date
Approved Utopia	
UTOPIA Representative	Date

**NOTICE OF LINDON CITY MULTIPLE FAMILY HOUSING ORDINANCE**

All potential buyers of lots within this plat are hereby noticed of the Lindon City R2 Overlay Ordinance. Under this ordinance there is potential for small localized multifamily housing projects in this 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.

**SURVEYOR'S CERTIFICATE**

I, CLIFF PETERSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 6891 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, 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, BLOCKS, 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 AND CORRECT.

**BOUNDARY DESCRIPTION**

Beginning at a point which is South 89°45'06" West 904.08 feet along the Quarter Section Line and North 938.51 feet and North 87°59'15" West 4.36 feet from the East Quarter Corner of Section 33, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence along a fence line as called out in Quit Claim Deed Entry 142977: 2005 recorded at the Utah County Recorders Office North 87°59'15" West 142.84 feet; thence along the east and south lot line of Lot 1, Bishop Corner Subdivision, Plat "A" the following courses and distances: North 2°04'51" East 106.89 feet; South 87°55'09" East 140.58 feet; thence along the west line of 135 West Street South 0°52'09" West 106.75 feet to the point of beginning.

Parcel contains 15,136 SF or 0.3475 Acres

BASIS OF BEARING: S 89°45'06" W along quarter section line from the E 1/4 Cor. of Sec. 33 to the W 1/4 Cor. of said section 33, T5S, R2E, SLB&M, NAD 27.

DATE \_\_\_\_\_ SURVEYOR (SEE SEAL BELOW) \_\_\_\_\_

**OWNER'S DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, 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.

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

**ACKNOWLEDGMENT**

STATE OF UTAH )  
COUNTY OF UTAH ) s.s.  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_ PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.  
MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC (SEE SEAL BELOW)

**ACCEPTANCE BY LEGISLATIVE BODY**

THE \_\_\_\_\_ CITY COUNCIL OF \_\_\_\_\_ LINDON COUNTY OF UTAH, APPROVES THIS SUBDIVISION 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\_\_\_\_ BY RESOLUTION NO. \_\_\_\_\_

APPROVED \_\_\_\_\_ ENGINEER (SEE SEAL BELOW) ATTEST \_\_\_\_\_ CLERK-RECORDER (SEE SEAL BELOW)

PLANNING COMMISSION APPROVAL  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_ BY \_\_\_\_\_ LINDON PLANNING COMMISSION

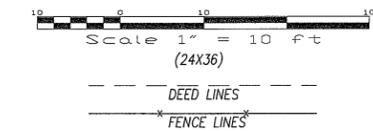
DIRECTOR/SECRETARY \_\_\_\_\_ CHAIRMAN \_\_\_\_\_  
CITY ATTORNEY APPROVAL

CITY ATTORNEY \_\_\_\_\_ DATE \_\_\_\_\_  
**OCCUPANCY RESTRICTION NOTICE**  
It is unlawful to occupy any building within this subdivision without first having obtained a certificate of occupancy issued by the City.  
CONDITIONS OF APPROVAL

PLAT "B"  
**BISHOP CORNER**  
A RESIDENTIAL SUBDIVISION  
INCLUDES A VACATION OF LOT 2 OF BISHOP CORNER PLAT "A"  
LINDON UTAH COUNTY, UTAH  
SCALE: 1" = 10 FEET

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY-COUNTY ENGINEER SEAL	CLERK - RECORDER SEAL
-----------------	--------------------	---------------------------	-----------------------

THIS FORM APPROVED BY UTAH COUNTY AND THE MUNICIPALITIES THEREIN.



WEST 1/4 COR. SEC. 33 T5S, R2E, SLB&M  
EAST 1/4 COR. SEC. 33 T5S, R2E, SLB&M X=1,940,153.59 Y=731,358.42 (DATUM: NAD 27)

## Item 5: Public Hearing — Ordinance Amendment, LCC 17.38 Completion Bonds

**Presenting Staff:** *Jordan Cullimore*

### **SUMMARY**

Lindon City requests an amendment to Lindon City Code 17.38 Bonds for Completion of Improvements to Real Property.

City staff is in the process of consolidating and making necessary changes to these ordinances to reflect changes in Utah State Code. This has been a work in progress for a long time and will continue to be so. The ordinance before you tonight is still in draft form. Please take the time to read it and provide any feedback you may have to staff.

Regarding the motion for the item, staff requests that the item be continued until a further meeting when the document is closer to its final form. Again, if there are any comments from the Commissioners or the public, staff is happy to receive them at this time.

### **MOTION**

I move to recommend **(continuation)** of the proposed ordinance amendment to 17.38 Completion Bonds (*as presented, with changes*).

### **ATTACHMENTS**

1. Proposed amendment

1 Chapter 17.38

2  
3 BONDS FOR COMPLETION OF IMPROVEMENTS TO REAL PROPERTY

4  
5 Sections:

6 17.38.010	Improvement completion bonds <u>and warranty bonds</u> generally
7 17.38.015	<u>Definitions</u>
8 17.38.020	Bond for off-site improvements
9 17.38.030	Bond for on-site improvements
10 17.38.040	Required Forms

11  
12 Section 17.38.010 Improvement completion bonds and warranty bonds generally

13 Any person or entity subdividing, improving, building upon or otherwise developing real property  
14 (hereinafter "developer") shall post for the benefit of Lindon City an improvement completion  
15 bond and warranty bond in such amount and of adequate security, as set forth hereinafter,  
16 ~~insuring~~ ensuring the timely and proper completion of all improvements required by the Lindon City  
17 Code, the Lindon City Development Review Committee ("DRC"), and all applicable building  
18 codes, standards, and specifications. Such bonds shall be posted prior to any plat recordation  
19 or development activity within the public right of way. (Ord. 2000-2, Amended, 10/04/2000)

20  
21 Section 17.38.015 Definitions

22 1. Improvement Completion Bond means an irrevocable letter of credit, escrow bond, cash bond,  
23 or combination bond posted by a developer to guarantee the proper completion of required  
24 improvements as required by City Code, prior to any plat recordation or development activity  
25 with the public right of way.

26 2. Warranty Bond means a an irrevocable letter of credit, escrow bond, cash bond, or  
27 combination bond posted by a developer to unconditionally warrant that accepted improvement  
28 work complies with the municipality's written standards for design, materials, and workmanship  
29 and will not fail in any material respect, as a result of poor workmanship or materials, within the  
30 improvement warranty period.

31  
32  
33 Section 17.38.020 Bond for off-site improvements

34 1. Prior to, and as a condition for obtaining approval of a subdivision plat, building permit, or  
35 conditional use permit, any developer making "Off-Site Improvements," as defined below, to  
36 real property shall post an ~~Improvement e~~ Improvement e ~~Completion b~~ Completion b Bond for the proper and timely  
37 installation and completion of all such Off-Site Improvements. The Improvement Completion  
38 Bond shall be executed by agreement between the City and the developer, with the City  
39 Administrator, or other designated City representative, having authority to enter into said  
40 agreement.

41 2. For the purposes of this ordinance, Off- Site improvements shall include:

- 42 a. Utility installations, including piping of culinary and irrigation water, sanitary sewer  
43 connections, storm drainage, and other required utilities as established by Lindon City;
- 44 b. Roads, grading, curb, gutter, sidewalks, street lights, grading, and erosion control, and  
45 related items;
- 46 c. Any other improvement that may or may not appertain to an individual lot being  
47 developed but which benefits the property or that the DRC reasonably deems necessary  
48 to the development of the property and any improvements required by or promised to the

49 City; required by ordinance or statute; shown on preliminary ~~plats~~ plans, final plats and  
50 construction drawings approved by the City; or required by the eCity eEngineer or the  
51 DRC as part of the plat ~~approval~~ development process.

- 52 3. The Improvement Completion Bond shall guarantee that all required improvements will:  
53 a. Be constructed in accordance with the City's construction standards and specifications and  
54 as represented in the construction drawing approved by the eCity eEngineer.  
55 b. Be completed and pass city inspection within one (1) year of the date that the final plat is  
56 recorded or building permit is issued, except that required improvements for plats  
57 recorded or building permits ~~recorded~~ issued between October 1 and March 31 must be  
58 completed by the next October 1. For example, the required improvements for a plat  
59 recorded on February 6, 1990 must be completed by October 1, 1990. The purpose of  
60 this requirement is to give the City an opportunity to collect on the bond and complete  
61 required asphalt ~~and concrete~~ improvements before the asphalt batch plants close for the  
62 winter and before the weather prohibits the completion of the improvements. The City  
63 may retain and use the Improvement Completion Bond for work not timely completed  
64 where no extension was granted to the developer. The developer may request extensions  
65 from the DRC and such extensions shall be granted for good cause shown.

66 ~~54.~~ The Improvement Completion Bond guaranteeing the timely and proper installation of  
67 required improvements shall be equal in value to at least one hundred ~~and ten~~ percent  
68 ~~(110%)~~ of the cost of what it would cost the City to have the required improvements  
69 constructed the required improvements, as estimated by the City Engineer. The City may  
70 require additional bond amounts above one hundred percent (100%) of the cost of the  
71 required improvements in order to reimburse the City for engineering costs, inspection costs,  
72 administrative costs, and collection costs, including court costs and attorney's fees. The  
73 purpose of the bond is to enable the City to make or complete the required improvements in  
74 a timely manner in the event of the developer's inability or failure to do so. The City need not  
75 complete the required improvements before collecting on the bond. The City may, in its  
76 sole discretion, delay taking action on the bond and allow the developer to complete the  
77 improvements if it receives adequate assurances that the improvements will be completed in  
78 a timely and proper manner. ~~The additional ten percent (10%) will be used to make up any~~  
79 ~~deficiencies in the bond amount and will reimburse the City for administrative costs and~~  
80 ~~collection costs, including court costs and attorney's fees.~~ The Improvement Completion  
81 Bond shall not be fully released until a certificate of final acceptance of required  
82 improvements has been issued by the Lindon City Public Works Department or, in the event  
83 that the Warranty Bond is posted subsequent to the completion of the required  
84 improvements, until the requirements of 17.32.020(5)(d) are met.

- 85 5. The Warranty Bond is required and:  
86 ea. Shall guarantee that all required improvements will ~~Remain~~ free from defects for a period  
87 of ~~two one~~ (2)1 years following the date that a certificate of final acceptance of required  
88 improvements has been issued by the Lindon City Public Works Department. ~~all~~  
89 ~~improvements pass City inspection, or until April 15th of the following year, whichever~~  
90 ~~time period is longer. The purpose of this warranty is to assure that the improvements will~~  
91 ~~last through at least two (2) full winters.~~ The developer shall repair or replace any  
92 improvements which are or become defective during this time period. Subdivision public  
93 improvements shall remain free from defects for a period of ~~two one~~ (2)1 years  
94 following the date that all improvements pass City inspection.

95 i. The DRC may require a warranty period beyond one (1) year in order to protect the  
 96 public health, safety, and welfare if there is substantial recorded evidence:  
 97 A. of prior poor performance by the developer; or  
 98 B. that the area upon which the infrastructure will be constructed contains suspect  
 99 soil and the City has not otherwise required the developer to mitigate the suspect  
 100 soil.  
 101 b. Shall be in the amount of ten percent (10%) of the lesser of the:  
 102 i. City Engineer's original estimated cost of completion of required improvements; or  
 103 ii. developer's reasonable proven cost of completion of required improvements.  
 104 c. May be posted at the time of posting the Improvement Completion Bond; or  
 105 d. May be posted subsequent to completion and acceptance of the required improvements. If  
 106 the developer chooses this option the following must be completed before the  
 107 Improvement Completion Bond will be released:  
 108 i. The Warranty Bond is posted for the amount required in 17.38.020(4)(b); and  
 109 ii. Public Works issues a certificate of final acceptance of all required improvements; and  
 110 iii. Record drawings for the improvements are submitted.  
 111 e. Shall be executed by agreement between the City and the developer, with the City  
 112 Administrator, or other designated City representative, authorized to enter into said  
 113 agreement.

114 46. Further, the ~~Improvement Completion~~ Warranty Bond will guarantee that all repairs to, or  
 115 replacements of, the required improvements will be made to the satisfaction of the DRC, the  
 116 Public Works Department, and the eCity eEngineer. The DRC may require the developer to  
 117 guarantee and warrant that any repairs will remain free of defects for a period of six (6)  
 118 months following the date that the repairs pass City inspection, or until April 15th of the  
 119 following year, whichever time period is longer. The City may retain the ~~Improvement~~  
 120 ~~Completion Warranty~~ Bond until the repairs have lasted through the warranty period, and may  
 121 take action against the bond if necessary to properly complete the repairs. The ~~Improvement~~  
 122 ~~Completion Warranty~~ Bond shall not be released until the DRC has certified in writing that  
 123 the promised performance is completed and the warranty period has expired. Site plans shall  
 124 be released at the end of the warranty period.

Comment [HW1]: Should this be Public Works Director/rep?

Comment [HW2]: Should this be Public Works Director/rep?

Comment [HW3]: What does releasing a site plan mean?

125 67. The bond shall be an irrevocable letter of credit, escrow bond, cash bond or combination  
 126 bond in favor of the City. The requirements relating to each of these types of bonds are  
 127 detailed below in the approved bond form as maintained by Development Review Committee.  
 128 The City must approve any bond submitted pursuant to this section. The City reserves the  
 129 right to reject any of the bond types if it has a rational basis for doing so. Letters of credit  
 130 shall be ~~form~~ from a federally insured bank or financial institution and shall be submitted on  
 131 one of the forms set forth in this section. Escrow bonds shall be held by a federally insured  
 132 bank, credit union, or similar financial institution or a title insurance underwriter authorized  
 133 to do business in the State of Utah.

134 78. The City shall have the sole right to enforce the Improvement Completion and Warranty  
 135 Bond. Private parties shall not be third- party beneficiaries of the Improvement Completion  
 136 or Warranty Bond.

137 (Ord. 2000-2, Amended, 10/04/2000)

140 Section 17.38.030 Bond for on-site improvements

141 1. Any developer making on-site improvements to real property that are not completed at the

142 time of application for an occupancy permit shall post an Improvement Completion Bond  
143 for the proper and timely installation of all such on-site improvements. The Improvement  
144 Completion Bond shall be executed by agreement between the City and the developer, with  
145 the City Administrator, or other designated City representative, having authority to enter into  
146 said agreement. The term "on-site improvements" means and includes:

147 a. Parking, storm-drain, landscaping, fencing.  
148 b. Any other improvement on the property or that was promised to the City, required by  
149 City ordinances, shown on preliminary plats, final plats and construction, site plans,  
150 drawings approved by the City, or that was required by the DRC or city engineer as part  
151 of the plat approval development process.

152 2. The Improvement Completion Bond shall guarantee that all required improvements will:  
153 a. Be constructed in accordance with the eCity's construction standards and specifications and  
154 the construction drawings approved by the City Engineer.

155 b. Be completed and pass City inspection within one (1) year of the date that the occupancy  
156 permit is issued. Improvements required between November 1 and March 31 must be  
157 completed by the next October 1. For example, the required improvements for an  
158 occupancy permit issued on February 6, 1990 must be completed by October 1, 1990.  
159 The purpose of this requirement is to give the City an opportunity to collect on the Bond  
160 and complete any required asphalt ~~and concrete~~ improvements before the asphalt batch  
161 plants close for the winter and before the weather prohibits the completion of the  
162 improvements. The City may retain and use the Improvement Completion Bond for  
163 work not timely completed where no extension was granted to the developer. The  
164 developer may request extensions from the DRC and such extensions shall be granted for  
165 good cause shown.

166 ~~e. Remain free from defects for a period of one (1) year following the date that all~~  
167 ~~improvements pass City inspection, or until April 15th of the following year, whichever~~  
168 ~~time period is longer. The purpose of this warranty is to assure that the improvements~~  
169 ~~will last through at least one (1) full winter. The developer shall repair or replace any~~  
170 ~~improvements that are or become defective during this time period. Public improvements~~  
171 ~~in subdivisions shall remain free from defects for a period of two (2) years following the~~  
172 ~~date that all improvements pass City inspection.~~

173 ~~d. All repairs or replacements shall be made to the satisfaction of the DRC. The DRC may~~  
174 ~~require the developer to guarantee and warrant that any repairs remain free from defects for~~  
175 ~~a period of six (6) months following the date that the repairs pass City inspection, or until~~  
176 ~~April 15th of the following year, whichever time period is longer. The DRC may retain the~~  
177 ~~Improvement Completion Bond until the repairs have lasted through the warranty period,~~  
178 ~~and may take action on the bond if necessary to properly complete the repairs. The~~  
179 ~~Improvement Completion Bond shall not be released until the DRC has certified in writing~~  
180 ~~that the promised performance is completed and the warranty period has expired.~~

181 3. The City is not responsible for poor workmanship or defects in materials for on-site  
182 improvements. Any failure in materials or workmanship of an on-site improvement after the  
183 item passes inspection is not the responsibility of the City. The City's review and concern  
184 for on-site improvements is that they pass inspection if specific code requirements apply to  
185 the item, and/or the improvements meet substantial conformance with an approved plan at  
186 the time of inspection.

- 187 ~~34.~~ The Improvement Completion Bond guaranteeing the timely and proper installation of  
188 required improvements shall be equal in value to at least one hundred percent (100%) of the  
189 cost of ~~what it would cost the City to have the required improvements constructed the~~  
190 ~~required improvements~~, as estimated by the City Engineer. The City may require additional  
191 bond amounts above one hundred percent (100%) of the cost of the required improvements in  
192 order to reimburse the City for engineering costs, inspection costs, administrative costs, and  
193 collection costs, including court costs and attorney's fees. The purpose of the bond is to  
194 enable the City to make or complete the required improvements in a timely manner in the  
195 event of the developer's inability or failure to do so. The City need not complete the  
196 required improvements before collecting from or foreclosing on the bond. The City may, in  
197 its sole discretion, delay taking action on the bond and allow the developer to complete the  
198 improvements if it received adequate assurances that the improvements will be completed in a  
199 timely and proper manner.
- 200 4. The bond shall be an irrevocable letter of credit, escrow bond, cash bond or combination bond  
201 in favor of the City. The requirements relating to each of these types of bonds are detailed in  
202 the approved bond form as maintained by Development Review Committee. The City must  
203 approve any bond submitted pursuant to this section. The City reserves the right to reject any  
204 of the bond types if it has a rational basis for doing so. Letters of credit shall be from a  
205 federally insured bank or financial institution and shall be submitted on one (1) of the forms  
206 set forth in this section. Escrow bonds shall be held by a federally insured bank, credit union,  
207 or similar financial institution or a title insurance underwriter authorized to do business in  
208 the State of Utah.
- 209 5. The City shall have the sole right to enforce the Improvement Completion Bond. Private  
210 parties shall not be third- party beneficiaries of the Improvement Completion Bond.  
211 (Ord. 2000-2, Add, 10/04/2000)

212  
213  
214 Section 17.38.040 Required Forms

- 215 1. Any person posting an Improvement Completion Bond shall use the original stamped forms  
216 listed below and maintained by the DRC. No copies or facsimile reproduction ~~is~~  
217 acceptable:
- 218 a. DRC Form #1 — Improvement Completion Bond Agreement Form.
  - 219 b. DRC Form #2 — Warranty Bond Agreement Form
  - 220 b. DRC Form #~~2~~3 — Irrevocable Letter of Credit Form.
- 221 2. The DRC shall have power to create, maintain, and amend such forms as necessary to fulfill  
222 the purposes of this ordinance.  
223 (Ord. 2000-2, Add, 10/04/2000)  
224

## **Item 6: Ordinance Amendments, LCC 17.32 Subdivisions; LCC 17.58 Dedication of Subdivisions; LCC 17.66.020 Subdivision recordation**

**Presenting Staff:** *Jordan Cullimore*

### **SUMMARY**

Lindon City requests amendments to the Lindon City Code to make general revisions to LCC 17.32, Subdivisions; LCC 17.58, Dedication of Subdivisions; and LCC 17.66.020, Subdivision Recordation.

City staff is in the process of consolidating and making necessary changes to these ordinances to reflect changes in Utah State Code. This has been a work in progress for a long time and will continue to be so. The ordinance before you tonight is still in draft form. Please take the time to read it and provide any feedback you may have to staff.

Regarding the motion for the item, staff requests that the item be continued until a further meeting when the document is closer to its final form. Again, if there are any comments from the Commissioners or the public, staff is happy to receive them at this time.

### **MOTION**

I move to recommend **(continuation)** of the proposed ordinance amendments to LCC 17.32 Subdivisions; LCC 17.58 Dedication of Subdivisions; LCC 17.66.020 Subdivision recordation (*as presented, with changes*).

### **ATTACHMENTS**

1. Proposed amendment



- 49 17.32.180 Blocks.
- 50 17.32.190 Pedestrian crosswalks.
- 51 17.32.200 Lot sizes.
- 52 17.32.210 Easements.
- 53 17.32.220 Utility undergrounding.
- 54 17.32.230 Alleys.
- 55 17.32.240 Sanitary sewage disposal--Generally.
- 56 17.32.250 Sanitary sewer mains, laterals and house connections.
- 57 17.32.260 Sanitary sewers--Test procedures.
- 58 17.32.270 Water--Subdivider obligation to provide sufficient quantity.
- 59 17.32.280 Water--Culinary system--Storage facility.
- 60 17.32.290 Irrigation system.
- 61 17.32.300 Conditional use permit - Required.
- 62 17.32.310 Storm drainage and flood plains.
- 63 17.32.320 Flag lots.
- 64 17.32.330 Subdivision application expiration.
- 65 17.32.340 Phased Subdivisions
- 66 17.32.350 Public Utility Lots

67

68 Section 17.32.010 Scope.

- 69 1. This chapter is applicable to subdivisions in all zones within the city – both residential and non-  
 70 residential. No person shall subdivide any tract of land which is located wholly or in part within  
 71 Lindon City except in compliance with ~~this division~~ Lindon City Code, and with the following  
 72 subdivision regulations adopted by the City Council. It shall be unlawful for any person to subdivide  
 73 any tract of land or to sell, exchange or offer for sale, or purchase ~~or offer to purchase~~ any parcel of  
 74 land ~~which is any part of a subdivision or a larger tract of land~~ where the transaction would result in  
 75 the subdivision of land, unless such subdivision has been created pursuant to and in accordance with  
 76 the provisions of ~~this division, local,~~ Lindon City Code and state code regulations; provided, that this  
 77 ~~division~~ chapter shall not apply to any lot or lots forming a part of a subdivision plat created and  
 78 recorded according to then applicable law prior to the effective date of the ordinance codified in this  
 79 ~~division~~ title, except as provided in subsection 2 of this section. This ~~division~~ chapter shall apply,  
 80 however, to lots created prior to adoption of the ordinance codified in this ~~division~~ chapter and not in  
 81 compliance with then applicable law.
- 82 2. As required by this chapter and LCC Section 17.33, No lot within a subdivision plat created and  
 83 recorded prior to the effective date of the ordinance codified in this ~~division~~ chapter or approved by  
 84 the ~~Planning Commission and City Council~~ Land Use Authority and recorded in the county recorder's  
 85 office under the provisions of this ~~division~~ chapter shall be further divided, rearranged, added to or  
 86 reduced in area, nor shall any boundaries of any lot be altered in any manner so as to create more lots  
 87 than initially recorded, or any nonconforming lot, without first obtaining the approval of the ~~Planning~~  
 88 ~~Commission and the City Council~~ Land Use Authority. (Ord. no. 2001-8, 2001; No. 111 §1(part),  
 89 1985; prior code §12-107-7(A).)

90

91 Section 17.32.020 Intent and purpose.

92 The purpose of this chapter and the intent of the local jurisdiction in adoption of the ordinance codified in  
 93 this ~~division~~ title is to promote the health, safety, convenience, and general welfare of the present and  
 94 future inhabitants of Lindon City by following established development standards and procedures.

95 This chapter will accomplish this purpose by:

- 96 1. Providing policies, standards, requirements, and procedures to regulate and control the design and  
 97 improvement of all subdivisions;
- 98 2. Assisting in the implementation of the objectives, policies, and programs of the ~~master plan~~ General  
 99 Plan by ensuring that all proposed subdivisions, together with provisions for their design and

- 100 improvement, are consistent with the ~~master plan~~ General Plan and all applicable specific plans,  
101 maps, and development policies;
- 102 3. Preserving and protecting, to the maximum extent possible, unique and valuable natural resources and  
103 amenities, including topographic and geologic features, beaches and natural watercourses, fish and  
104 wildlife habitats, historical and cultural places, and scenic vistas and attractions; and improving the  
105 public's access to and enjoyment of such resources and amenities through the dedication or  
106 continuance of appropriate public easements thereto;
  - 107 4. Preserving and protecting the special environmental quality and aesthetic character of all hillside and  
108 mountainous areas; preventing detrimental impacts on the soil mantle, vegetative cover, and other  
109 environmental factors; reducing the hazards to life and property from fire, flood, erosion,  
110 sedimentation and soil slippage; and relating the amount of grading within a subdivision to the slope  
111 of the natural terrain;
  - 112 5. Consider the clustering (consideration of density as opposed to lot size) of housing developments  
113 where subdivisions are permitted in hillside and mountainous areas, minimizing grading, preserving  
114 the natural terrain, and enlarging the open space;
  - 115 6. Relating land use intensity and population density to existing developments, street capacity and traffic  
116 access, the slope of the natural terrain, the availability and capacity of public facilities and utilities,  
117 and open spaces;
  - 118 7. Providing lots of sufficient size and appropriate design for the purposes for which they are to be used;
  - 119 8. Providing streets of adequate capacity and design for the traffic that will utilize them, and ensuring  
120 maximum safety for pedestrians and users of vehicles;
  - 121 9. Ensuring adequate access to each building site;
  - 122 10. Providing sidewalks, pedestrian walkways, and multi-use trails for the safety, convenience, and  
123 enjoyment of residents of new developments;
  - 124 11. Providing adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting,  
125 and other utilities needed for public health, safety, and convenience;
  - 126 12. Providing adequate sites for public facilities needed to serve residents of new developments;
  - 127 13. Ensuring that costs and fees of providing land for streets, alleys, pedestrian walkways, easements, and  
128 other rights-of-way and for the improvements therein needed to serve new developments, including  
129 the costs incurred by the city for review of such developments, are borne by the subdivider(s) /  
130 developer;
  - 131 14. Preventing land which is actually or potentially dangerous by reason of flood hazard, inundation,  
132 inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, or  
133 hazardous geological conditions from being subdivided for any use or in any manner tending to create  
134 an increased detriment to the public health, safety, or welfare;
  - 135 15. Ensuring that, insofar as possible, land is subdivided in a manner that will promote the public health,  
136 safety, convenience, and general welfare and the physical, social and economic development of the  
137 area in conformance with the ~~master plan~~ General Plan. (Ord. No. 2001-8, 2001; No. 111 §1(part),  
138 1985; prior code §12-107-7(B).)

139  
140 Section 17.32.025 Definitions

141 As used in this chapter and title:

- 142 1) “Certified Plat” means a plat that has been approved by the City Engineer and Staff as having met  
143 all requirements necessary in order to be recorded by Utah County.
- 144 2) “Flood plain” means land that:
  - 145 a. Is within the 100-year flood plain designated by the Federal Emergency Management  
146 Agency (FEMA); or;
  - 147 b. Has not been studied or designated by FEMA but, as determined by Lindon City, presents  
148 a likelihood of experiencing chronic flooding or a catastrophic flood event because the  
149 land has characteristics that are similar to those of a 100-year flood plain designated by  
150 FEMA.

- 151 3) “Plat” (or ‘subdivision plat’) means a map, survey, or other graphical representation of lands  
 152 being laid out and described as lots, parcels, units, or other divisions of land and which is  
 153 prepared in accordance with Utah Municipal Code.
- 154 4) “Street” means a public or private right-of-way, including a highway, avenue, boulevard,  
 155 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, vehicular easement, vehicular  
 156 thoroughfare, or other similar right-of-way.
- 157 5) “Stub Street” means a partially constructed street that is master planned to continue beyond the  
 158 current point of development, typically necessitating a temporary cul-de-sac or turn-around.
- 159 6) “Subdivision” means any land that is divided, re-subdivided or proposed to be divided into two or  
 160 more lots, parcels, sites, units, plats, or other division of land for the purpose, whether immediate  
 161 or future, for offer, sale, lease, or development either on the installment plan or upon any and all  
 162 other plans, terms, and conditions. A ‘subdivision’ occurs whenever a lot, parcel, plat, or unit of  
 163 land is bisected or divided by any other lot, parcel, plat boundary, property line, street, alley, road  
 164 or other means which has the effect of dividing a single unit of land into two units of land.
- 165 a. “Subdivision” includes:
- 166 i. the division or development of land whether by deed, metes and bounds  
 167 description, devise and testacy, map, plat, or other recorded instrument; and
- 168 ii. division of land for residential and nonresidential uses, including land used or to  
 169 be used for commercial, agricultural, and industrial purposes.
- 170 b. “Subdivision” does not include:
- 171 i. a bona fide division or partition of agricultural land for the purpose of joining one  
 172 of the resulting separate parcels to a contiguous parcel of unsubdivided  
 173 agricultural land, if neither the resulting combined parcel nor the parcel  
 174 remaining from the division or partition violates an applicable land use  
 175 ordinance;
- 176 ii. a recorded agreement between owners of adjoining unsubdivided properties  
 177 adjusting their mutual boundary if:
- 178 a. no new lot is created; and
- 179 b. the adjustment does not violate applicable land use ordinances;
- 180 iii. a recorded document, executed by the owner of record that revises the legal  
 181 description of more than one contiguous unsubdivided parcel of property into one  
 182 legal description encompassing all such parcels of property; or
- 183 iv. a recorded agreement between owners of adjoining subdivided properties  
 184 adjusting their mutual boundary if:
- 185 a. no new dwelling lot or housing unit will result from the  
 186 adjustment; and
- 187 b. the adjustment will not violate any applicable land use ordinance;
- 188 v. a parcel boundary adjustment;
- 189 vi. the joining of a subdivided parcel of property to another parcel of property that has not been  
 190 subdivided does not constitute a subdivision under this definition as to the unsubdivided parcel of  
 191 property. This does not subject the unsubdivided parcel to the requirements of this Title.

193 Section 17.32.030 ~~Exemptions–~~Variances, Exceptions, and Waiver of Standards

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

- 197 ~~1. Land divided into parcels, the smallest of which equals or exceeds one quarter of a standard section,~~  
 198 ~~the boundaries of such parcels to coincide with standard boundaries for the division of sections, i.e.,~~  
 199 ~~one quarter sectional boundaries;~~
- 200 ~~2. Land divisions which are bona fide divisions or partitions of agricultural land for agricultural~~  
 201 ~~purposes, and defined herein. (Ord No. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-~~

202 7(C.)  
203

204 The Board of Adjustment, upon application and payment of the appropriate fee by the property owner or  
205 agent, may grant variances, exceptions and waivers of standards from the terms of this Title.  
206 Variances, exceptions and waivers of standards may be granted only if the literal enforcement of this  
207 Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the  
208 general purpose of this Title. The variance shall not nullify the purpose and intent of this Title. Before  
209 any variance, exceptions or waiver of standards may be granted, findings justifying such shall be  
210 made by the Board of Adjustment as outlined in Lindon City Code 17.10 — Board of Adjustments.  
211

212 Section 17.32.035 Conformance to General Plan / Capital Facilities Plans

213 Any developments or subdivisions constructed within Lindon City shall conform to the currently adopted  
214 Lindon City General Plan and associated maps and/or currently adopted Capital Facilities Plans, adhering  
215 to the design and layout of master planned streets, parks, trails, utilities, and all other master planned  
216 improvements or infrastructure as listed in the General Plan and/or associated Capital Facilities Plans.

- 217 1. Installation of master planned improvements (streets, trails, parks, utilities, etc.) adjacent to or within  
218 the developing property shall be the responsibility of the applicant.
- 219 2. Installation of off-site master planned improvements that are determined by the City to be necessary  
220 for development of the property are also the responsibility of the applicant (i.e., extension of streets,  
221 utilities, trails, etc.).
- 222 3. On a case-by-case basis, and as determined by the City Council after recommendation by staff, costs  
223 for master planned improvements or utility up-sizing not necessitated by the specific development  
224 may be eligible for reimbursement or other negotiated means of assistance for accommodating the  
225 improvements.

226  
227 Section 17.32.040 Final plat recordation.

228 The Planning Director, or his/her authorized agent, shall record the final plat with the county clerk and  
229 recorder after approval of the final certified plat by the Development Review Committee or the Lindon  
230 City Council, whichever is required the City Engineer and Staff. The subdivider shall pay the expense of  
231 such recording. (Ord. No. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(D).)  
232

233 Section 17.32.050 Subdivision Approval Procedure.

- 234 1. ~~A person may not submit a plat of a subdivision to the County Recorder's Office for filing or~~  
235 ~~recording unless a recommendation has been received from the Planning Commission and the plat has~~  
236 ~~been approved by the City Council or other City Officers as designated by the City Council.~~
- 237 2. Subdivision requests and applications shall follow application requirements as established in Lindon  
238 City Code Section 17.12.- Document Submission and Review, and LCC 17.14 - Noticing. (Ord. No.  
239 2001-8, 2001)

240  
241 Section 17.32.060 Exemption from plat requirements.

242 ~~For~~ For subdivisions of less than 3 of no more than two lots, where the property is not within an existing  
243 platted subdivision, land may be sold by metes and bounds, without the necessity of recording a plat if:

- 244 1. A recommendation of approval has been received from the Planning Commission Land Use  
245 Authority;
- 246 2. The deed ~~contains a stamp or other mark~~ is recorded with a letter from the City indicating that the  
247 subdivision has been approved by the City Council or other City Officers as designated by the City  
248 Council;
- 249 3. The subdivision is not traversed by mapped lines of a proposed street as shown in the Lindon City  
250 General Plan and does not required the dedication of any land for street or other public purposes;
- 251 4. The subdivision is located in a zoned area, and each lot in the subdivision meets the frontage, width,

- 252 and area requirements of the zoning ordinance or has been granted a variance from those  
253 requirements by the Board of Adjustment.
- 254 5. The subdivided parcels and any remainder parcels are two (2) acres or larger in size.
  - 255 6. The applicant has submitted to the City, detailed boundary descriptions of the new lots shown on  
256 surveys and/or deeds and has paid an application and fee for a minor subdivision.
  - 257 7. The subdivided parcels will be used for legitimate farming or agricultural purposes. (Ord. No. 2001-8,  
258 2001)

259  
260 Section 17.32.070 Amending a recorded subdivision plat.

261 Applications to amend, vacate or change a subdivision plat shall follow procedure as established in ~~Title~~  
262 ~~10-9-808 of the Utah State Code~~ LCC 17.33. (Ord. No. 2001-8, 2001; No. 111 §1(part), 1985; prior code  
263 §12-107-7(F).)

264  
265 Section 17.32.080 File of recorded subdivisions.

266 Lindon City shall maintain a filing system of all subdivisions, which includes copies of all maps, data,  
267 and official subdivision action; ~~also master location map (or maps) referenced to the filing system,~~ for  
268 public use and examination. (Ord. No. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(G).)

269  
270 ~~Section 17.32.090 Design Standards Generally.~~

271 ~~All subdivisions shall comply with the following standards unless a variance from one or more provisions~~  
272 ~~of this section is approved by the City Council in accordance with the variance procedure of this division.~~  
273 ~~(Ord. No. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(part).)~~

274  
275 Section 17.32.100 General Standards

- 276 1. The design and development of subdivisions shall preserve insofar as possible the natural terrain,  
277 natural drainage, existing topsoil, and trees.
- 278 2. Land subject to hazardous conditions such as slides, mud-flows, rock-falls, snow avalanches, possible  
279 mine subsidence, shallow water table, open quarries, floods, and polluted or nonpotable water supply  
280 shall be identified and shall not be subdivided until the hazards have been eliminated or will be  
281 ~~eliminated~~ mitigated by the subdivision and construction plans.
- 282 3. No lot containing five acres or less shall be created which is more than three times as long as it is  
283 wide. ~~The Planning Commission~~ Land Use Authority and City Council may approve up to a 20%  
284 increase in the depth of a lot if they determine that the proposed development is the best use of the  
285 property and in the best interest to the City and surrounding properties.

286 (Ord. 2007-2, amended 02/06/2007 Ord. no. 2001-8, 2001: No. 111 §1(part), 1985; prior code §12-107-  
287 7(H)(I).)

288  
289 Section 17.32.110 Lots.

- 290 1. No single lot shall be ~~bisected or~~ divided by a municipal or county boundary line.
- 291 2. A lot shall not be ~~bisected or~~ divided by a road, alley, subdivision plat boundary, or other lot.
- 292 3. No ~~wedge-shaped~~ lot shall be less than ~~thirty~~ twenty (20) feet in width at the front property line, or  
293 the lot frontage required in the zoning district, whichever is larger.
- 294 4. Side lot lines shall be at right angles or radial to street lines, except where justified by the subdivider  
295 and approved by the ~~Planning Commission and/or City Council~~ Land Use Authority.
- 296 5. All residential lots in subdivisions shall front on a public street. Required frontage shall not be  
297 considered to be provided if vehicular access across the street line is prohibited. Double frontage lots  
298 are prohibited unless approved by the ~~Planning Commission~~ Land Use Authority for reasons of  
299 topography or other circumstance in which no reasonable outcome for single-frontage appears  
300 feasible.

301 (Ord. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(2).)

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Section 17.32.120 Streets.

1. The street layout shall conform to the ~~master plan~~ Lindon City Street Master Plan Map as found in the current Lindon City General Plan or as modified by the City Council and official map adopted by the Planning Commission and City Council.
2. Minor streets shall be laid out to ~~discourage through traffic~~ create connectivity in order to create strong residential neighborhoods.
3. Stub streets shall be provided where needed to connect to adjacent undeveloped land and new streets must be provided where needed to connect to existing stub streets in adjacent subdivisions.
4. Intersections of minor streets with major streets shall be kept to a minimum.
5. Minimum right-of-way widths for public streets shall be determined by ~~resolution of the City Council~~ for various categories of streets, ~~but shall in no case be less than the following:~~ and shall typically have the following right-of-way widths:
  - a. Use Street Category Minimum Right-of-way Width (in feet)
  - b. Major street – ~~82'~~ to be determined on a case-by-case basis
  - c. Collector street -- 66'
  - d. Minor street -- 50'
6. Public streets shall have roadway widths as approved by the City Council, but shall in no case be less than the following and meet the following requirements:
  - a. Major street, ~~fifty-six feet (56')~~ to be determined on a case-by-case basis;
  - b. Collector street, forty-four feet (44');
  - c. Minor street or frontage road, twenty-eight feet (28').
  - d. Minimum roadway widths for private streets shall be determined by ~~use~~ functional classification, and shall meet corresponding public street standards.
  - e. The Lindon City *Standard Street Cross Sections and Utility Locations* (Drawing 2a - Lindon City Policies, Standard Specifications and Drawings Manual) and *Street & Trail Cross Sections and Utility Locations* (Drawing 2b - Lindon City Policies, Standard Specifications and Drawings Manual) may be amended, changed, altered, and/or revised by the Lindon City Council for new development and/or reconstruction of existing improvements when deemed in the best interest of the general public to resolve or assist in resolving present or anticipated future conflicts with storm drainage improvements, trail and/or pathway access, aesthetics of the community, public safety, and/or other reasons when clearly identified by the City Council. Before such time as the City Council amends, revises, alters, or changes the above mentioned cross sections they shall receive a recommendation from the Development Review Committee (DRC) and if deemed necessary by the DRC and/or the City Council, the ~~Planning Commission~~ Land Use Authority shall also made a recommendation.
  - f. No partial width streets are permitted, except if required to complete a partial width street already existing or unless the City Council, after review by the ~~Planning Commission~~ Land Use Authority, determines a partial width street is necessary to resolve problems with future road alignments of streets and/or intersections, or future development.
  - g. Stub streets shall be permitted or required by the ~~Planning Commission~~ Land Use Authority and City Council only to provide future road access to adjoining property where such access would serve as a future second access. The ~~Planning Commission~~ Land Use Authority and City Council shall determine if stubbed streets, existing or proposed, have through access to planned future or existing public streets before such streets shall be extended or approved for construction.
7. Permanent cul-de-sac streets serving no more than fourteen (14) lots, and not more than six hundred fifty (650) feet long, whichever is more restrictive, may be permitted and shall be provided with a right-of-way at the turnaround of fifty (50) feet radius or more.
8. No more than four (4) streets shall enter an intersection.
9. Streets shall intersect at ninety (90) degrees, except where otherwise approved as necessary by the ~~Planning Commission~~ Land Use Authority.

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

355 **11. Connection of streets with trails?**

356 (Ord. No. 2002-8, 4/16/2002; Ord. No. 2001-8, 2001; No. 2000-11, 2000; No. 99-18, 1999; No. 111  
357 §1(part), 1985; prior code §12-107-7(H)(3))

358  
359 Section 17.32.130 Street numbers and names.

360 Street numbers shall always be preferred over street names. Streets signs for new roads and intersections  
361 shall be paid for by the developer and installed by the City, and shall be posted at each intersection with  
362 shall have the numbers and/or names of all existing or proposed streets which are in alignment. There  
363 shall be no duplication of street numbers and/or names within the area. All street numbers ~~and/or names~~  
364 must be approved by the ~~Planning Commission, and opportunity shall be given the local recorder for~~  
365 ~~review and recommendations prior to the approval of street names by the Planning Commission~~ City  
366 Engineer and Planning Department staff. All street names shall be approved by the City Council. (Ord.  
367 no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(4).)

368  
369 Section 17.32.140 Subdivision construction standards.

370 Public improvements associated with any subdivision shall be constructed according to provisions  
371 established in the Lindon City Land Development Policies, Standard Specifications and Drawings Manual  
372 (Development Manual). (Ord. No. 2001-8, 2001)

373  
374 Section 17.32.150 Major street frontage.

375 Where a residential subdivision abuts a major street, frontage roads may be required. (Ord. No. 2001-8,  
376 2001; No. 111 §1(part), 1985; prior code §12-107-7(H) (6).)

377  
378 Section 17.32.160 Street Grades.

379 All street grades shall be designed as follows:

- 380 1. Major and collector streets shall be limited to a maximum grade of ten percent (10%). Sustained  
381 grades (600 feet or more) shall be limited to seven percent (7%).
- 382 2. Minor streets shall be limited to maximum grade of twelve percent (12%). Sustained grades (600 feet  
383 or more) shall be limited to nine percent (9%).
- 384 3. Cul-de-sacs with a negative grade progressing toward the turnaround shall be limited to a maximum  
385 grade of six percent (6%). The cul-de-sac shall terminate with a grade not to exceed three percent  
386 (3%) for the last one hundred feet (100') of traveled surface. The cul-de-sac shall be limited to a  
387 maximum length of six hundred fifty feet (650') and have adequate easement for drainage.
- 388 4. Street intersections shall have a vertical alignment such that the centerline grade shall not exceed  
389 three percent (3%) for a minimum distance of fifty feet (50') each way from the centerline of the  
390 intersection.
- 391 5. Maximum grades shall be approved only when accompanied by changes to a lesser grade, and where  
392 length of that portion of that road at maximum grade is less than six hundred feet (600').
- 393 6. All changes in vertical alignment shall be made by vertical curves with minimum length of one  
394 hundred feet (100') for minor streets and three hundred feet (300') for major streets. Actual vertical  
395 curve length shall be a function of design speed.
- 396 7. Streets in mountainous terrain shall be designed at less than maximum allowable grade in order that  
397 they can be safely negotiated and that snow can be removed during winter.

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

- 401 1. To facilitate the construction of essential and vital public infrastructure;
- 402 2. To facilitate the development of private property when street grade requirements would render the

403 property undevelopable because of topographic conditions, and conditions are present or measures are  
404 proposed that would acceptably mitigate the negative effects of the steeper grades.  
405 Street grade modifications shall be limited to single instances. Multiple street grade modification requests  
406 to allow the development of large private development projects shall not meet the purpose and intent of  
407 this section. Financial hardships associated with private development requests shall not be justification  
408 for a street grade modification. (Ord. no. 2001-9, 2001; No. 111 §1(part), 1985; prior code §12-107-  
409 7(H)(8).)

411 Section 17.32.170 ~~Pathways~~ Trails, sidewalks, curbs and gutters.  
412 Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public,  
413 except as provided for in 17.32.120(6)(e) and in industrial subdivisions west of Geneva Road where  
414 solely curb and gutter shall be required. ~~Right of ways identified as part of the Lindon City Pathways and~~  
415 ~~Trails System shall be improved with sidewalks, pathways, planter strips, multi use trails, equestrian~~  
416 ~~pathways, and trails as per the Parks, Pathways and Trails Element of the Lindon City General Plan and~~  
417 ~~Chapter 17.74. Pathways and Trails of the Lindon City Code. Trails as shown on the Lindon City Parks~~  
418 ~~and Trails Master Plan Map in the General Plan shall be installed.~~ Sidewalks, curbs and gutters may be  
419 required by the ~~City Council~~ Land Use Authority on existing streets bordering the subdivision ~~or as~~  
420 ~~necessary to connect adequate pedestrian uses or to transmit storm drainage.~~ (Ord. no. 2001-9, 2001; No.  
421 111 §1(part), 1985; prior code §12-107-7 (H)(9).)

422  
423 Section 17.32.180 ~~Blocks.~~  
424 ~~Block lengths shall be reasonable as approved by the Planning Commission, and in total design shall~~  
425 ~~provide for convenient access and circulation for emergency vehicles. (Ord. no. 2001-9, 2001; No. 111~~  
426 ~~§1(part), 1985; prior code §12-107-7(H)(10).)~~

427  
428 Section 17.32.190 Pedestrian crosswalks.  
429 Where blocks exceed one thousand feet (1000') in length, pedestrian rights-of-way of not less than ten  
430 feet (10') in width may be required by the ~~Planning Commission~~ Land Use Authority through blocks  
431 where needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five feet  
432 in width shall be placed within the rights-of-way, when required by the ~~Planning Commission~~ Land Use  
433 Authority. (Ord. no. 2001-8, 2001; No. 111 §1 (part), 1985; prior code §12-107-7(H)(11).)

434  
435 Section 17.32.200 ~~Lot sizes.~~  
436 ~~Where no zoning regulations are in effect, density standards or minimum lot size requirements may be~~  
437 ~~specified by the Planning Commission, based on interpretations made from the Lindon City General Plan,~~  
438 ~~and other available information. All lots shall conform to area requirements of any existing zoning~~  
439 ~~ordinance. (Ord. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(12).)~~

440  
441 Section 17.32.210 Easements.  
442 1. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total  
443 width of ~~fifteen feet (15')~~ 20', apportioned equally in abutting properties.  
444 2. Where front-line easements are required, a minimum of ~~seven feet and one half feet (7 1/2')~~ 10' shall  
445 be allocated as a utility easement. Perimeter easements shall be not less than ~~fifteen feet (15')~~ 20' in  
446 width, extending throughout the peripheral area of the development, if required by the ~~Planning~~  
447 ~~Commission~~ Land Use Authority.  
448 3. All easements shall be designed so as to provide efficient installation of utilities or street planting.  
449 Special guying easements at corners may be required if any utilities are to be overhead. Public utility  
450 installations shall be so located as to permit multiple installations within the easements. The  
451 developer shall establish final utility grades prior to utility installations. (Ord. no. 2001-8, 2001; No.  
452 111 §1 (part), 1985; prior code §12-107-7(H)(13).)

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Section 17.32.220 Utility undergrounding.

Unless the ~~Planning Commission and City Council~~ Land Use Authority determines, upon application by the subdivider, supported by recommendations of the City Engineer, that it is not feasible to do so, all power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the subdivider. (Ord. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(14).)

Section 17.32.230 Alleys.

The ~~Planning Commission~~ Land Use Authority may approve service access alleys to the interior of blocks where deemed to be in the public interest, ~~in which case such alleys must be indicated in the preliminary design plans and on the final plat.~~ (Ord. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(15).)

**Section 17.32.240 Sanitary sewage disposal--Generally.**

1. Except as otherwise provided in this section, the subdivider shall provide, or have provided, a piped sanitary sewerage system to the property line of every lot in the subdivision. The sewerage system shall meet the minimum standards and requirements of the local health officer, the State Division of Environmental Health, and this division.
2. Septic tanks and/or sealed vaults will be approved only when an existing sanitary sewer system is more than one-half (½) mile from boundary of the subdivision and shall be disapproved in any case unless approved in writing by the local health officer and the State Division of Health. In order to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, an interpretive map based on the National Cooperative Soil Survey showing the suitability of the soil for septic tank fields or pits shall be submitted, along with the results of percolation tests. The results of this data will be reviewed by the local health officer and the State Division of Health, in addition to any other information available to them, for recommendation to the ~~Planning Commission~~ Land Use Authority. The following requirements shall be met:
  - a. Land made, altered, or filled with non-earth materials within the last ten (10) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.
  - b. Each subdivided lot to be served by an on-site soil absorption sewage disposal system shall contain an adequate site for such system. An adequate site requires a minimum depth of eight feet (8') from the surface of the ground to impermeable bedrock, and a minimum depth of six feet (6') from the surface of the ground to the groundwater surface (based on annual high water level). Each site must also be at least one thousand five hundred feet (1500') from any shallow water supply well and one hundred feet (100') from any stream or water course, and at least two hundred feet (200') from any major live stream; and at least ten feet (10') from any dwelling or property line.
  - c. Soils having a percolation rate slower than or faster than standards allowed by the local health officer or the State Division of Environmental Health shall not be divided into building sites to be served by soil absorption sewage disposal systems.
  - d. Land rated as having severe limitations for septic tank absorption fields as defined by the county soil survey, US Department of Agriculture, Soil Conservation Service shall not be divided into building sites to be serviced by soil absorption sewage disposal systems unless each such building site contains not less than twenty thousand (20,000) square feet of other soils rated suitable for building construction and installation of an on-site soils absorption sewage disposal system.
3. An applicant desiring to install soil absorption sewage disposal facilities on the soils having severe limitations, as determined in the preliminary plan review, shall: have additional on-site investigations made, including percolation tests; obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed soil absorption sewage disposal system; and meet local

503 health officer and Utah State Division of Health standards and regulations. In addition, the local  
504 health officer shall find that the proposed corrective measures have overcome or will overcome the  
505 severe soil limitations.

506 4. Other applicable standards adopted by the City Council and local and state health departments. (Ord.  
507 no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(16).)

508  
509 **Section 17.32.250 Sanitary sewer mains, laterals and house connections.**

510 Where local, county and regional master plans indicate that construction or extension of sanitary sewers  
511 may serve the subdivision area within a reasonable time, the ~~Planning Commission~~ Land Use Authority  
512 may require the installation and capping of sanitary sewer mains and house connections by the subdivider,  
513 in addition to the installation of temporary individual on-lot sanitary sewage disposal systems by the  
514 subdivider or lot purchaser. Whenever individual on-lot sanitary sewage disposal systems are proposed,  
515 the subdivider shall either install such facilities or require by deed restrictions or otherwise as a condition  
516 of the sale of each lot or parcel within such subdivision that on-lot sanitary sewage disposal facilities be  
517 installed by the purchaser of said lot at the time the principal building is constructed, and no building  
518 permit shall be issued until such installation is assured. In all other cases, sanitary disposal facilities for  
519 sewage shall be provided for every lot or parcel by a complete community or public sanitary system. All  
520 sewer mains shall be a minimum of eight inches in diameter. (Ord. no. 2001-8, 2001; No. 111 §1(part),  
521 1985; prior code §12-107-7(H)(17).)

522  
523 **Section 17.32.260 Sanitary sewers--Test procedures.**

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

527  
528 **Section 17.32.270 Water--Subdivider obligation to provide sufficient quantity.**

529 The procurement of water shall be the responsibility of the subdivider; and water shall be provided for the  
530 exclusive use of Lindon City according to LCC Section 17.66. In residential zones one share of North  
531 Union Water or its equivalent per net acre shall be submitted (rounded to the nearest tenth share per acre)  
532 and in non-residential zones one half (½) share of North Union Water or its equivalent per net acre shall  
533 be submitted (rounded to the nearest tenth share per acre). Water shares other than North Union shall be  
534 accepted as per the Lindon City Fee Schedule and LCC section 17.66. (Ord 2007-8, amended 06/19/2007,  
535 Ord. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(19).)

536  
537 **Section 17.32.280 Water--Culinary system--Storage facility.**

538 The culinary water storage facility shall extend to the property line of every lot and shall be capable of  
539 delivering the flows required by the ~~Uniform~~ International Fire Code as adopted by Lindon City. (Ord.  
540 no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(21).)

541  
542 **Section 17.32.290 Irrigation System.**

543 1. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within  
544 one hundred feet (100') of a proposed subdivision, complete plans for relocation or covering or other  
545 safety precautions shall be submitted with an application for preliminary approval of a plat.  
546 2. All pressure irrigation systems in or within one hundred feet (100') of a proposed subdivision shall be  
547 identified and otherwise color-coded as to pipe and valve color to meet state standards and  
548 regulations.  
549 (Ord. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(22).)

550  
551 ~~Section 17.32.300 Conditional use permit Required.~~

552 ~~A conditional use permit shall be required for the development of any subdivision. Final plat approval~~

553 shall constitute such conditional use permit for any subdivision. (Ord. no. 2001-8, 2001; No. 111  
554 §1(part), 1985; prior code §12-107-7(H)(23).)

555

556 **Section 17.32.310 Storm drainage and flood plans.**

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

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

564 a. Permit the unimpeded flow of natural water courses;

565 b. Ensure adequate drainage of all low points;

566 c. Ensure applications of the following regulations regarding development in designated flood-  
567 plains:

568 i. Construction of buildings shall not be permitted in a designated flood-way with a return  
569 frequency more often than a one-hundred-year storm,

570 ii. Building construction may occur in that portion of the designated flood-way where the return  
571 frequency is between a one-hundred-year and a maximum probable storm, provided all usable  
572 floor space is constructed above the designated maximum probable flood level,

573 iii. Where flood-way velocities are generally determined to be under five feet per second and  
574 maximum flood depth will not exceed three feet, such uses as cultivated agriculture,  
575 nurseries, parks and recreation facilities and accessory parking may be permitted,

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

580 d. Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its  
581 effect on stream flow determined before such encroachment is undertaken. Any construction,  
582 dumping, and filling operations in a designated flood-way constitute an encroachment and must  
583 be approved by the ~~Planning Commission~~ Land Use Authority before accomplishment,

584 e. No lot one acre or less in area shall include flood-lands. All lots more than one acre shall contain  
585 not less than forty thousand square feet of land which is at an elevation at least two feet above the  
586 elevation of the one-hundred-year recurrence interval flood, or, where such data is not available,  
587 five feet above the elevation of the maximum flood record;

588 f. Consider the drainage basin as a whole and shall accommodate not only runoff from the  
589 subdivision area but also, where applicable, the system shall be designed to accommodate the  
590 runoff from those areas adjacent to and "upstream" from the subdivision itself, as well as its  
591 effects on lands downstream;

592 g. All proposed surface drainage structures shall be indicated on the plans;

593 h. All appropriate designs, details, and dimensions needed to clearly explain proposed construction  
594 materials and elevations shall be included in the drainage plans. (Ord. no. 2001-8, 2001; No. 111  
595 §1(part), 1985; prior code §12-107-7(I).)

596

597 Section 17.32.320 - Flag Lots

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

604 development is the most harmonious to the existing subdivision layout and/or is the least  
605 disruptive configuration for the neighborhood. Additionally, flag lots may be considered for  
606 properties that have topographic constraints, odd lot configuration, constraints caused by the built  
607 environment, etc. for which access by a public road is not feasible. It is not the intent of this  
608 ordinance to promote flag lots in order to merely ‘maximize’ the number of potential lots within a  
609 subdivision or to alleviate subdividing hardships that are self imposed.

- 610 2. Flag lots are only permitted when one of the following two circumstances exist:
- 611 a. *At the time of application, development using standard public streets is not possible.*  
612 The property has specific constraints that limit access, public street frontage, and/or  
613 construction of a standard public roadway. These abnormal constraints may be restrictive  
614 topography, constraints caused by the built environment, irregular lot configuration,  
615 ownership limitations, environmental constraints such as wetlands, springs, ditches, or  
616 canals, etc.
  - 617 b. *Development using standard public streets is possible, but not in the best interest of the*  
618 *public.*  
619 In order to demonstrate that this circumstance exists, the applicant shall provide  
620 conceptual development plans showing the development *with* and *without* the proposed  
621 flag lot that demonstrates that each of the following characteristics is present:
    - 622 i. The design of the flag lot is harmonious and compatible with the configuration of  
623 the overall subdivision and/or neighborhood and will not adversely affect the  
624 living environment of the surrounding area;
    - 625 ii. Standard public street construction would cause disruption to the neighborhood  
626 in a significant physical or aesthetic manner, therefore making the flag lot access  
627 preferable to a public street;
    - 628 iii. Development of the flag lot will decrease public infrastructure while still  
629 providing infill development and efficient use of the land that is compatible with  
630 Lindon City development standards.
- 631 3. Assuming an application meets the criteria in #2 above, no more than one flag lot shall be permitted  
632 at the time of an initial subdivision application unless, at their sole discretion, the ~~Planning~~  
633 ~~Commission~~ Land Use Authority and City Council determine that additional flag lots within a  
634 development provide for the most compatible overall design within a neighborhood. As stated in  
635 the ‘purpose’ of this ordinance, it is not the intent of the City to promote flag lots in order for  
636 developers to merely ‘maximize’ the number of potential lots within a subdivision.
- 637 4. A flag lot must be a minimum of 20,000 square feet and the remaining parcel from which the flag lot  
638 was created must meet or exceed the minimum lot area requirements of the zone in which it is  
639 located. The square footage calculation of such lots shall not include the area of any driveway  
640 access (flag pole) for the flag lot.
- 641 5. Frontage, driveway and development procedures apply as follows:
- 642 i. The lot shall have at least 25 feet of frontage on a dedicated public street, which frontage serves  
643 as access only to the subject lot. The 25’ lot width shall be maintained for the full length of the  
644 ‘flag pole’ portion of the platted lot.
  - 645 ii. Prior to recording the subdivision plat, the developer shall post a bond with the City to cover  
646 installation of the driveway and utilities to the end of the ‘flag pole’ portion of the lot.
  - 647 iii. Prior to issuance of a building permit for a dwelling on the flag lot, installation of road base for  
648 the driveway and utilities shall be installed to at least the end of the ‘flag pole’ portion of the  
649 lot.
  - 650 iv. The driveway serving the flag lot must have a surface traversable by a fire truck that is at least  
651 20 feet wide, of which 16 feet must be paved with a hard surface prior to the issuance of a  
652 Certificate of Occupancy for the proposed dwelling. Where a fire hydrant is located along the  
653 ‘flag pole’ portion of the lot, rather than along the public street, a 40 foot long segment of the  
654 ‘flag pole’ portion of the lot adjacent to the fire hydrant must be 31 feet wide (rather than 25

- 655 feet wide), and the surface traversable by a fire truck must be at least 26 feet wide (rather than  
656 20 feet wide).
- 657 v. Prior to issuance of a Certificate of Occupancy for a dwelling on the flag lot, the edges of the  
658 driveway area (flag pole) that are not paved shall be landscaped and properly maintained. Such  
659 landscaping shall not hinder emergency vehicle access to the property.
- 660 vi. An adequate emergency vehicle turn-around at the end of the driveway shall be constructed as  
661 approved by the Fire Chief. An accessible fire hydrant shall be located within 200 feet of any  
662 dwelling on the flag lot. Possible adverse impacts of excessive driveway lengths shall be  
663 considered by the ~~Planning Commission, City Council~~ Land Use Authority and emergency  
664 services.
- 665 vii. No parking or storage of any kind shall be allowed on the designated driveway.
- 666 viii. A flag lot driveway shall not serve more than one lot and shall have no more than one dwelling  
667 unit and an accessory apartment per lot. Two parking stalls shall be provided for any accessory  
668 apartment on a flag lot. Other than accessory apartments, R2 Overlay projects are not permitted  
669 on flag lots.
- 670 ix. Adjoining lots shall not be permitted to have access from a flag lot driveway.
- 671 6. Construction of residences and accessory buildings on flag lots shall be limited to a maximum  
672 building height of 25 feet from finished grade. Building height restrictions shall be noted on the  
673 subdivision plat.
- 674 7. In order to further regulate the height of proposed structures, fill at the perimeter of buildings on the  
675 flag lot shall be limited to no more than 4 feet above the street grade from which the property has  
676 access. Properties that have a pre-existing grade that is higher than 4 feet above the street level are  
677 exempted from this fill limitation. The Planning Director and City Engineer may waive or modify  
678 the 4 foot 'fill limitation' in specific instances where the fill limitation is found to be overly  
679 burdensome to the property owner (ex., the limited fill would prohibit utility connections to the  
680 dwelling, or the limited fill creates drainage problems that can't be reasonably mitigated, etc.).
- 681 8. The address of the dwelling on the flag lot shall be clearly displayed and visible from the public road  
682 and shall be maintained in a way to differentiate the flag lot from any adjacent properties.
- 683 9. Setbacks for the residence on a flag lot shall be defined as follows: Front yard setback shall be 30  
684 feet, rear yard setback shall be 50 feet, and side yard setbacks shall be 20 feet on each side yard of  
685 the dwelling unit. Minimum setbacks shall be noted on the subdivision plat.
- 686 10. For purposes of determining the setbacks of a flag lot, the front property line shall be the nearest line  
687 that is most parallel with the street from which the driveway accesses. Orientation of the dwelling is  
688 not regulated.
- 689 11. Accessory structures for flag lots may be permitted in accordance with applicable sections of the  
690 Lindon City Code, but shall be limited to 25' maximum height. No accessory buildings shall be  
691 permitted on the 'flag pole' portion or driveway of the flag lot.
- 692 12. Flag lots shall only be permitted in the R1-12 and R1-20 zones.
- 693 13. Unless otherwise approved by the ~~Planning Commission and City Council~~ Land Use Authority, all  
694 flag lot driveway access points on a public road must have at least two legal parcels located  
695 between any other flag lot driveway on the same side of the street. Flag lots may only be adjacent to  
696 each other if the flag lots are accessed from different roadways or at least two legal parcels are  
697 located between any other flag lot driveway on the same side of the street.
- 698 14. In addition to the minimum requirements above, the ~~Planning Commission and City Council~~ Land  
699 Use Authority may impose additional conditions on flag lots including, but not limited to the  
700 following:
- 701 a. Fencing and screening requirements;
- 702 b. Installation of one or more fire hydrants or other safety related items;
- 703 c. Installation of curb and/or gutter along private drives.
- 704 d. Other conditions that increase the compatibility of the proposed project with existing conditions  
705 and surroundings.

706 15. Due to the typical nature of flag lots being created from long, deep parcels, flag lots are exempted  
707 from any width-to-depth ratio requirements.

708 Ord 2008-2, amended 02/21/2008, (Ord 2007-10, amended 10.02/2007, Ordinance 2006-8, adopted  
709 10/05/2006, Ord. 2002-12, 05/07/2002; Ord. 2001-8, 2001; Prior No. 99-14, 2000)

710  
711 17.32.330 Subdivision application expiration.

712 Subdivision applications shall not be considered for processing and/or approval after such time as no new  
713 submittals are received by Lindon City for a period of ~~six (6)~~ 12 months. Resubmitted subdivision  
714 applications related to an expired application shall conform to current zoning and subdivision standards at  
715 the time of resubmittal. (Ord. No. 2001-8, 2001)

716  
717 17.32.340 Phased Subdivisions

718 1. Purpose. The intent of this section is to allow for incremental recordation of final plats and  
719 posting of public improvement bonds. By allowing these steps in the subdividing process to  
720 be phased, Lindon City can approve a subdivision's master plan while relieving the applicant  
721 of the requirement of coming before the Land Use Authority for each proposed phase. This  
722 also reduces application processing time, resulting in cost savings for the city. Additionally,  
723 phasing may grant opportunity for traditional up-front costs of subdividing to be spread out  
724 over time, thus granting an applicant a greater ability to see a project through to completion.

725  
726 2. This section provides the steps required for phased subdivisions but is not intended to contain  
727 a comprehensive listing of all requirements of the Lindon City Code.

728  
729 3. If the applicant is proposing phasing a subdivision into two or more sections for purposes of  
730 recording final plats, such information must be included as a part of the preliminary plat  
731 submission.

732  
733 a. A phasing plan describing each phase, anticipated number of lots and associated  
734 improvements of each phase, the order of phasing and the projected time for recording  
735 and development of each phase shall be submitted.

736  
737 b. The entire project, with all phases, shall be represented on the Preliminary Plat and be  
738 subject to the application submittal requirements for preliminary subdivision plans as  
739 outlined in the Land Development Policies, Standard Specifications and Drawings  
740 manual.

741  
742 4. Upon preliminary approval and starting with phase one (1), final improvement and plat  
743 drawings for each phase may be submitted independently, according to the original project-  
744 phasing plan. Submittals shall be subject to the application submittal requirements for final  
745 plat and final improvement drawings as outlined in the Land Development Policies, Standard  
746 Specifications and Drawings manual.

747  
748 a. Phase one (1) final plat and final improvement drawings must be submitted within one  
749 (1) year of preliminary approval.

750  
751 b. Subsequent phases must submit final plat and final improvement drawings within one (1)  
752 year of recording the previous phase plat.

753  
754 c. The Design Review Committee (DRC) shall have final approval authority in determining  
755 which infrastructure improvements are required in each phase.

756

- 757 d. Failure to reach submittal deadlines as outlined in a. and b. above shall result in the  
758 expiration of the preliminary plan approval and a new application shall be required.  
759
- 760 5. Bonding requirements as found in LCC 17.38 shall apply to phased subdivisions. However,  
761 bonding for public improvements may be posted with Lindon City phase by phase with  
762 specific details regarding the improvements requiring bonding to be finalized by the Design  
763 Review Committee.  
764
- 765 6. Additional fees according to the Lindon City Fee Schedule may be required for bond reviews,  
766 final plat reviews, and final improvement drawing reviews associated with phased  
767 subdivisions.  
768

769 17.32.350 Public Utility Lots

- 770 1. Public Utility Lot is defined as a lot or parcel used for public utility facilities, including but not limited  
771 to Lindon City facilities, and may contain facilities or uses such as natural gas pressure regulating  
772 stations, power substations, communications antennae, power or telecommunication pedestals, water  
773 wells, water reservoirs/tanks, storm drainage facilities, pump stations, trails or pedestrian ways and  
774 related support facilities, and other similar uses. Public Utility Lots shall not be considered buildable lots  
775 for the purpose of constructing habitable buildings or structures intended for occupancy. Construction of  
776 non-habitable structures for the purpose of housing utility equipment or other similar uses is permitted.  
777
- 778 2. Public Utility Lots shall be exempt from the following:  
779 a. Minimum lot size requirements.  
780 b. Minimum lot frontage requirements provided easement documents are recorded ensuring perpetual  
781 access to the lot.  
782
- 783 3. Notwithstanding section 2 above, all other standards of the underlying zone may be imposed, subject to  
784 review and consideration by the Planning Commission of whether or not the standard or condition is  
785 necessary in order to protect the public health, safety, welfare, and aesthetics of the area, or is otherwise  
786 in the public interest.  
787
- 788 4. Regulation of uses shall apply as listed in the Standard Land Use Table (LCC, Appendix A). This  
789 chapter is not intended to allow uses otherwise identified in the Standard Land Use Table as not being  
790 permitted within a specific zone.  
791
- 792 5. Site plans for installation of public utility facilities are subject to Planning Commission approval as a  
793 Conditional Use.  
794

795 **Chapter 17.58 Dedications of Subdivisions**

796 Sections:

- 797 17.58.010 Final plat approval conditions.  
798 17.58.020 Improvements required.  
799 17.58.030 Master plan preparation costs.  
800 17.58.040 Public improvements on developed parcels.  
801 17.58.050 Percentage of dedication or fee.  
802 17.58.060 Considerations in determination of fee payment or construction required.  
803 17.58.070 Finality of decision.  
804 17.58.080 Fee--Use.  
805 17.58.090 Fee--Computation.  
806 17.58.100 Fee--Payment not to relieve developer of on-site improvement responsibilities.  
807

808 Section 17.58.010 Final plat approval conditions.  
809 As a condition of approval of a final subdivision plat, for the subdivision the developer or property  
810 owner(s) shall dedicate land, pay a fee in lieu thereof, or provide off-site improvements in accordance  
811 with the city master plan for such required public improvements. The city shall retain the option to require  
812 either land, payment of a fee or construction of the required improvements. Proposed subdivisions which  
813 have not received approval of a preliminary plat as of the date of the ordinance codified in this chapter  
814 shall be subject to the provisions hereof. (Ord. no. 81 §1, 1980.)  
815

816 Section 17.58.020 Improvements required.  
817 Improvements include, but are not expressly limited to, sidewalks, street paving and other improvements,  
818 traffic-control devices, flood control structures, bridges, parks and recreation facilities, public safety and  
819 fire fighting equipment, structures and facilities. (Ord. no. 81 §2, 1980.)  
820

821 Section 17.58.030 Master plan preparation costs.  
822 The city council finds that the cost of preparation of the requirements set out in Sections 17.58.010 and  
823 17.58.020 referred to master plan for public improvements shall be paid from fees collected pursuant to  
824 this chapter. (Ord. no. 81 §3, 1980.)  
825

826 Section 17.58.040 Public improvements on developed parcels.  
827 The city council finds that developed parcels of land create a need for public improvements in excess of  
828 the need for such improvements generated by undeveloped parcels of land. (Ord. no. 81 §4, 1980.)  
829

830 Section 17.58.050 Percentage of dedication or fee.  
831 A developer, builder or individual developing property shall be required to dedicate eight percent of the  
832 land area of the proposed development or subdivision, or pay a fee equal to the residential land value of  
833 the portion of the land area representing either percent of the proposed development. (Ord. no. 81 §5,  
834 1980.)  
835

836 Section 17.58.060 Considerations in determination of fee payment or construction required.  
837 Whether the city determines to accept dedication of land or elects to require payment of the fee or require  
838 construction of off-site improvements in lieu thereof, or some combination of the requirements set out in  
839

840 Sections 17.58.010 through 17.58.050, shall be determined by a consideration of the following:

- 841 1. Application of the city's master plan for public improvements;
- 842 2. Topography, geology, access and location of the land in the subdivision available for dedication;
- 843 3. Size and shape of the land available for dedication;
- 844 4. Feasibility of dedication;
- 845 5. Coordination of construction of such improvements necessitated by such development with other  
846 developments in the same general area. (Ord. no. 81 §6, 1980.)  
847

848 Section 17.58.070 Finality of decision.  
849 The determination of the city as to whether land shall be dedicated, whether a fee shall be charged, or  
850 whether off-site improvements shall be constructed or a combination thereof, shall be final and  
851 conclusive. (Ord. no. 81 §7, 1980.)  
852

853 Section 17.58.080 Fee--Use.  
854 Fees collected hereunder shall be used exclusively for construction of off-site improvements reasonably  
855 related to serving the needs of the subdivision or development and improvements required by such  
856 development. (Ord. no. 81 §8, 1980.)  
857

858 Section 17.58.090 Fee--Computation.

859 Where a fee is required to be paid in lieu of land dedication, the amount of such fee shall be based upon  
860 the average estimated fair market residential land value being subdivided or developed. The fair market  
861 value shall be as estimated by the city at the time of final plat submittal or, in the case of an individual  
862 building a home or other structure, building permit application. If the developer objects to the fair market  
863 value determination, the developer may request the city to obtain an appraisal of the property by a  
864 qualified real estate appraiser mutually agreed upon by the city and the developer, which appraisal will be  
865 considered by the city in determining the fair market value. All costs of such appraisal shall be borne by  
866 the developer. (Ord. no. 81 §9, 1980.)  
867

868 Section 17.58.100 Fee--Payment not to relieve developer of onsite improvement responsibilities.  
869 Payment of the fee hereunder shall not relieve the developer of the responsibility to provide for required  
870 on-site improvements, including required retention of storm drainage waters generated by the  
871 development. (Ord. no. 81 §10, 1980.)  
872  
873

874 ~~**Section 17.66.020 Subdivision recordation and approval required.**~~

875 ~~No person shall record a subdivision in the office of the county recorder until such subdivision has been~~  
876 ~~approved by the city, and no person shall erect or construct a building within the limits of the city without~~  
877 ~~first having obtained a building permit from the city. (Ord. no. 2 §2, 1957.)~~  
878

879  
880  
881  
882 **\*\*\* Add section to allow for condominium plats according to state code. Each unit and/or common area**  
883 **described on the plat as a separate lot or parcel shall be counted towards the total number of lots when**  
884 **determining the land use application fee.**  
885

886  
887 **SECTION II:** Provisions of other ordinances in conflict with this ordinance and the provisions  
888 adopted or incorporated by reference are hereby repealed or amended as provided herein.  
889

890 **SECTION III:** The provisions of this ordinance and the provisions adopted or incorporated by  
891 reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or  
892 unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall  
893 nevertheless be unaffected and continue in full force and effect.  
894

895 **SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as  
896 provide by law.  
897

898 PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City,  
899 Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.  
900

901

902

903

904

905

906

907

\_\_\_\_\_  
Jeff Acerson, Mayor

908 ATTEST:

909

910 \_\_\_\_\_

911 Kathryn Moosman,  
912 Lindon City Recorder

913

914

915

SEAL

DRAFT

## **Item 7: Public Hearing — Ordinance Amendment, LCC 17.44.140 Accessory Buildings**

**Presenting Staff:** *Jordan Cullimore*

### **SUMMARY**

Lindon City requests an amendment to Lindon City Code 17.44.140, Accessory Buildings, to allow reduced setbacks for certain accessory structures on corner lots in residential zones.

### **MOTION**

I move to recommend (*approval, denial, continuation*) of the proposed ordinance amendment to 17.44.140 Accessory Buildings (*as presented, with changes*).

### **ATTACHMENTS**

1. Proposed amendment

ORDINANCE NO. 2014-18-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING SECTION 17.44.140 OF THE LINDON CITY CODE TO ALLOW EXCEPTIONS TO SETBACK REQUIREMENTS FOR CERTAIN ACCESSORY BUILDINGS ON CORNER LOTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lindon City Council finds it in the public interest to provide flexibility in the Code where appropriate,

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

**SECTION I:** LCC 17.44.140 of the Lindon City Code is hereby amended to read as follows:

Section 17.44.140 Accessory Buildings

1. Accessory Building within the Buildable Area. Accessory buildings meeting all setback requirements (within the buildable area) for the main dwelling are permitted when in compliance with the following requirements:
  - a. Have a building height not taller than thirty-five (35) feet. Height to be calculated as per §17.44.100.
  - b. Comply with all lot coverage requirements.
2. Accessory Building Outside the Buildable Area. Accessory buildings that do not meet the setback requirements (outside the buildable area) for the main dwelling shall comply with lot coverage requirements and meet the conditions following:
  - a. Be set back a minimum of 30 feet from the front property line and five (5) feet from any other property line.
  - b. Be set back a minimum of ten (10) feet from property line when located between the main dwelling and the side property line.
  - c. Not be located within a recorded public utility easement, unless a release can be secured from all public utilities.
  - d. Have an average building height of no more than twenty (20) feet in height measured at the four corners of the structure from finished grade to the highest point of the roof structure.
  - e. Comply with distance between buildings requirements.
3. Setback Exception for Accessory Buildings on Corner Lots.
  - a. An accessory building, pursuant to a validly issued Setback Exception Permit, may be situated within fifteen (15) feet of a front lot line when the building complies with the following dimensional and situational requirements:
    - i. The building does not exceed two hundred (200) square feet in area;
    - ii. The building does not exceed ten (10) feet in height; and
    - iii. The building is situated behind the primary dwelling in the area that would customarily be considered the back yard of the dwelling.
  - b. The Planning Director and City Engineer may approve the location of an accessory building that meet the requirements in subsection 3a. above upon reviewing a Setback Exception Permit application and determining that:
    - i. The appearance of the accessory building will not cause aesthetic detriment to neighboring property owners; and
    - ii. The proposed setback modification will not cause a public or traffic safety hazard.

51 c. If the Planning Director and City Engineer determine that a proposed setback  
52 does not satisfy the criteria listed in 3b. above, they may deny the Setback  
53 Exception Permit application or approve the permit with a modified setback that  
54 sufficiently mitigates any detrimental impacts.

55 ~~3.4.~~ Accessory buildings larger than two hundred (200) square feet shall be required  
56 to obtain a building permit.

57 ~~4.5.~~ Construction of an accessory building may precede the construction of the  
58 primary residence.

59 (Ord 2009-3, amended 02/03/2009, Ord 2008-4, amended 2/19/2008, Ord. 2003-15,  
60 Amend, 11/18/03; Ord. 2000-11, 2000; Ord. 111 §1(part), 1985: prior code §12-111-13)

61  
62 **SECTION II:** The provisions of this ordinance and the provisions adopted or incorporated by  
63 reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or  
64 unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall  
65 nevertheless be unaffected and continue in full force and effect.

66  
67 **SECTION III:** Provisions of other ordinances in conflict with this ordinance and the provisions  
68 adopted or incorporated by reference are hereby repealed or amended as provided herein.

69  
70 **SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as  
71 provide by law.

72  
73 PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this  
74 \_\_\_\_\_ day of \_\_\_\_\_, 2014.

75  
76  
77  
78 \_\_\_\_\_  
79 Jeff Acerson, Mayor

80  
81  
82  
83 ATTEST:

84  
85 \_\_\_\_\_  
86 Kathryn A. Moosman,  
87 Lindon City Recorder

88  
89  
90 SEAL

## Item 8: New Business (Planning Commissioner Reports)

Item 1 – Subject \_\_\_\_\_  
Discussion

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Item 2 – Subject \_\_\_\_\_  
Discussion

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Item 3 – Subject \_\_\_\_\_  
Discussion

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# Item 9: Planning Director Report

Adjourn

**PROJECT TRACKING LIST**

APPLICATION NAME	APPLICATION DATE	APPLICANT INFORMATION	PLANNING COMM.	CITY COUNCIL
			DATE	DATE
<b>Ordinance changes: LCC 17.38 'Bonds for Completion of Improvements to Real Property'</b>	January 2014	City Initiated	Mar. 11	TBD
<i>City initiated ordinance changes needed to bring code into compliance with current practices and State laws.</i>				
<b>Zone Change: Old Town Square</b>	Feb 1, 2012	Scott Larsen	Feb. 14, continued	Pending
<i>Request for approval of a zone change for two parcels located at 873 West Center Street from R1-20 (Residential Low) to LI (Light Industrial).</i>				
<b>Property Line Adjustment: LBA Rentals</b>	Mar 12, 2012	Lois Bown-Atheling	N/A	N/A
<i>Request for approval of a property line adjustment to clean up existing parcels lines for five parcels in the CG zone at 162 &amp; 140 South Main Street. This project is in conjunction with the Castle Park project.</i>				
<b>Ordinance changes: LCC 17.32, 17.58, 17.66.020 'Subdivisions'</b>	Nov. 2012	City Initiated	Nov. 13, Dec. 11, Jan. 8, Jan. 22	TBD
<i>City initiated ordinance changes needed to bring code into compliance with current practices and State laws.</i>				
<b>Site Plan: Lindon Senior Apartments</b>	Sept. 2013	Matt Gneiting	TBD	TBD
<i>Request for site plan approval for senior housing apartments on State &amp; Main</i>				
<b>Amended Site Plan: Wasatch Ornamental Iron</b>	June 2014	Melvin Radmall	N/A	N/A
<i>Request for staff approval of a 16x18 machine cover in the LI zone located at 310 North Geneva Road.</i>				
<b>Plat Amendment: Bishop Corner</b>	Aug. 2014	City Initiated	Sept. 9	N/A
<i>Request to remove existing plat language that limits use of an existing 15,400 square foot lot as a building lot. The Board of Adjustment granted a variance on the lot.</i>				
<b>NOTE: This Project Tracking List is for reference purposes only. All application review dates are subject to change.</b>				
<b>PC / CC Approved Projects - Working through final staff &amp; engineering reviews (site plans have not been finalized - or plat has not recorded yet):</b>				
Stableridge Plat D	Tim Clyde – R2 Project		Old Station Square Lots 11 & 12	
AM Bank – Site Plan	Joyner Business Park, Lot 9 Site Plan		Olsen Industrial Park Sub, Plat A (Sunroc)	
Lindon Gateway II	Freeway Business Park II		Lindon Harbor Industrial Park II	
West Meadows Industrial Sub (Williamson Subdivision Plat A)	Keetch Estates Plat A		Highlands @ Bald Mountain Phased Sub	
Craig Olsen Site Plan	Valdez Painting Site Plan		Eastlake @ Geneva North Sub.	
LCD Business Center	Avalon Senior Living Site Plan		Lakeside Business Park Plat A	
Long Orchard Subdivision	Sonic Plastics Site Plan		Green Valley Subdivision	
Interstate Gratings Site Plan	Noah's Life Site Plan		Noah's Life Subdivision	

Board of Adjustment		
Applicant	Application Date	Meeting Date

Annual Reviews				
APPLICATION NAME	APPLICATION DATE	APPLICANT INFORMATION	PLANNING COMM.	CITY COUNCIL
			DATE	DATE
<b>Annual review - Lindon Care Center</b> <b>680 North State Street (File # 05.0383.8)</b> <a href="mailto:administrator@lindoncare.com">administrator@lindoncare.com</a>	Existing use.	Lindon Care Center Manager: Christine Christensen 801-372-1970.	<b>March 2015</b> Last Reviewed: 3/14	N/A
<i>Annual review of care center to ensure conformance with City Code. Care center is a pre-existing use in the CG zone.</i>				
<b>Annual review of CUP - Housing Authority of Utah County - Group home. 365 E. 400 N. (File # 03.0213.1)</b> <a href="mailto:lsmith@housinguc.org">lsmith@housinguc.org</a>	Existing CUP	Housing Auth. Of Utah County Director: Lynell Smith 801-373-8333.	<b>March 2015</b> Last Reviewed: 3/14	N/A
<i>Annual review of CUP to ensure conformance with City Code. Group home at entrance to Hollow Park was permitted for up to 3 disabled persons.</i>				
<b>Heritage Youth Services - Timpview Residential Treatment Center. 200 N. Anderson Ln. (File # 05.0345)</b> <a href="mailto:info@heritageyouth.com">info@heritageyouth.com</a> <a href="mailto:info@birdseyertc.com">info@birdseyertc.com</a>	Existing CUP	HYS: Corbin Linde, Lynn Loftin 801-798-8949 or 798-9077	<b>March 2015</b> Last Reviewed: 3/14	N/A
<i>Annual review required by PC to ensure CUP conditions are being met. Juvenile group home is permitted for up to 12 youth (16 for Timp RTC) not over the age of 18.</i>				

Grant Applications	
Pending	Awarded
<b>Bikes Belong</b> - Trail construction grant. Requested amount: \$10,000 o Status: NOT SELECTED FOR 2010. WILL RE-APPLY IN 2014.	<b>MAG Bicycle Master Plan Study</b> Awarded funds to hire consultant to develop bicycle master plan to increase safety and ridership throughout the city.
<b>Land and Water</b> – Trail construction grant. Requested amount: \$200,000 o Status: NOT SELECTED. RE-APPLY IN 2014.	<b>Utah Heritage Foundation</b> — Lindon Senior Center Awarded 2013 Heritage Award in the Category of Adaptive Use Project.
<b>Hazard Mitigation Grant / MAG Disaster Relief Funds-</b> (pipe main ditch)	<b>CDBG 2013 Grant</b> – Senior Center Van (\$50,000). Funds dispersed July 2013
<b>FEMA Hazard Mitigation Grant</b> – (pipe Main Ditch)	<b>EDC Utah 2014</b> — Awarded matching grant to attend ICSC Intermountain States Idea Exchange 2014.
	<b>CDBG 2014 Grant</b> – Senior Center Computer Lab (\$19,000)

Planning Dept - Projects and Committees			
On-going activities (2014 yearly totals)	Misc. projects	UDOT / MAG projects	Committees
Building permits Issued: 144 New residential units: 30	2010-15 General Plan implementation (zoning, Ag land inventory, etc.)	700 North CDA	Utah Lake Commission Technical Committee: Bi-Monthly
New business licenses: 58	Lindon Hollow Creek-Corps of Eng., ditch relocation	Lindon Bicycle Master Plan	MAG Technical Advisory Committee: Monthly
Land Use Applications: 37 Drug-free zone maps: 15	Lindon Heritage Trail Phase 3 Gateway RDA improvements		Lindon Historic Preservation Commission: Bimonthly North Utah County Transit Study Committee Monthly