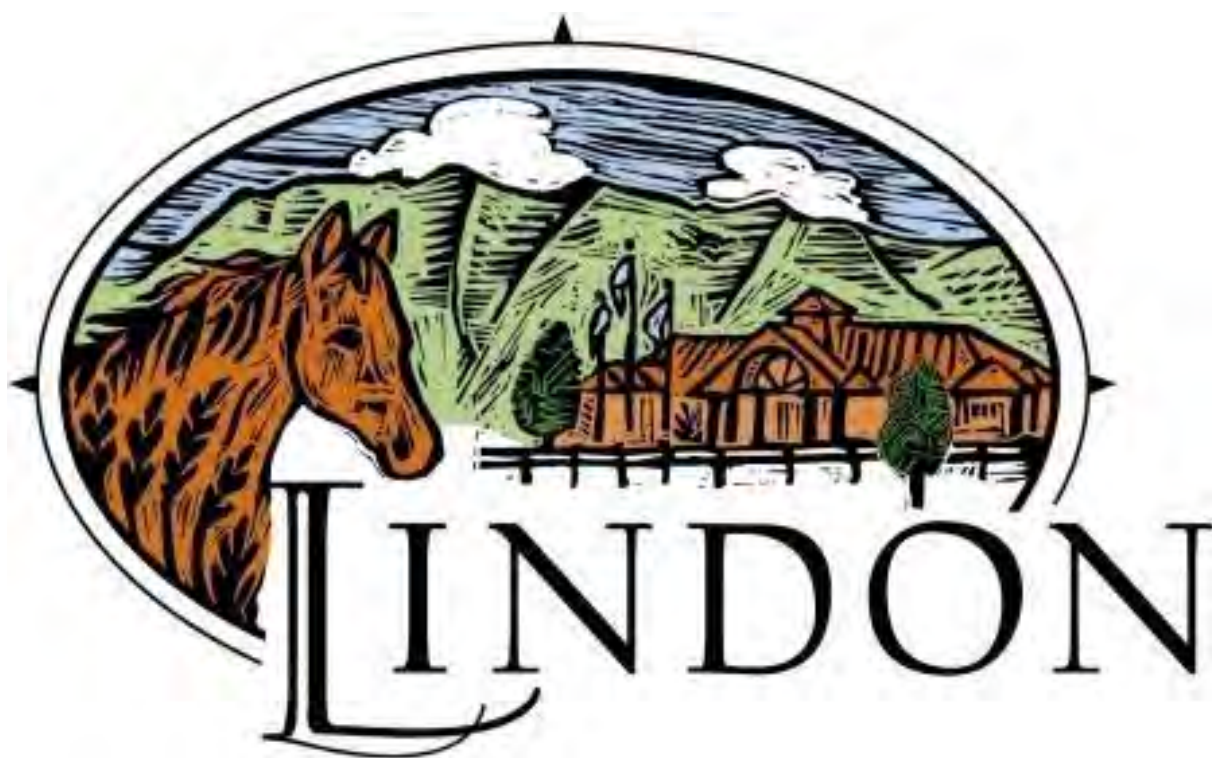


Lindon City Planning Commission Staff Report



March 12, 2019

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on Tuesday, March 12, 2019, 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
Planning Commission 2/26/2019
3. Public Comment
4. An administrative appeal by Greg Horne for the property located at 148 S. 1200 E. The appeal is regarding **Lindon City staff's determination to deny a fence permit modification** per Lindon City Code 17.04.310. (20 minutes)
5. A recommendation to the Lindon City Council to amend ordinance 17.64 by removing unrestricted habitation time limits in Recreational Vehicle Parks and amending associated definitions, adding Recreational Vehicle Parks as a conditional use under the RMU-W land use district in the Appendix A Standard Land Use Table and adopting a new ordinance section 17.78 titled Recreational Vehicle Parks. – Ron Madsen (20 minutes)
6. New Business from Commissioners
7. 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. The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs or events should call Kathy Moosman at 785-5043, giving at least 24 hours notice.

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

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

Posted By: Kathryn Moosman, City Recorder

Date: 3/8/19

Time: 3:00

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

LONDON

Item 1 – Call to Order

Sharon Call – Chair

Mike Marchbanks

Steve Johnson

Rob Kallas

Scott Thompson

Jared Schauers

Item 2 – Approval of Minutes

Item 3 – Public Comment

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
4 **February 26, 2019 beginning 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: Rob Kallas, Commissioner
10 Pledge of Allegiance: Scott Thompson, Commissioner

12 <u>PRESENT</u>	<u>EXCUSED</u>
Sharon Call, Chairperson	Mike Marchbanks, Commissioner
14 Rob Kallas, Commissioner	Steven Johnson, Commissioner
Scott Thompson, Commissioner	
16 Jared Schauers, Commissioner	
Mike Florence, Planning Director	
18 Anders Bake, Associate Planner	
Kathy Moosman, Recorder	

20 1. **CALL TO ORDER** – The meeting was called to order at 7:00 p.m.

22 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the
24 Planning Commission meeting of February 12, 2019 were reviewed.

26 COMMISSIONER SCHAUERS MOVED TO APPROVE THE MINUTES OF
THE REGULAR MEETING OF FEBRUARY 12, 2019 AS PRESENTED.
28 COMMISSIONER THOMPSON SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

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

34 **CURRENT BUSINESS** –

36 4. **Beany's to Go Site Plan Approval — Mike Penn and Laura Goldfinch, 531**
38 **N. State Street.** The applicants request site plan approval for a beverage drive-
thru building located in the General Commercial zone. Parcel #45:244:0001.
40 14:069:0303, 14:069:0302)

42 Anders Bake, Associate Planner, led this discussion by stating the applicants,
Mike Penn and Laura Goldfinch, (who are in attendance) are proposing to remove an
44 existing outdoor restroom building and construct a new drive-through coffee shop
building on the Linden Nursery property located at 531 North State Street. He noted the
46 event center is currently constructing new restrooms in the existing building.

48 Mr. Bake stated the applicants site plan meets vehicle parking requirements but
does not provide the two required bicycle parking spaces (the applicant will be providing

the bicycle parking). Mr. Bake noted a minimum of twenty percent (20%) of each lot shall be maintained in permanent landscaped open space and for this proposal the applicant will be providing landscape planters as part of the drive-thru circulation.

Mr. Bake explained the General Commercial zone requires a landscaped berm at least three feet high and twenty feet wide along all public street frontages and the existing berm along State Street meets this requirement. The code also requires that trees shall be planted thirty feet on center, centered ten feet from the edges of the strip in all required landscaped and bermed areas. This site plan indicates an existing tree and notes that new trees will be planted every 30 feet along State Street in the portion of the property adjacent to the applicant's building.

Mr. Bake further explained the site plan provides adequate traffic circulation for the proposed use. All customers will enter and exit the site at the main driveway for the Linden Nursery and event center from State Street and customers will drive in a counter clockwise loop around the building. The 20' turn radius meets city engineering standards and the route will be controlled using curbing and planter boxes. He noted there is a second access at the North end of the site which will not be accessible to Beany's customers. This access is currently used by the nursery but as part of this approval UDOT has required that the gate will remain locked at all times except when it is being actively used by the nursery. Mr. Florence stated he spoke about the negotiation with UDOT for the turning radius and will consult further with the city engineer. Chairperson Call stated she feels this issue can be worked out with the city engineer and approved on a staff level. Mr. Florence stated if they run into any problems they can come back before the commission.

Mr. Bake went on to say that buildings in the General Commercial zone are required to meet the Lindon Commercial Design Standards. He noted under the commercial design standards commercial development should pick one of three building forms: one-part commercial block, two-part commercial block, and central block buildings. Mr. Bake indicated the proposed buildings most align with the one-part commercial block building. Mr. Bake then referenced the standards for such a building in the Commercial Design Standards as follows:

Design Element	Design Standard Requirement	Compliance
Massing and Form	If the structure is used for a business requiring a drive-through area, use an extension of the roofline detail and supportive elements on the façade to encompass a covered drive-through area that is consistent with the building.	Compliant, however if a business has a drive-thru then buildings must use an extension of the roofline detail and supportive elements on the façade to encompass a covered drive-thru area that is consistent with the building. The applicant's proposal uses roof extensions over both drive-thru windows as well as the pedestrian window. Staff is not sure how far those extend over the drive-thru
Height and Scale/Size	Bays should vary in width from 15-25' Proposed height is approximately 16'	Compliant
Roofing	Sloped roofs should be the primary roof form and should use a material that is compatible in material and color with the exterior material of the building.	Compliant

Exterior Walls and Surfacing (building Materials)	Brick, Stone, or Colored Decorative Block should be utilized as the primary building material (85% or greater of the building), especially on street-facing facades.	Compliant. The renderings show stucco as an exterior material but this was labelled wrong by the architect. The exterior material will be 85% stone
Fenestration (windows and doors)	Storefront windows should be framed with a material complementary to the primary building material(s). Wood or metal are framing materials that work well with brick or stone.	Compliant
Exterior Trim and Decorative Detailing	Simple decorative detailing; focused on the primary street; colors, textures, and changes in building materials to give definition; detailing focused on street-level; upper level less detail	Compliant

Mr. Bake stated the city engineer is working through all technical issues related to the plat and will conduct a final review if the planning commission approves the plat amendment tonight. He added staff feels this new Beany's to Go will be an attractive amenity to the commercial corridor of Lindon City. Mr. Bake indicated the item of bicycle parking should be considered by the planning commission and included in the motion.

Mr. Bake then presented an Aerial photo, 3D rendering, Site Plan and Building elevations followed by some general discussion including the overhang and elevations on the building and labeling (building materials) on the site plan. Following discussion, the commission agreed to include the additional condition in the motion to relabel the plans to reflect what building materials are actually being used.

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

COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S REQUEST FOR SITE PLAN APPROVAL WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT WILL FINALIZE ENGINEERING REVIEWS; 2. THE APPLICANT WILL INSTALL BIKE PARKING AS PER LINDON CITY CODE; 3. THE NORTHERN MOST PROPERTY ACCESS WILL REMAIN GATED AND LOCKED AT ALL TIMES EXCEPT WHEN BEING ACTIVELY USED BY THE NURSERY; 4. ALL ITEMS OF THE STAFF REPORT; 5. THE PLANS ARE RELABELED TO REFLECT WHAT IS ACTUALLY BEING APPLIED FOR. COMMISSIONER SCHAUERS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	AYE
COMMISSIONER THOMPSON	AYE
COMMISSIONER SCHAUERS	AYE

THE MOTION CARRIED UNANIMOUSLY.

5. **New Business: Reports by Commissioners** – Chairperson Call called for any new business or reports from the Commissioners.

Commissioner Thompson mentioned he attended the Utah Lake Restoration meeting noting it was very interesting and informative. He then had Mr. Bake pull the Utah Lake Restoration Project website up on the screen. He explained the state has approved legislation in exchange for restoration of the lake but must meet environmental requirements. He noted if the phragmites are left alone the lake will basically be a swamp 30 years from now. Also, the carp have basically destroyed the lake over time along with things that have been dropped in the lake. Basically, the lake is dead and needs to be reclaimed which will cost 6.4 billion dollars. He noted there is a private company (group of investors) that is willing to come in to reclaim the lake with a master planned city island, estuary islands, recreation islands with sand beaches and pavilion's, which has great potential to impact the Lindon Marina. There was then some general discussion regarding this subject.

6. Planning Director Report –

- RV Park Ordinance next meeting
- Fence Appeal at next meeting

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

ADJOURN —

COMMISSIONER THOMPSON MADE A MOTION TO ADJOURN THE MEETING AT 8:00 PM. COMMISSIONER SCHAUERS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – March 12, 2019

Sharon Call, Chairperson

Michael Florence, Planning Director

Item 4: 148 S. 1200 E. Fence Permit Appeal

Date: March 12, 2019
Applicant: Greg and Jodi Horne
Presenting Staff: Michael Florence
Type of Decision: Appeal
Council Action Required: No

MOTION

I move to (*affirm, reverse, or modify*) such order, requirement, decision or determination the decision by the land use authority

History/Current Status of the Property

The property at 148 S. 1200 E. was originally constructed with a vinyl fence that was solid at the bottom and lattice work above. Typically, these fences are six feet in height and are 3 feet solid at the bottom with three feet of lattice fencing above. Page two includes Google Streetview photos of the fence in 2007 and 2012. Apparently, a vehicle damaged the fence at some point after 2012 and the fence was replaced with solid vinyl along Canberra Drive and the driveway. The fence, as originally constructed, probably met the three-foot maximum height restriction since the lattice fencing did not obstruct the view. The property currently has a solid six-foot fence with vegetation that exceeds the three-foot requirement as per Lindon City Code 17.04.310. Previously, the owners did not seek a fence permit modification for the solid fence to encroach into the 20-foot setback. After mailed notice from the City, the owners subsequently applied for a fence permit modification which was denied by the City due to public safety hazards and view obstructions which the owners appealed.

Summary of Appeal Authority Responsibilities and Procedures – See 17.09 attachment for full ordinance

According to Lindon City Code 17.04.310 the planning commission will act as the appeal authority. Lindon City Code 17.09 outlines the process and procedures for hearing an appeal. As per 17.09, the commission should consider the following:

- 17.09.050 – the appeal applicant has the burden of proving that the land use authority (planning director and city engineer) erred;
- 17.09.060 – the appeal authority's review of the decision of the land use authority shall be confined to the record of the proceeding;
- 17.09.070 – The appeal authority, may, at its opinion, by motion of the appeal authority, hold a de novo hearing or admit additional testimony and other evidence, if it is satisfied that the testimony or other evidence could not have been presented upon initial hearing and action;
- 17.09.080 – the planning commission shall act in a quasi-judicial manner and serve as the final arbitrator of issues involving the interpretation of application of land use ordinances;
- 17.09.080 – The appeal authority shall determine the correctness of a decision of the land use authority in its interpretation and application of a land use ordinance. In exercising its powers, if the appeal authority finds that the land use authority erred in its interpretation and application of a land use ordinance, the appeal authority may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination and may make such order, requirement, decision or determination as acceptable to the appeal authority.
- 17.09.080 - The concurring vote of the majority of the appeal authority shall be necessary to reverse any order, requirement, decision or determination of the land use authority, or to decide in favor of the appellant on any matter. Failure of an appeal authority to arrive at a majority vote on an appeal shall constitute a denial of the appeal application.

2007 Google Streetview Photo



2012 Google Streetview Photo



2019 Photo



Overview:

May of 2017, Lindon City received a written citizen complaint that the fence at 148 S. 1200 E. did not meet City setback requirements for a solid fence and that the fence was dangerous for kids walking on the sidewalk because of a bus stop in the vicinity.

Lindon City Codes 17.04.290 and 17.04.310 state the following:

17.04.290

Clear view of intersecting streets required.

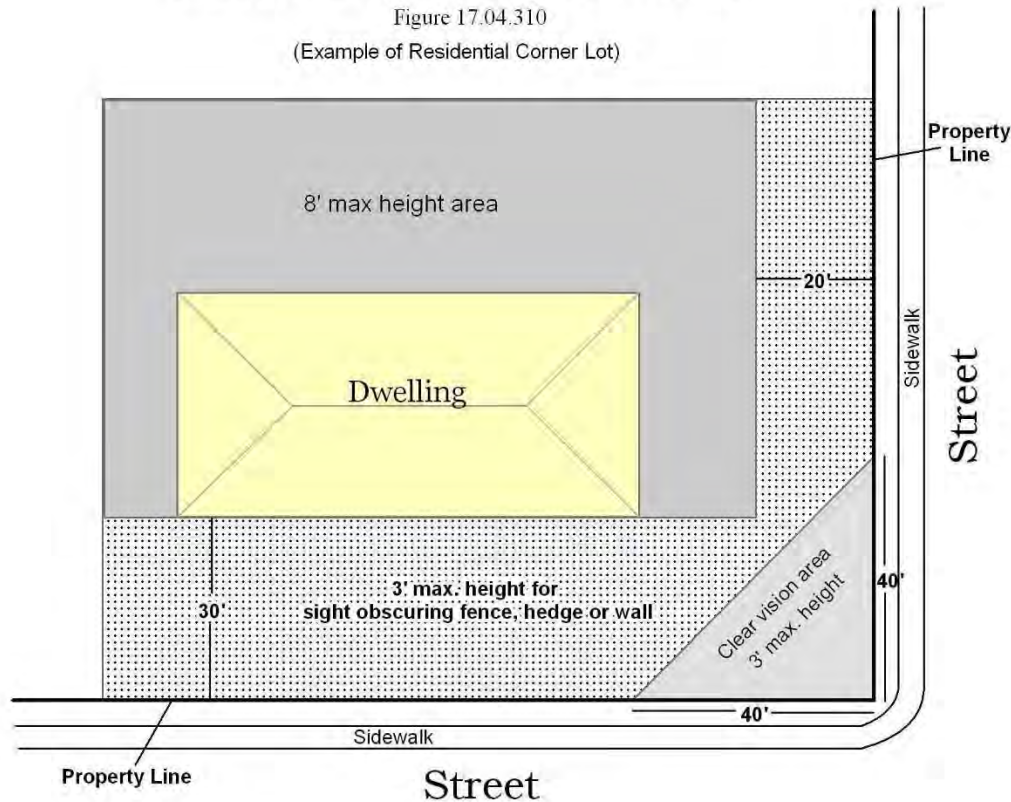
In all districts, no obstruction to view in excess of three feet in height shall be placed on any corner lot within a triangular area formed creating a starting point at the intersection of two streets, then moving out from the starting point 40 feet in both directions along the right-of-way lines, then connecting the end points to form the triangular clear vision area. See Figure 17.04.310. Exceptions can be made for a reasonable number of trees and/or other vegetation pruned so as to permit unobstructed vision to automobile drivers as determined by City code enforcement staff. (Ord. 2009-2, amended, 2009; Ord. 111 §1, amended, 1985; Prior code §12-101-31)

17.04.310

"No fence, wall or hedge exceeding three (3) feet in height shall be erected or allowed closer to any street right-of-way line than the required building set back line, provided however that on street side yards (as typically found on corner lots), no view-obscuring fence, wall or hedge exceeding three (3) feet in height shall be erected or allowed closer than twenty (20) feet from the street right-of-way line."

Fence Height Requirements

Figure 17.04.310
(Example of Residential Corner Lot)



City staff in 2017, reviewed the written complaint about the fence not meeting setback requirements and sent the property owners, Greg and Jodi Horne, notice on November 29, 2017 that they needed to bring the fence into compliance by December 29, 2017. It does appear that staff met with the property owners but nothing was ever resolved and the fence did not come into compliance.

In late 2018, the City received a phone call from the original resident who filed the complaint asking why the City had not yet enforced the code requirements. New planning staff reviewed the fence issue again and mailed a new notice to Mr. and Mrs. Horne on January 10, 2019 which required the fence and vegetation to come into compliance by February 10, 2019. Staff met onsite with Mr. and Mrs. Horne on February 5, 2019 to discuss the fence. The lot is irregularly shaped and has two corners on the lot. Due to city staff seeking clarification about where to measure the setback of the fence from, staff subsequently sent a second notice on February 5, 2019 giving the property owners addition time to bring the fence and vegetation into compliance by March 27, 2019.

On February 8, 2019, Mr. and Mrs. Horne applied for a fence permit modification as per Lindon City Code 17.04.310. A fence permit application allows a property owner to request that the fence and vegetation setback requirements be modified. Lindon City Code states the following:

The Planning Director and City Engineer can approve the following types of modifications and exceptions to the standards listed above upon review of a Fence Permit Application:

a. Exemptions:

- i. Height modifications of fences, walls, and hedges that exceed eight (8) feet:*

- ii. Setbacks and heights on odd or irregular shaped parcels or parcels with unusual development requirements due to easements, topography, etc;
- iii. Fences that encroach into the street side yard setback on corner lots;
- iv. Fences exceeding 3' in height within front setback areas.

b. Criteria for evaluating exemptions:

- i. The Planning Director and City engineer, when modifying height and/or setback requirements as provided herein, shall use the following review standards;
- ii. The proposed height and/or setback modification is necessary to provide privacy and protection of private property interests;
- iii. The appearance of fence, wall, or hedge will not detract or cause aesthetic damage to neighboring property owners;
- iv. The proposed height and/or setback modification will not cause a public safety hazard.

All appeals of decisions of the Planning Director and City Engineer will be made to the Planning Commission.

On February 11, 2019 the Planning Director, City Engineer and Associate Planner, conducted a field inspection of the site. The fence permit application request by the property owners was to allow the fence and vegetation to remain how they are currently installed. As City staff reviewed the site, staff felt like they could not approve the fence and vegetation how its currently installed due to public safety hazards. In staffs review, there were two main obstructions from the solid fence and vegetation that created public safety hazards. Those obstructions are where the sidewalk and the home's driveway intersect and the other is on the sidewalk where Canberra Drive and 150 S. intersect.



A letter was sent to Mr. and Mrs. Horne on February 13, 2019 stating that in the fence's current configuration the City was denying their permit but offered the following suggestions to bring the fence into compliance or staff was open to suggestions from the property owners:

Driveway Obstruction

The hazard is created at the driveway because the concrete driveway goes up to the solid fence. While the drive approach does not perfectly line up with the concrete next to the fence both the fence and vegetation still create a visual obstruction to the sidewalk. Photo #2 shows that a vehicle has to be near the end of the driveway before pedestrians can be seen coming down the sidewalk



Sidewalk Obstruction

The sidewalk obstruction occurs at the corner of Canberra Drive and 150 S. Due to the solid fence and vegetation pedestrians cannot see one another as they approach on the sidewalk at 150 S. and Canberra Drive.

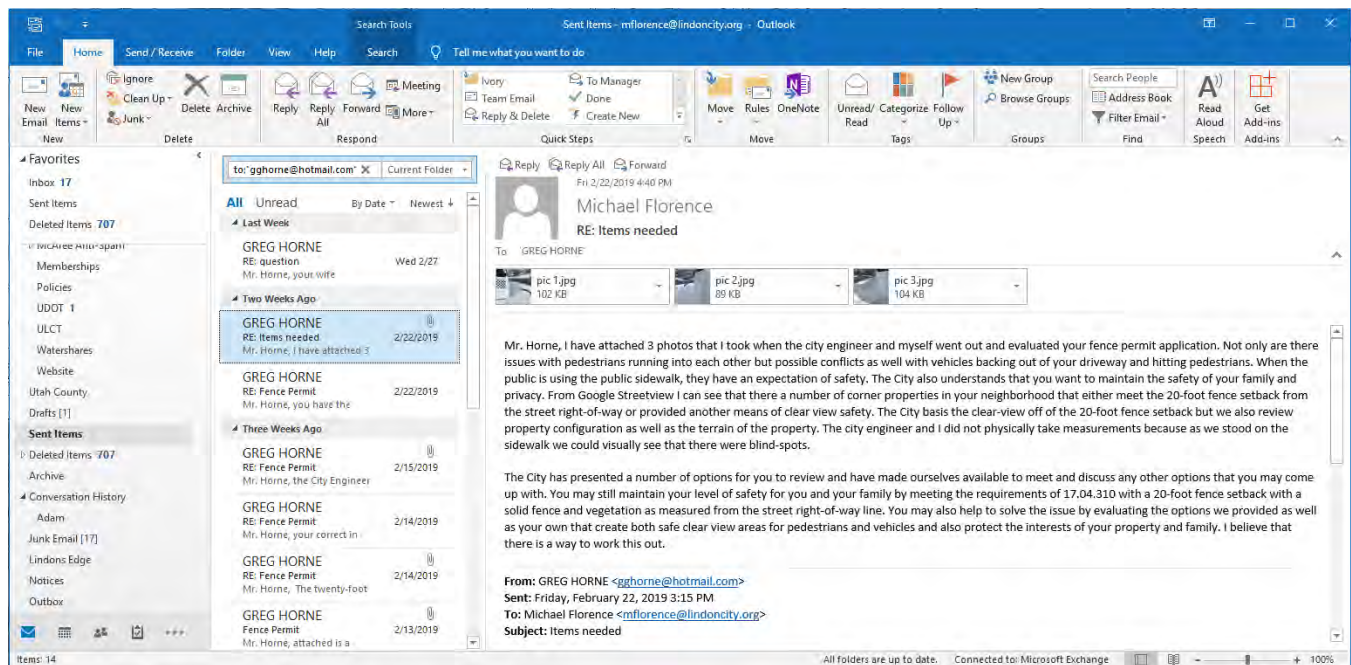


Purpose of the Code and Staff Summary

The purposes of 17.04.290 and 17.04.310 are to reduce injury and harm to pedestrians and vehicles. When using public infrastructure, the public has an expectation that they will be safe. This is why sidewalks are installed, ADA ramps are installed at sidewalk corners, and the City removes trip hazards when sidewalks begin to buckle or are pushed up from tree roots.

At the corner of Canberra Drive and 150 South, the City could have required that the forty-foot clearview triangle requirement, as described in 17.04.290, be met. However, the City did not apply this requirement due a number of items. First, the Horne's lot has an irregular shape with two corners. Second, vehicles traffic was not obstructed at the corner of Canberra Drive and 150 South. Third, Title 17.04.310 allows fence permit modifications. For this purpose, staff applied the fence permit modification standards as found in 17.04.310 in trying to reduce public hazards while still maintaining the privacy of the property owners. Staff feels that they have tried to work with the property owner in providing alternatives and also to go as far as asking the property owner to suggest alternatives as well. Mr. Horne claims in his appeal that staff has not provided him with evidence on any obstructions or safety hazards. Staff provided pictures 2-3 on page 7 to Mr. Horne. Below is a screen shot of the email to Mr. Horne with the pictures attached showing the fence and vegetation obstructions. Picture #1 on page 7 was provided by Mr. Horne as part of his appeal.

According to Mr. Horne, a pedestrian accident has never occurred as far as he is aware. However, the City, has the responsibility to reduce potential public harm and have adopted ordinances to reduce that harm. Just because an accident may not have ever happen up to this point, doesn't mean that one may not happen.



Properties in the area that have filed fence permit applications and are in compliance



Examples of properties in the above map that are in compliance







Title 17.09

Definitions.

“Appeal Authority” means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use authority.

“De Novo” means anew; afresh; generally a new hearing or a hearing for a section time, contemplating a review in same manner in which matter was originally heard and a review of previous hearing.

“Land Use Application” means an application required by a municipality’s land use ordinance in order to reach a final land use action or land use decision.

“Land Use Authority” means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application as the final decision maker.

“Land Use Code” means legislatively adopted land use ordinances, often referred to as the Development Code, City Code, or Code.

“Land Use Decision” means any final decision of the Planning Director or other official, board, commission, agency, or other body designated by the local legislative body who is responsible for the enforcement and/or approved of land use code regulation.

17.09.015

Land Use Authority.

Land use applications shall be reviewed and acted upon to reach a final decision by the appropriate land use authority as listed in LCC 17.09, Table # 1.

17.09.020

Appeal Authority.

Appeals regarding a decision made by a land use authority shall be acted upon to read a final decision by the appropriate appeal authority as listed in LCC 17.09, Table #1.

*See Table #1 at end of section

17.09.030

Appeals.

An applicant, a board or officer of Lindon City, or any person adversely affected by the land use authority’s decision administering or interpreting a land use ordinance may, within the time period provided by ordinance, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision or determination made by the land use authority in the interpretation and/or application of the land use ordinance.

17.09.040

Time to Appeal.

1. Appeals shall only be taken within ten (10) days of the effective date of a final decision of a land use authority by submitting an Appeal Application to the City. IN the event that the final day for the filing of an appeal falls on a Saturday, Sunday or legal holiday, the period for the filing of an appeal shall be extended through the next working day.
2. Such appeal application shall specify the grounds of appeal and circumstances related thereto. An appeal application shall specify the grounds of appeal and circumstances related thereto. An appeal shall be accompanied by a written statement of the grounds of appeal and any required filing fees. An application failing to specify grounds of appeal or meet requirements of this chapter may be summarily dismissed by the appeal authority.
3. The land use authority shall forthwith transmit to the appeal authority all papers constituting the record upon which the action appealed from was taken. An appeal hearing shall be held within forty-five (45) calendar days of the appeal application submittal.

17.09.050

Burden of Proof.

The applicant has the burden of proving that the land use authority erred.

17.09.060

Review on Record.

The appeal authority's review of the decision of the land use authority shall be confined to the record of the proceeding, which shall include;

1. All materials, pleading, memoranda, stipulations, and motions submitted by any party to the proceeding and received or considered as evidence;
2. All materials submitted by the City or other agencies with respect to the application;
3. The minutes or recording of the hearing of the land use authority;
4. The findings and action of the land use authority; and
5. Argument confined to the record by the parties or their legal representatives at the time of the review before the land use authority.

17.09.070

De Novo Hearing.

1. The appeal authority may, at its opinion, by motion of the appeal authority, hold a de novo hearing or admit additional testimony and other evidence, if it is satisfied that the testimony or other evidence could not have been presented upon initial hearing and action. IN deciding this admission, the appeal authority shall consider;

- a. Prejudice to parties;
- b. Convenience of locating the evidence at the time initial hearing;
- c. Surprise to opposing parties;
- d. When notice was given to other parties as to the attempt to admit;
- e. The competency and relevancy of the proposed testimony and other evidence.

Upon a decision to admit additional testimony or evidence or to hear the entire matter de novo, the presentation of such testimony and evidence shall be processed in the same manner as a new application.

17.09.080

Procedures.

1. An appeal stays all proceedings in furtherance of the action appealed from unless the land use authority certifies to the appeal authority, after the Appeal Application shall have been filed with the land use authority, that by reason of facts stated in the application, a stay would, in the land use authority's opinion, cause imminent peril to life or property.
2. An appeal authority;
 - a. Shall;
 - i. Act in a quasi-judicial manner; and
 - ii. Serve as the final arbiter of issues involving the interpretation or application of land use ordinances; and
 - b. May not entertain an appeal of a matter in which the appeal authority, or any participating member, had first acted as the land use authority.
3. The appeal authority shall determine the correctness of a decision of the land use authority in its interpretation and application of a land use ordinance. In exercising its powers, if the appeal authority finds that the land use authority erred in its interpretation and application of a land use ordinance, the appeal authority may reverse or affirm, wholly or partly, or may modify the order, requirement, decision of determination and may make such order, requirement, decision or determination as acceptable to the appeal authority.
4. The concurring vote of the majority of the appeal authority shall be necessary to reverse any order, requirement, decision or determination of the land use authority, or to decide in favor of the appellant on any matter. Failure of an appeal authority to arrive at a majority vote on an appeal shall constitute a denial of the appeal application.

17.09.090

Final Decision of Land Use Authority.

The effective date of a decision of City staff is the date of a letter, permit, or other document notifying the applicant of the staff action. When acting as the Land Use Authority, the effective date of a decision of the

Planning Commission, Board of Adjustment, City Council, or any other elected or appointed body is the date in which the written decision issued by the Land Use Authority is approved.

17.09.100

Final Decision of Appeal Authority.

The effective date of an Appeal Authority decision is the date the final decision is made (not when written decision is approved). (Ord. 2008-11, adopted, 2008)

COURTESY NOTICE

November 29, 2017

Horne, Gregory and Jodi
148 S 1200 E
Lindon, Utah 84042-2194

Dear Mr. and Mrs. Horne,

Lindon City Community Development recently received a complaint regarding property under your ownership located at 148 South 1200 East, Lindon, Utah (Utah County Serial #36-445-0030; Lot 30, Plat A, Canberra Hills Subdivision). The complaint was regarding fencing too close to the sidewalk and exceeding acceptable height for a corner lot, and an accessory building not in compliance with minimum setback requirements. The City of Lindon works hard to maintain a clean, attractive and safe community, which is greatly valued by our citizens. In an effort to help keep our community clean, attractive and safe, we occasionally need to contact property and/or business owners about possible violations of the Municipal Code(s). The intent of this notice is to inform you of the violation and to provide you with at least twenty-eight (28) days to correct the problem(s). (Please refer to Lindon City Code 17.04.410)

In order to come into compliance:

- **Please contact Lindon City Community Development to schedule an appointment to inspect the accessory building. Based on the inspection and review of applicable codes and the codes in place at the time of construction, additional compliance measures and time will be given; and**
- **Please bring the fencing into compliance by complying with City Code regulations or by obtaining an exemption from said codes from the Planning Director and City Engineer (please refer to applicable City Codes and the Fence Permit Application).**

Lindon City is asking you to bring the property into compliance by no later than, Friday, December 29, 2017. If the violations are not remedied within the time given, the City may cite the person responsible for the violation. Please feel free to contact me if the compliance period is not a reasonable enough amount of time to correct the code violation(s).

Based on an inspection, the property was found to be in violation of Lindon City Code(s);

Section

17.04.310 Fences, walls, hedges and other vegetation – Location and maximum height.
17.44.140 Accessory Buildings.

Should you have any questions regarding this matter, please feel free to contact Lindon City Community Development at 801-785-7687. For more information on Lindon City Codes, please visit Lindon City's website at www.lindoncity.org. If compliance is obtained prior to the deadline and you desire verification from Lindon City that the violation has been remedied, please contact Planning/Zoning directly. Lindon City appreciates your assistance in maintaining Lindon City as a great place to live, work, and recreate. Thank you for your cooperation concerning this matter. Your anticipated assistance in resolving this matter is greatly appreciated. Please feel free to contact me with any questions.

Sincerely,

Brandon Snyder, Associate Planner
Lindon City Community Development
100 North State Street, Lindon, UT 84042
801.785.7687
www.lindoncity.org



Cc: Hugh Van Wagenen, Lindon City Community Development Planning Director

Phil Brown, Lindon City Building Official

January 10, 2019

Horne, Gregory and Jodi
148 S 1200 E
Lindon, Utah 84042-2194

RE: Second Notice of Code Violations

Dear Mr. and Mrs. Horne:

Lindon City Community Development Department provided you a first notice on November 29, 2017 regarding potential violations of your accessory building and fence. The City received a complaint of these violations in 2017 regarding property under your ownership located at 148 South 1200 East, Lindon, Utah (Utah County Serial #36-445-0030; Lot 30, Plat A, Canberra Hills Subdivision).

It appears as though the accessory building and fence are still out of compliance. The minimum accessory building property line setback is seven and one half (7'5") feet due to the existing Public Utility Easement. You may encroach into the Public Utility Easement to meet the five-foot (5') setback from all property lines as per 17.44.140 by having the utility companies sign the attached encroachment form. The five-foot (5) foot setback from all property lines would still need to be maintained.

City Code 174.04.310 does not allow view obstructing fences to exceed three (3) feet in height. You have a number of options for the fence along Canberra Drive including, reducing the height of the fence to three (3) feet, return the fence to how it was originally constructed with the non-obstructing lattice fencing above three (3) feet or petitioning the City for a fence modification. However, the modification criteria found in 17.04.310 require the City to evaluate potential public safety hazards and risks.

In addition, it also appears that the vegetation directly behind the fence along the street is view obstructing and exceeds the three-foot requirement of 17.04.310. If the fence were reduced to three (3) feet or the lattice fence installed the area would still be obstructed by the vegetation. As per the referenced code, view obstructing vegetation cannot be within twenty-feet of the street right-of-way line. The vegetation will need to be trimmed to a three-foot maximum height to be in compliance.

Below are the Lindon City codes pertaining to the violations:

17.44.140 – Accessory Buildings

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.

17.04.310 Fences, walls, hedges and other vegetation – Location and maximum height.

3. No fence, wall or hedge exceeding three (3) feet in height shall be erected or allowed closer to any street right-of-way line than the required building set back line, provided however that on street side yards (as typically found on corner lots), no view-obscuring fence, wall or hedge exceeding three (3) feet in height shall be erected or allowed closer than twenty (20) feet from the street right-of-way line.

Lindon City will give you twenty-eight days from receipt of this letter to bring the property into compliance but by no later than February 10, 2019. As per City Ordinance 17.04.410, since this is a second notice, if violations are not remedied within the time given, the City may seek civil fines and fees.

Should you have any questions regarding this notice or City code, please feel free to contact me at 801-785-7687 or mflorence@lindoncity.org. For more information on Lindon City Codes, please visit Lindon City's website at www.lindoncity.org. Once compliance is obtained please contact me for a final inspection. Lindon City appreciates your willingness to remedy these issues. Thank you for your cooperation concerning this matter. Your anticipated assistance in resolving this matter is greatly appreciated.

Sincerely,



Michael Florence
Lindon City Community Development
100 North State Street, Lindon, UT 84042
801.785.7687
www.lindoncity.org

February 5, 2019

Horne, Gregory and Jodi
148 S 1200 E
Lindon, Utah 84042-2194

RE: Follow-up to Second Notice of Code Violations

Dear Mr. and Mrs. Horne:

Thank you for meeting myself and Anders Bake at your property on February 4, 2019. Below are some updates from our discussion.

1. Shed.
 - a. As a correction to the January 10th notice, the City will allow the one-foot setback instead of the five-foot setback. However, the following items will need to be addressed:
 - i. I talked to the building official and he said that the two layers of sheetrock will work to create the fire barrier wall. For the shed side facing the Funes property, the sheetrock on the inside will need to go to the roof. On the shed side facing the Henderson property the sheetrock will just need to go to the top of the interior wall.
 - ii. Regarding the setback, you will need to make sure that the shed sits one foot off of the property line. It is the City's recommendation that you have your property lines marked by a surveyor so that you know where to measure your setback from.
 - iii. Lastly, you should also submit for a building permit with a site plan and scope of work so there is a record with the City and this issue doesn't come up in the future. Because the one-foot setback sits in the utility easement you will also need to have filled out a utility encroachment permit. I have attached that permit to this email. You will need to get signatures from Rocky Mountain Power, Dominion Energy, Lindon City and whoever you use for phone/internet/cable (century link, comcast or Utopia).
2. Fence. I reviewed with staff here at the City and the street right-of-way line is the property line. Typically, your property line sits two feet from the back of the sidewalk. As per the ordinance in the letter, ordinance 17.04.310 requires that "No fence, wall or hedge exceeding three (3) feet in height shall be erected or allowed closer to any street right-of-way line than the required building set back line, provided however that on street side yards (as typically found on corner lots), no view-obscuring fence, wall or hedge exceeding three (3) feet in height shall be erected or allowed closer than twenty (20) feet from the street right-of-way line." The fence and landscaping still need to be brought into compliance as per the January 10th notice. The notice

provided for a number of options as well as applying for a fence modification permit from the City. See attached. The City is also willing to look at landscape options which are not view obstructing. With the fence modification application City Code 17.04.310 requires the City to evaluate all safety concerns with the request.

Below are the Lindon City codes pertaining to the violations:

17.44.140 – Accessory Buildings

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.

17.04.310 Fences, walls, hedges and other vegetation – Location and maximum height.

3. No fence, wall or hedge exceeding three (3) feet in height shall be erected or allowed closer to any street right-of-way line than the required building set back line, provided however that on street side yards (as typically found on corner lots), no view-obscuring fence, wall or hedge exceeding three (3) feet in height shall be erected or allowed closer than twenty (20) feet from the street right-of-way line.

Lindon City will give you twenty-eight days from receipt of this letter to bring the property into compliance but by no later than March 27, 2019. As per City Ordinance 17.04.410, since this is a second notice, if violations are not remedied within the time given, the City may seek civil fines and fees.

Should you have any questions regarding this notice or City code, please feel free to contact me at 801-785-7687 or mflorence@lindoncity.org. For more information on Lindon City Codes, please visit Lindon City's website at www.lindoncity.org. Once compliance is obtained please contact me for a final inspection. Lindon City appreciates your willingness to remedy these issues. Thank you for your cooperation concerning this matter. Your anticipated assistance in resolving this matter is greatly appreciated.

Sincerely,



Michael Florence
Lindon City Community Development
100 North State Street, Lindon, UT 84042
801.785.7687
www.lindoncity.org

February 13, 2019

Horne, Gregory and Jodi
148 S. 1200 E.
Lindon, Utah 84042-2194

RE: Fence Permit Application

Dear Mr. and Mrs. Horne:

Thank you for submitting a fence permit application. The City Engineer and Planning Director have visited the location and reviewed your proposal as per Lindon City Code 17.04.310. The ordinance allows the City to review and modify the twenty-foot side yard setback as per the standards in 17.04.310. After evaluating your proposal, the City believes that there are a number of safety hazard concerns with clear view obstructions to the sidewalk due to the solid fencing and vegetation. These obstructions potentially can cause injury to pedestrians using the sidewalk. Due to the safety concerns, the City cannot approve your application as presented. There are a number of options as listed below, and the City is open to review others:

1. Set the fence and vegetation back twenty feet as per ordinance 17.04.310
2. Construct the fence so that above three feet the fence is non-view obstructing and trim the vegetation to no taller than three feet;
3. At the two corners of the fence where there are sight obstructions, make those sections of the fence non-view obstructed within twenty-feet of the fence corners. The twenty-foot clear view area is based off of the required twenty-foot setback for obstructing fences as per Lindon City Code 17.04.310. See attached aerial photo as an example. Two possible options:
 - a. remove the solid fencing and vegetation above 3 feet in the clear view area. Lattice fencing maybe installed on top of the solid three-foot fence;
 - b. install a picket type non-view obstructing fence in the clear view area.

You may submit one of the above approved alternatives or suggest your own alternative design for the City Engineer and Planning Director to review.

Please let us know if you have any questions or concerns.

Sincerely,



Michael Florence
Planning Director
(801) 785-7687
mflorence@lindoncity.org



Noah Gordon
City Engineer
(801) 796-7954
ngordon@lindoncity.org

*** 20-foot clear view dimensions are not to scale**

For the clear view option to work, the fencing and vegetation need to have an unobstructed view 20 ft back in each direction from where the fencing intersects at the corners and the following improvements made:

- Solid fencing from the intersecting corners would need to be 3 ft maximum height. Lattice fencing may be installed on top of the 3 ft solid fence, vegetation trimmed to 3 ft
- 6 ft non-view obstructed fence like a picket type fence could be installed and vegetation trimmed to 3 ft



17.04.310

3. No fence, wall or hedge exceeding three (3) feet in height shall be erected or allowed closer to any street right-of-way line than the required building set back line, provided however that on street side yards (as typically found on corner lots), no view-obscuring fence, wall or hedge exceeding three (3) feet in height shall be erected or allowed closer than twenty (20) feet from the street right-of-way line.

LINDON Land Use Application

PLANNING & DEVELOPMENT

100 North State St.
Lindon, UT 84042
Phone: 801.785.7687

Website: www.lindoncity.org
Email: planningdept@lindoncity.org
Fax: 801.785.7645

(Please Print)

Applicant: Greg and Jodi Horne

Mailing Address: 148 S. 1200 E

City: Lindon State: UT Zip: 84042

Contact Name: Greg and Jodi Horne

Phone: (801) 234-0835 801-471-5951

**Email address: gg.horne@hotmail.com

jodidhorne@hotmail.com

**(Agendas, Staff Reports, and Engineering Review Comments will be sent to this email address.)

PROJECT NAME:

PROJECT

LOCATION:

PROPERTY TAX ID / SERIAL NUMBER:

NATURE OF REQUEST:

Appeal of Fence permit denial

Indicate total number of lots if subdividing: _____

I (we), the undersigned, certify that I (we) have read and understand all information outlined on the reverse side of this application and am (are) qualified to initiate this application. To the best of my knowledge, the information attached is true and correct.

Applicant's Signature:

[Signature]

*Property Owner's Signature:

[Signature]

*Property Owner's Information (if different from Applicant):

Name (print): _____ Phone: (____) _____

Address: _____ Fax: (____) _____

City: _____ State: _____ Zip: _____

LAND USE APPLICATION FEES†

General Plan Amendment (text or map).....\$650.00

Zoning Map Amendment (zone change).....\$650.00

Ordinance Amendment.....\$650.00

Minor Subdivision.....\$1,200.00
(Subdivisions from 1 to 3 lots)

Major Subdivisions.....\$2,500.00 + \$150.00/lot
(Subdivisions of 4 lots or more)

Phase Subdivision Fee\$500.00+
actual engineering cost incurred by City.
(Second Phase and beyond)

Site Plan

Up to 2 acres\$2,000.00

Over 2 acres\$2,000.00+\$250.00/acre
(rounding up to next whole acre; i.e. 3 acres
would be \$2,750.00).

Temporary Site Plan.....\$115.00

Amended Site Plan (staff approved)..... \$500.00+
actual engineering cost incurred by City.

Concept Review.....\$100.00

Conditional Use Permit (CUP).....\$500.00

Temporary CUP.....\$250.00

CUP (Wild and Exotic Animals).....\$50.00

Alteration of Non-Conforming Use.....\$500.00

Reimbursement Agreement.....\$600.00+
actual engineering cost incurred by City.

Variance.....\$500.00

Application Cancellation.....\$25.00

Plat Amendment.....\$950.00

Lot Line Adjustment.....\$350.00

Recording Fees:.....As charged by Utah County,
plus \$25.00 city fee.

Miscellaneous Application.....\$150.00+
actual engineering cost incurred by City

Planned Residential Development.....\$3,500

PLEASE NOTE:

Developments that disturb 1 acre or more require a UPDES System Drainage Permit from the State of Utah. The State may take as long as 90 days to process the permit. Online applications and permit form in pdf format are available on the internet at <http://www.waterquality.utah.gov/UPDES/stormwatercon.htm>

(PLEASE READ AND SIGN PAGE 2)

COMMUNITY DEVELOPMENT
LINDON CITY

FEB 25 2019

RECEIVED

(1 of 2)

Date Received:

Case File # 19-0016-8

Date Paid: 2-25-19

Receipt # 6002460

Greg and Jodi Horne
148 South 1200 East
Lindon, UT 84042

February 23, 2019

Lindon City Planning Commission
100 North State Street
Lindon, UT 84042

RE: Appeal of Fence Permit Rejection

To Whom It May Concern:

We are writing this letter in appeal to the decision made denying us the right to a fence and shrubbery permit. The reasons stated for the denial are, "numerous safety hazards". The only reason that has been explained to us by the planning director is that of safety concerns for pedestrians. Despite numerous requests, we have not seen any evidence that supports the concern as stated by Michael Florence.

In the denial letter we received it stated that we were in violation of Lindon City code 17.04.310. In an email received on 2/22/19, Mr. Florence states that after he further reviewed the city code, he found that we were more in noncompliance with code 17.04.290. We have asked for pictures, measurements and any proof to show how we are out of compliance. All we have received are a few vague pictures taken from angles that do not even show the entire area and redundant replies citing the city code. At the stop sign at the intersection of 150 South and Canberra, neither our fence or trees cause any view obstruction to any traffic. The sidewalk has an angle at this same corner giving a clear view of pedestrians walking in either direction.

Mr. Florence has given us options such as reducing our fence and trees to three feet as well as cutting the corners on our lot to fit the 20-foot set back requirement or to remove all of the fence and trees. These alternatives would cost us thousands of dollars, take away the safety the fence and trees provide, take away our privacy and reduce the amount of space we could use in our backyard.

One of the concerns Mr. Florence has expressed is that the fence and our driveway are potential pedestrian hazards. We have over 11 feet of sidewalk from our driveway to the fence line. That seems like adequate space for a driver to see a pedestrian. Likewise, a pedestrian would definitely have enough time and space to see any vehicle coming out of the driveway. We can't control whether a person is cautiously paying attention to their surroundings, but we know that space has been provided for them to safely cross our driveway.

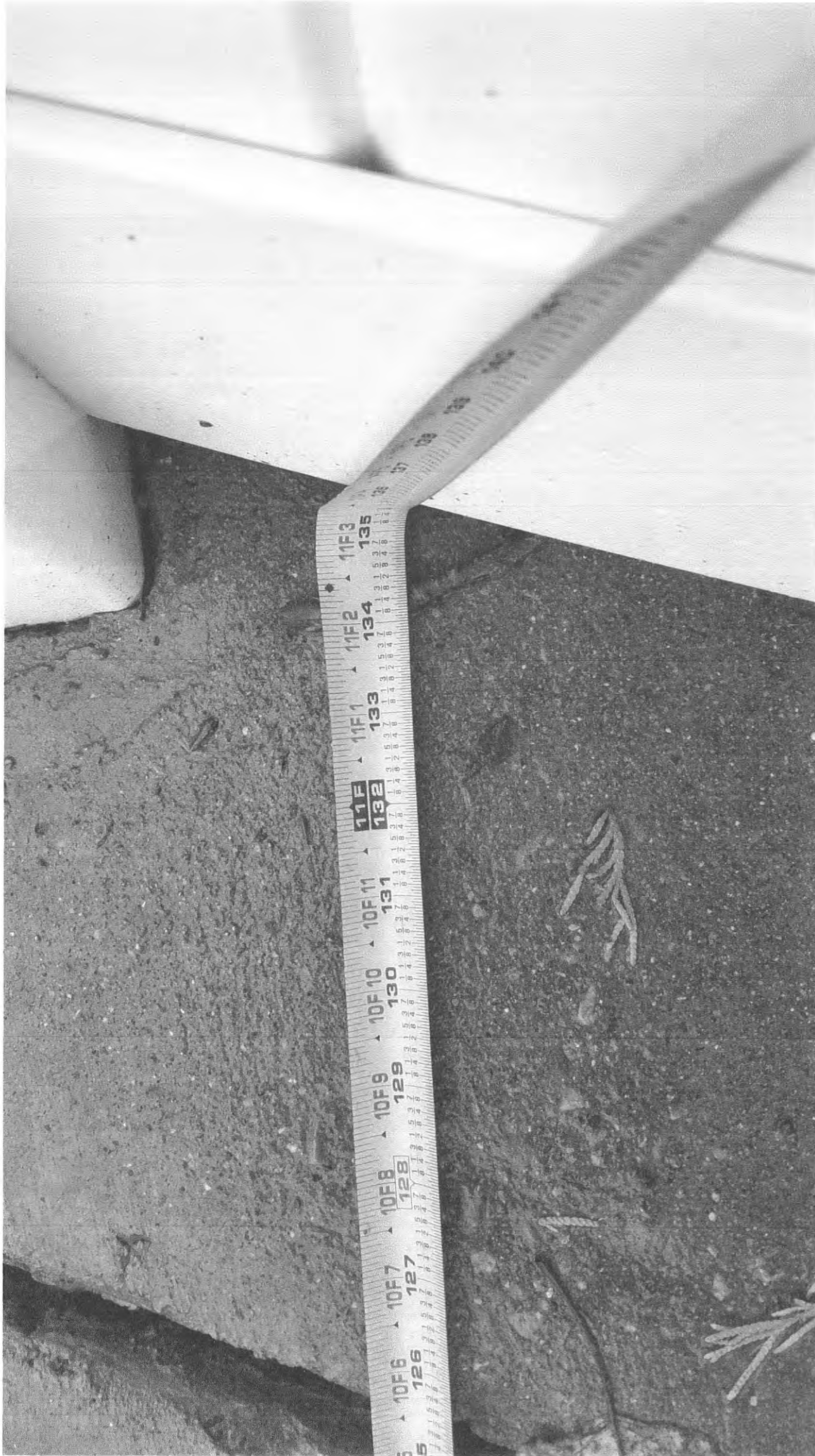
It is our belief the safety and privacy of our family and home is more at risk without the current fence and trees. We live on a unique lot where our yard faces three different roads, a significant grade and faces a busy declining road with a curve. In fact, the first winter we lived in our house, we had a vehicle drive through our fence and into our yard. That was when the decision was made to plant trees. Before doing so, we spoke with someone at the city. We provided the type of trees and the anticipated number of trees to be planted. We were told that was fine. Regrettably, we did not get a written statement nor can we recall an employee name after ten plus years. Our trees have served us well as we have had people slide into our fence during inclement weather. Two years ago, we had someone slide into our fence destroying multiple sections of our fence. The only thing that stopped him from sliding further into our yard, where our children could have been playing, were our trees. We understand the need for pedestrian safety and we do not wish to create a situation that is dangerous to others. Based on past accidents and a need to keep our family safe, we ask that considerations be made to insure our safety as well as others.

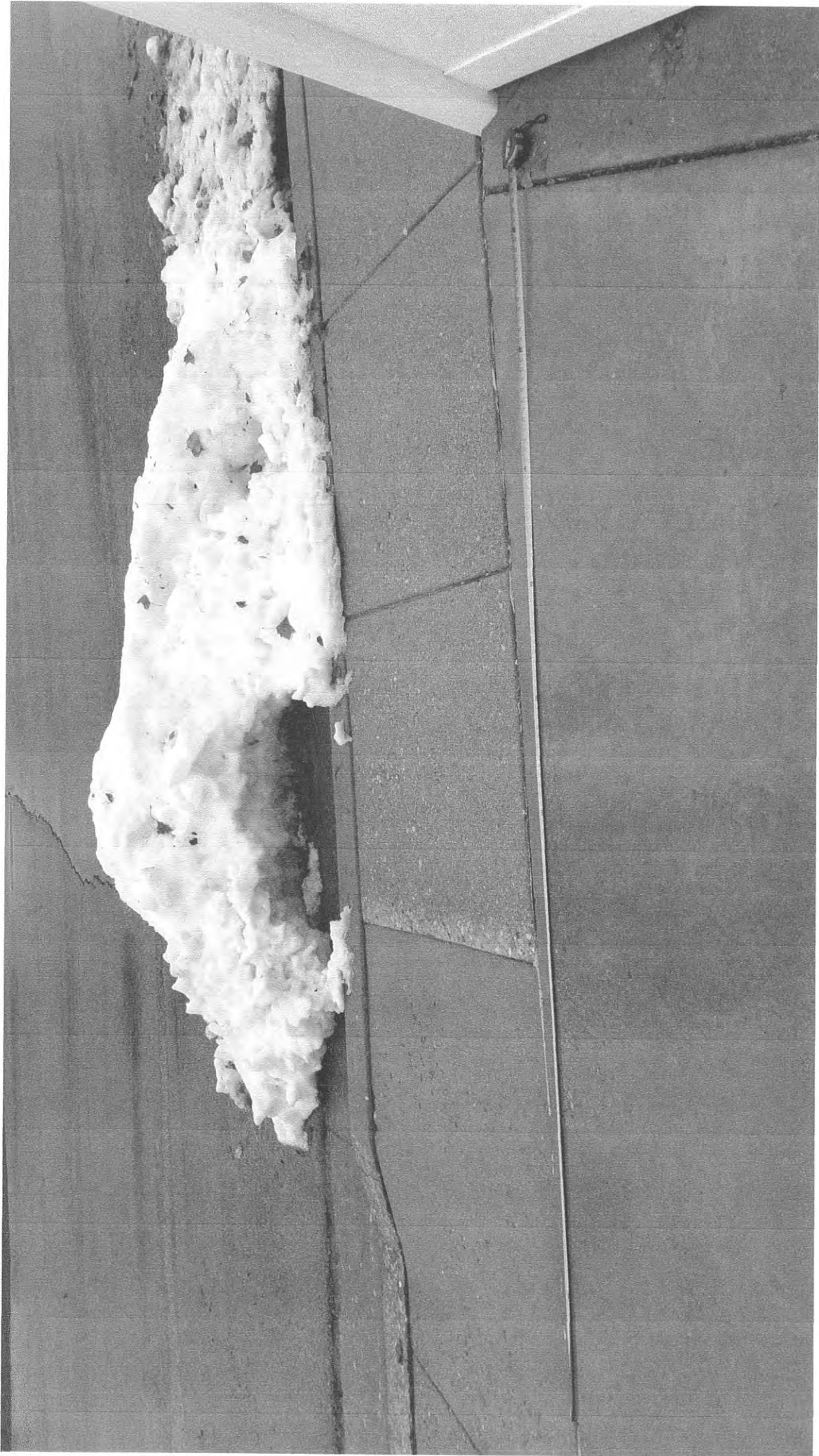
In emails with Mr. Florence the only concern he stated with the fence and trees is pedestrian safety. We do not believe it is fair to jeopardize our family's safety and privacy by removing the fence and trees because some pedestrians may accidentally walk into each other on the corner. In our 12 years of living in Lindon, to our knowledge, such an accident has never occurred. As vehicles drive down Canberra Drive our entire yard is visible and vulnerable. The fence and trees do provide us with some privacy. Without the trees, every vehicle that comes down Canberra at night shines their lights directly into our house. Before we had our current fence up we were constantly dealing with people jumping over the fence and coming in our yard, breaking the lattice that was there as well as breaking and stealing things in our yard. Looking at the fence now, one can see that we have already had people shoot holes in it, punch it and scratch up the panels. What we have never had, prior to the neighbor listed below, is neighbors complaining or concerned about our trees or fence.

In December 2017, a neighbor being spiteful made these claims to the city that we were in violation of city code. We immediately contacted Brandon Snyder as soon as we received the notice from him. We had Brandon and Hugh come out and look at the fence and trees. While they were here we did measure the distances from the road and they saw no view obstructions with our property. We tried contacting Brandon for the next three months to find out what the city had decided. Naively, we accepted their word that there was no problem and since we had not received anything further from them or the city we believed the matter to be solved. It was a shock to receive a second letter, over a year later, stating we had 30 days to get everything in compliance.

We hope you will understand our point of view on this matter. We never would have intentionally planted trees or built our current fence having known they did not meet city code. Thank you for your time and attention on this matter.

Sincerely,
Greg and Jodi Horne







Angie Neuwirth
607 West 425 North
Lindon, UT 84042

February 23, 2019

Dear Lindon City Representatives:

I am writing regarding property at 148 South 1200 East, Lindon. I work with Greg Horne at an elementary school in a special education class. I was made aware of the violation at the beginning of December 2017. Mr. Horne knew I had served on the Planning Commission so he asked me what some terms meant. At that time, I sent a letter to the City. I continually asked Mr. Horne throughout the beginning of 2018 if he had heard back from Hugh or Brandon. He told me that he had sent emails on multiple occasions from December 2017 through March 2018 and never received directions or a response. The matter was forgotten. Then in January 2019, he received a letter from the new planning director, Michael Florence, stating he had 30 days to fix the shed and the fence (in the winter?). First of all, I have no doubt mistakes have been made in our small city. A church was built in the wrong spot in 1993 and ended up costing the City some money to get a partial street right of way that was on the street masterplan in the 80's. There are things I still don't understand about zoning and city ordinances and they are always changing. I believe it is possible for staff to get things wrong too. Mr. Horne is an Elementary School teacher and Mrs. Horne is a Homemaker. Mr. and Mrs. Horne are in company with a majority of homeowners who don't know a lot about city ordinances.

One of the complaints is that they have a shed that is too close to the property line. That shed was there when they purchased the home. When they purchased their home on May 26, 2006, they had had it inspected and trusted that everything was in order. They have no idea what transpired between the previous owner and the city. The city has no record of a building permit. At one point in this second go around, the building department told Mrs. Horne that her options are to sue the previous homeowner or tear it down. This is a ridiculous ultimatum. After almost 13 years of owning this home, the shed they bought with their home needs to be torn down? Again, mistakes are made. It could have been on the part of the previous homeowner or it could have been the city. Is it possible a building permit was lost? Is it possible that the square footage requirement was misinterpreted and the previous homeowner was told they didn't need a permit? Who knows? But it doesn't seem fair to make them tear it down. They have since been told that if they install more sheetrock for a fire barrier they can keep it which seems like a reasonable solution.

The other complaint is regarding the fence on the northeast side. They went ahead and applied for a fence permit to try and remedy the situation but the staff denied it. The denial of their fence permit application was based on safety issues but doesn't state what they are. When I went up there I couldn't see what the City staff feels is "a number of safety hazard concerns with clear view obstructions to the sidewalk due to the solid fencing and vegetation." In fact looking east up the hill was more of a problem

COMMUNITY DEVELOPMENT
LINDON CITY

MAR 06 2019

RECEIVED

for cars being able to see pedestrians. If the safety issue that the city based their denial on is with the driveway and a fence being along the sidewalk, I see a number of rear yard fences to the sidewalk or vegetation blocking views right at the edge of the driveway throughout the city. As with any driveway you have to cautiously exit. The denial letter attached a map with their cars in the driveway that leads to the garage. The other cement area is not the drive approach to the garage as you can see from the pictures. If the issues is sidewalk pedestrian safety, this sidewalk doesn't even meet at a 90 degree turn. The corner is rounded and it leads up to a culdesac that services 7 homes. When I walked it I could see at least 8 feet in front of me as I rounded the corner.

You need to consider that there are safety issues for the homeowner and family because of the grade of the streets that lead to their backyard. There is a steep grade from the east subdivision to the elevation of the home. Drainage needs to go away from the home and because the home elevation is lower than the rear street elevation and the backyard isn't very big, it caused a drop right at the property lines. If you look at the parcel map, the odd shape of the lot and the steep grade in the front required most of their level play area to be in the northeast corner of their lot. A number of cars have slid down Canberra Drive (which goes straight at their home and then makes a turn) right into that northeast corner. The homeowner feels it is safer with the trees and fence there to block a car from dropping into their yard. The higher fence and trees also block lights as they drive down the hill directly towards their home.

Mrs. Horne stated in a letter to the City that she did in fact go to the city and ask about planting the trees and installing the fence and was told she could do it. Maybe the employee didn't realize the rear yard had a street corner (I don't know of another spot in Lindon that has two street corners). But isn't it possible that Mrs. Horne did in fact come to the city and the employee said "yes you can plant trees there and yes you can put your fence there" not thinking it was a big deal? We know mistakes are made. In fact, the city employee working with Mr. Horne sent a print out of the city ordinance and mistakenly highlighted the front yard setback section, which confused Mr. Horne and he asked me about it.

The fact is there are a lot of laws that most homeowners are not aware of. Would you think to make sure an animal kennel was in the correct spot before you purchased your home? As involved as you are with city ordinances, maybe you would. But would your child or an average person that's not been involved in city development? The fact is the kennel might be illegal after 2011 and how would they prove when it was installed and whether it is nonconforming? They go ahead and purchase the home with this amenity but later a neighbor realizes it is too close and files a complaint. They might have to tear it out and redesign the backyard. I don't think that is right.

The fact is Mr. & Mrs. Horne's lot is unique. It has the equivalent of 3 sides with street frontages, making 2 street corners (I can't find another lot with that). Their steep elevation change along the sidewalk is another factor. I couldn't find another house where the entry elevation of the home drops below street level as it does from the rear street. Also most houses I saw have their driveway off their front street access and don't have the problem of the fence. However, there are a number of houses that did have access off the side street by rear yards that did have the same problem.

We often times go by word of mouth not realizing that we may need it in writing so we can defend ourselves later because that will be our burden. This is something that needs to be understood by all homeowners and city employees so there is no question in the future.

I hope you can understand the uniqueness of this lot and the situation the Hornes have found themselves in. I believe there are no more safety issues with their fence than there are for anyone backing out of a driveway or walking on the sidewalk. The Hornes should be granted a variance to the fence requirements. Thank you for your consideration.

Sincerely,

Angie Neuwirth

Picture of northeast corner from stop sign



Horne's driveway



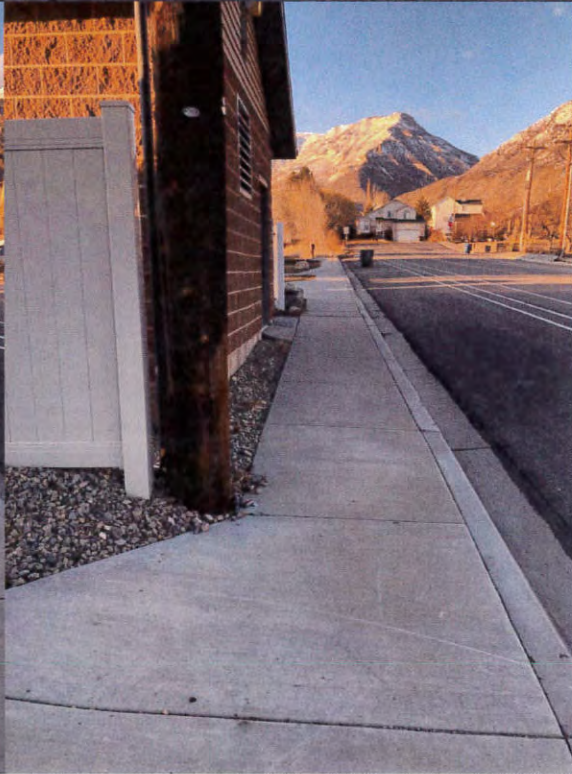
Picture from the edge of driveway, then walking up the sidewalk.



Pictures of fences to sidewalk by drive approaches









Site obscuring vegetation





All of these are fences along the sidewalk at the edge of their property however they are next to an empty lot. Just because they don't know if there is going to be a street or driveway should not mean they can do what they want. Looks like a future mess where the property will need to be developed to meet their neighbor's existing condition.



Item 5: Ordinance Amendments

Lindon City Code 17.64, Standard Land Use Table Appendix A and Adopting 17.78 Recreational Vehicle Parks

Applicant: Ron Madsen
Presenting Staff: Michael Florence

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

MOTION

I move to (*approve, deny, continue*) ordinance amendment 2019-4-O (or *as presented, with changes*).

Overview:

Ron Madsen is the lessee and operator of the Lindon Marina. Mr. Madsen made a concept plan presentation to the Planning Commission and City Council the end of 2018. The land where the Lindon Marina is located is owned by the State of Utah. Mr. Madsen has filed an ordinance amendment application for adoption of a new Lindon City Code chapter 17.78 that would allow Recreational Vehicle (RV) Parks in the Recreational Mixed-Use West zone as a conditional use. RV Parks will also need to be added to the Standards Land Use Table and staff is proposing some “clean up” language to Title 17.64 regarding habitation requirement for recreational vehicles. Campgrounds are currently allowed in the RMU-W zone as a conditional use. However, the City currently does not have development standards for an RV Park. In addition, Mr. Madsen is proposing recreational vehicle rentals called Park Model Recreational Vehicles as part of his proposal for the RV Park. In 2018, the State passed Administrative Rule 392-301 that mainly regulates public health standards at RV parks and assigns the local health department to administer approval and inspections of an RV park. Rule 392-301 addresses items such as water supply, wastewater, on-site service buildings, maintenance, food service, solid waste swimming pools and inspections and enforcement. In this case, the Utah County Health Department would be responsible for public health approvals and inspections.

The Lindon City General Plan states “The City should work with the property owners of the Lindon Marina to pursue upgrading the Marina to a full-service facility on Utah Lake.

Summary of Lindon City Code Amendments

1. Updates Title 17.64.010 and .020 to now reference recreational vehicles as defined in Utah Administrative Rule 392-301 instead of trailer houses.

"Recreational vehicle" means a vehicular unit, other than a mobile home or tiny house, designed as a temporary dwelling for travel, recreational and vacation use, which is either driven or is mounted on or pulled by another vehicle, including: travel trailer, camp trailer, fifth-wheel trailer, folding tent trailer, truck camper, or motorhome.

2. Updates 17.64.020 to not allow recreational vehicle habitation for an unspecified time limit in mobile home or RV parks.
3. Adds Recreational Vehicle Parks as a conditional under the Recreational Mixed Use – West zone in the Standard Land Use Table. If the ordinance is approved by the city council then RV Park will come back to the planning commission for a conditional use permit before it can begin construction and open for operation.

4. Creates a new ordinance section title 17.68 – Recreational Vehicles
 - a. 17.68 references State Code and the new State Administrative Rule 392-301 for complying with those regulations, standards, and definitions;
 - b. Establishes RV park development standards with minimum park size, pad site size, landscaping, security and parking standards;
 - c. Defines RV park pad sites as either independent or dependent. Independent are those with full hook-up utility services and dependent are reserved for those RV's or tent camping that require restroom and other sanitary services;
 - d. Requires a recreational area for the RV park;
 - e. Describes the types of common facilities such as a management office, laundry rooms, restroom and shower facilities and sewer disposal and water stations;
 - f. Describes the utility requirements for full hook-up pad sites;
 - g. Describes park management practices as well as the requirement that all overnight camping occur in designated pad sites. Currently, campers are scattered throughout the property. The Utah Department of Forestry and Lands as well as the City would like to see all campers in designated pad sites. Some of the areas where campers are currently staying were never design for camping;
 - h. RV parks are required to obtain a business license;
 - i. There is a fourteen (14) day maximum stay in an RV park. In addition, the State of Utah does not allow more than a 14-day camping on public lands;
 - j. Describes requirements for Park Model RV rentals and that only the RV park operator is allowed to rent Park Model RV's. The ordinance also outlines construction standards and specifications for each Park Model RV. State Code 41-1a-102 defines a Park Model Recreational Vehicle:

"Park model recreational vehicle" means a unit that:

- (a) is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use;*
- (b) is not permanently affixed to real property for use as a permanent dwelling;*
- (c) requires a special highway movement permit for transit; and*
- (d) is built on a single chassis mounted on wheels with a gross trailer area not exceeding 400 square feet in the setup mode.*

Exhibits

- Proposed Ordinance Amendment 17.64, proposed ordinance 17.68, and amendment to Appendix A Standard Land Use Table;
- Site Plan and pad sites for Lindon Marina;
- Utah Administrative Rule 392-301.

ORDINANCE NO. 2019-4-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLE 17.64, AND APPENDIX A STANDARD LAND USE TABLE, AND ADOPTING TITLE 17.78 RECREATION VEHICLE PARKS AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the proposed amendment is consistent with the goal of the General Plan to work with the property owners of the Lindon Marina to encourage upgrades to a full-service facility; and

WHEREAS, on _____, 2019, the Planning Commission held a properly noticed public hearing to hear testimony regarding the ordinance amendment; and

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

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

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

SECTION I: Amendment. Amend Lindon City Code Section 17.64 as follows:

Chapter 17.64

~~Trailer Houses~~-Recreational Vehicles

17.64.010 Definition.

~~The term Recreational Vehicle as found in the State of Utah Administrative Rule 392-301 or as periodically amended “trailer house” means any vehicle used or maintained for human habitation. The term~~

Habitation means the act of using a recreational vehicle ~~trailer house~~ as a primary dwelling as evidenced by sleeping, eating, and spending discretionary time there ~~“Trailer house” includes vehicles on their own separate wheels, separated from the source of motor power and also includes campers of the type normally put on trucks or trailers. For purpose of this title, “trailer house” also refers to units in which the habitation unit is integrated as a part of the motor vehicle.~~ (Ord. 2007-12, amended, 2007; Ord. 22 §1(5), amended, 1970)

17.64.020 Prohibited-Exceptions.

It is unlawful to place any recreational vehicle ~~trailer house~~, mobile home or trailer on any lot in the city and use the same for human habitation for more than two weeks within a 6-month time frame., ~~except~~

~~when placed in a licensed mobile home park or R.V. park.~~ Such cases apply only to residential areas, and only when the trailer is located off of the public street and placed on property with an existing dwelling. No habitation of a trailer house is permitted in non-residential areas except in an approved mobile home park or R.V. park. ~~Note:~~ No permit shall be required for an unoccupied trailer house, except as may be required by other ordinances or laws and the removal of wheels from the trailer house or the placing of the same upon a permanent foundation shall not exempt such trailer house from the requirements of this chapter. (Ord. 2007-12, amended, 2007; Ord. 22 §12, amended, 1970)

SECTION II: Adopt Title 17.68 as follows:

Chapter 17.78

Recreation Vehicle Parks

17.78.010. General Provisions.

The Recreational Vehicle Park ordinance is established to provide minimum site and management regulations which are designed to facilitate the development of safe and sanitary accommodations for temporary occupancy.

17.78.020. Application and Plan.

Each Recreational Vehicle Park shall submit a complete application upon forms provided by the City, which, at a minimum, shall include:

1. A description of the proposed use;
2. A dimensioned site plan and supporting materials;
3. Size and character of each service and recreation building and other structures associated with and facilities to be used by the recreational vehicle park occupants’;
4. Identified open space areas for use by the park occupants;
5. Proposed landscape planting plan, including type and location of plant material;
6. Location of existing and proposed utility lines and easements, water and sewer lines, fire hydrants and other improvements;
7. The topography represented by contours shown at no greater intervals than two feet when required by the city engineer;
8. Vehicle and pedestrian site circulation plan and roadway widths;
9. Location and amount of off-street parking;
10. Trash receptacles;
11. Signs and lighting; and
12. Proposed fencing, screening, and landscaping to separate the use from adjoining property and uses.

17.78.030. Code Compliance.

Recreational Vehicle Parks shall meet the requirements of Lindon City Code and Utah State Code and administrative rules and definitions as found in Utah Administrative Rule 392-301 or as periodically amended.

Recreational pad sites are defined as independent and dependent for determining which pad sites shall have full hook-up utility services and shall be identified as part of the conditional use permit. All camping and overnight stay shall be conducted within a pad site area.

17.78.040. Property Development Standards.

The following development standards shall apply to Recreation Vehicle Parks.

1. Minimum size. Each recreational vehicle park shall be a minimum of three (3) acres;
2. Recreational Vehicle Pad Site Identification. Each pad site shall be plainly marked and numbered for identification and shall meet all requirements of this Chapter;
3. Recreational Vehicle Pad Site Areas. Each pad site area shall not be less than one thousand (1,000) square feet;
4. Pad Site Width and Length. Each pad site shall have a minimum width of at least twenty-five (25) feet and a minimum length of at least forty feet (40). Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory uses such as attached awnings or steps, shall, for the purposes of this separation requirement, be considered to be part of the recreational vehicle.
5. Pad Site Frontage. Each pad site shall abut directly upon a park roadway. Alignment and gradient shall be properly adapted to topography.
6. Setback. All pad sites shall be located at least thirty (30) feet back from the right-of-way line of any public street and the resulting setback space must be landscaped with lawn and trees or shrubs.
7. Recreational Vehicle Density. Not more than one (1) recreational vehicle shall be placed on a pad site.
8. Site Coverage. Recreational vehicles and accessory structures shall not cover more than seventy-five percent (75%) of a Recreational Vehicle Park.
9. Off-street Parking.
 - a. Each recreational vehicle Park shall have a paved area for automobile parking which may be a part of or a continuation of a pad upon which the recreational vehicle will park. Said parking space shall have unencumbered dimensions of not less than nine (9) feet in width and eighteen (18) feet in length.
 - b. Each recreational vehicle park shall provide sufficient parking and maneuvering space so that the parking, loading, or maneuvering of recreational vehicles incidental to parking shall not necessitate the use of any public street, side-walk, right-of-way, or any private grounds not part of the recreational vehicle parking area.
 - c. There shall be provided guest parking in each recreational vehicle park at the ratio of one (1) parking space for each five (5) pad sites within the park. The guest spaces shall be in addition to the on-site pad spaces.

10. Walls and Fences. Walls and fences on individual recreational vehicle sites shall not exceed two (2) feet in height.
11. Recreational Vehicle Park Site Circulation. Recreational Vehicle Parks shall provide adequate traffic circulation within the park which meets the following standards:
 - i. Internal park roadways shall be at least twenty-six (26) feet in width. Parking shall not be allowed on park roadways;
 - ii. Internal park roads shall be constructed and paved to engineering standards;
12. Access: Access to all recreational vehicle parks shall be from a dedicated and approved public street at an approved point or points. Pad sites shall not have direct access from a public street.
13. Landscaping and Lighting. The following landscaping provisions shall apply to all recreational vehicle parks:
 - i. All open areas except driveways, parking areas, pad sites, or walking ways shall be landscaped and maintained in accordance with a landscaping plan to be approved with the issuance of a Conditional Use Permit.
 - ii. Trees shall be planted along the street frontages and entryway.
 - iii. At least one (1) tree shall be planted on each pad site. The land use authority may take into account existing trees on the site even though they may not match with each pad site. Where appropriate the land use authority may waive the requirement of one (1) tree per pad site when existing trees provide sufficient coverage and are considered an amenity of the park.
 - iv. Lighting will be evaluated as part of the conditional use permit to mitigate potential issues of criminal behavior.
14. Security. A gate shall be installed at the entrance of the park. The gate shall be closed during non-business hours.

17.78.050. Recreation Areas.

A central recreation area shall be established in all recreational vehicle parks, which shall be easily accessible from all recreational vehicle sites. The size of such recreation areas shall be not less than ten percent (10%) of the gross site area of all recreational vehicle spaces, or three thousand (3,000) square feet, whichever is greater. The recreational area shall be set aside and developed for recreation.

17.78.060. On-site Common Facilities.

1. Recreational Vehicle Park Office. Every Recreation Vehicle Park shall include a permanent building for office use. Daily hours of operation will be established and set forth in the conditional use permit.
2. On-site Management. Each Recreational Vehicle Park shall have full-time on-site management. On-site operators/managers may occupy a portion of the park office as living quarters or

management may occupy a designated recreational vehicle. Signage shall be installed clearly identifying the management residence.

3. Laundry Rooms. Recreational Vehicle Parks may provide laundry room facilities. Laundry drying lines shall not be permitted on any pad sites.
4. Restrooms and Shower Facilities. Restrooms, including toilets, shall be provided within a recreational vehicle park, in accordance with Utah State Code and Administrative Rule 392-301, to conveniently and adequately serve the recreational vehicle sites within said park. A Recreational Vehicle Park may provide interior shower facilities or outdoor shower/rinse off areas within the park.
5. Disposal and Water Stations. All recreational vehicle parks shall provide a sanitary dump station to receive the discharge of wastewater from any holding tank or similar device installed in any recreational vehicle, and also a source of potable water for filling recreational vehicle water tanks.

17.78.070. Utilities.

All utility distribution facilities, including television antenna service lines serving individual pad sites, shall be placed underground. The owner or operator is responsible for complying with the requirements of this Subsection, and shall make the necessary arrangements with each of the serving utilities for installation of said facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other necessary appurtenances to such underground facilities may be placed above ground. Natural gas hookups shall not be provided upon individual pad sites.

All independent pad sites must be served by a water system, a sanitary sewer disposal system, electricity, and solid waste disposal facilities approved by Lindon City, the Health Department, and other applicable agencies. Any electrical installation in an RV park shall comply with Utah Code Title 15A. As part of the conditional use permit, the planning commission may designate dependent pad sites for recreational vehicles or tents which do not have provided utility services. Where the Planning Commission approves such pad sites, the Recreational Vehicle Park shall provide the services to the extent required by Utah Administrative Rule 392-301 and the Health Department.

17.78.080. Park Management.

1. Storage. There shall be no open storage of personal belongings within a Recreational Vehicle Park, nor shall there be an accessory building, shed, or cabinet placed upon or erected upon an individual recreational vehicle site for the storage of materials or personal belongings.
2. Skirting. Due to the length of occupancy restrictions as found in this chapter. Skirting is not allowed for recreational vehicles.
3. Extra Vehicles. In addition to a self-propelled recreational vehicles or travel trailers and necessary tow vehicles, the occupants of a recreational vehicle pad site may have only one (1)

other vehicle, which is owned by said occupants or otherwise associated therewith, located within the pad site. The Recreational Vehicle Parks shall designate areas for additional parking to accommodate other associated vehicles, recreational vehicles, or trailers.

4. Removal of Wheels. There shall be no removal of axles, wheels or tires from a recreational vehicle located within a recreational vehicle park, except for emergency, temporary removal to accomplish repairs.
5. Mail Boxes. There shall be no separate mail boxes, separate street address designations, or other similar accessories which would give the appearance of “permanence” to occupants of a Recreational Vehicle Park.
6. Disclosure. The owners or operators of any Recreational Vehicle Park in the City that is regulated by these provisions shall provide a copy of the standards set forth in this Section to all occupants.
7. Maintenance. All Recreational Vehicle Parks shall be maintained in an orderly and sanitary condition, free at all times from debris, trash and deleterious objects and structures. Landscaping shall be maintained as approved on the site plan.
8. Camping in Designated Areas Only. Recreational vehicles used for overnight camping use shall be parked on recreational vehicle pad sites only as designated on the approved site plan.
9. Eating and Cooking Facilities. Each recreational vehicle pad site shall be equipped with a picnic table and benches or equivalent, and an outdoor cooking facility which meets the approval of the Fire Department.
10. Management Plan. As part of the conditional use permit application, an applicant shall provide the City a park management plan describing mitigating management practices and plans for operation of the park.

17.78.090. Business License.

Prerequisite to the occupancy of any Recreational Vehicle Park an annual license shall be obtained, which shall be issued only after inspection by the City and compliance with the conditional use permit. It shall be unlawful to operate a Recreational Vehicle Park without first obtaining a license, and said license shall not be renewed or revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards and requirements as set forth in this section and the conditional use permit.

17.78.100. Length of Occupancy.

No pad site located within a Recreational Vehicle Park established under the provisions of this Chapter shall be occupied by any individual, family, or group of individuals within a recreational vehicle for a period exceeding fourteen (14) days. There shall be a waiting period of three (3) days between the last day an occupant leaves the Recreational Vehicle Park and rents a new pad site in the same Recreational

Vehicle Park. All recreational vehicles within a recreational vehicle park shall display current license plates/tags. No temporary or permanent rooms shall be attached to recreational vehicles nor shall any permanent structure be constructed on a recreational vehicle pad site.

17.78.110. Recreation Vehicle Rental.

As part of the conditional use permit, Park Model Recreational Vehicles designated by the park owner or operator, as defined by Utah State Code and Administrative Rule 392 or as periodically amended, may be rented within licensed Recreational Vehicle Parks only and meet the following requirements:

1. Only the park operator may own and temporarily rent Park Model Recreational Vehicles that meets the length of occupancy requirements of this chapter;
2. Be built to recreational vehicle standards and maintained in a safe and sanitary condition. The exterior of recreational vehicle will be maintained with the same appearance and condition as originally manufactured;
3. Have at a minimum kitchen, bathroom, and sleeping space;
4. Be capable of being removed for transportation at any time without the need of additional repair or maintenance. Such recreational vehicles will be no larger than allowed by Utah State law for movement on public highways and continually be highway legal. Recreational vehicles shall be registered and licensed with the State of Utah;
5. Be towable by a bumper hitch, frame-towing hitch connection. Such recreational vehicles are designed not to move under their own power;
6. Shall not be placed on a permanent foundation;
7. Shall meet all requirements of this chapter; and
8. A data plate or permanent label is attached to the structure that includes:
 - a. name of the manufacturer;
 - b. serial number or vehicle identification number (VIN) of the unit;
 - c. date of manufacture; and
 - d. a statement that the unit is designed and manufactured to NFPA 1192 or ANSI A119.5 standards; and when
 - i. It has been certified by the Recreational Vehicle Industry Association; or It has been inspected by a qualified third-party inspection company and certified to be in compliance with the standards in NFPA 1192 or ANSI A119.5.

SECTION III: Amend Lindon City Code Appendix A Standard Land Use Table as follows:

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial*							Industrial		R&B
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
MISCELLANEOUS														
N/A	Solicitors	See LCC 5.40 - Solicitors Ordinance												
N/A	Itinerant Merchants	N	N	N	See LCC 17.17.140 - Temporary Site Plans									
7100	Fireworks Stands	See 8.28 - Fireworks Ordinance												
7100	Christmas Tree Sales	N	N	N	See LCC 17.17.140 - Temporary Site Plans									
7100	Mechanical Amusement	N	N	N	C	C	C	C	C	C	C	C	C	N
N/A	Individual Containers for Recyclable Materials - commercial storage	N	N	N	N	N	C	C	C	C	C	C	C	N
RESIDENTIAL														
N/A	Single Family	P	N	N	N	N	N	N	N	N	N	N	N	N
1111	Accessory Apartments	See 17.46 R2 Overlay	N	N	N	N	N	N	N	N	N	N	N	N
1111	Condominium		N	N	N	N	N	N	N	N	N	N	N	N
1111	Apartments		N	N	N	N	N	N	N	N	N	N	N	N
1200	Rooming & Boarding Houses	N	N	N	N	N	N	N	N	N	N	N	N	N
1233	Fraternity & Sorority Houses	N	N	N	N	N	N	N	N	N	N	N	N	N
1500	Membership Lodging	N	N	N	N	N	C	C	C	C	N	N	N	N
1233	Student Housing	See 17.46 - R2 Overlay												
1241	Youth Rehabilitation	See 17.70 - Group Homes and 17.72 - Care Facilities Overlay												
1241	Assisted Living Facilities - small	See 17.70 - Group Homes and 17.72 - Care Facilities Overlay												
1241	Assisted Living Facilities - large	See 17.70 - Group Homes and 17.72 - Care Facilities Overlay												
1200	Transitional Treatment Home - sm.	See 17.70 - Group Homes and 17.72 - Care Facilities Overlay												
1200	Transitional Treatment Home - lg.	See 17.70 - Group Homes and 17.72 - Care Facilities Overlay												
1400	Subdivided Manufactured Mobile Homes Parks	N	N	N	N	N	N	N	N	N	N	N	N	N
1300	Hotels, Tourist Courts, Bed & Breakfast and Motels	N	N	N	P	P	P	P	P	P	P	N	N	P
1300	Residential Bed & Breakfast Facility - 3 rooms or less	N	N	N	N	N	N	N	N	N	N	N	N	N
N/A	Caretaker Facilities - accessory to main uses only	N	N	N	C	C	C	C	C	C	C	C	C	C
MANUFACTURING														
NOTE: Any listed "indoor only" manufacturing business proposing "outdoor storage" in the HI or LI zones is required to obtain a Conditional Use Permit.														
2000	Slaughterhouse	N	N	N	N	N	N	N	N	N	N	N	N	N
2000	Meat & Dairy	N	N	N	N	N	N	N	N	N	N	P	C	N
2000	General Food Mfg.- under 20,000 sq/ft.	N	N	N	N	N	N	N	N	N	C	P	P	N
2000	General Food Mfg.- over 20,000 sq/ft.	N	N	N	N	N	N	N	N	N	N	C	C	N

C = Conditional Use, N = Not Permitted, N/A = Not Applicable, P=Permitted

*Lindon Village Commercial Zone use permissions are found in LCC 17.48.025

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial*							Industrial		R&B
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
2000	Candy & Other Confectionary Products	N	N	N	N	N	C	C	C	C	C	P	P	N
2000	Preparing Feeds for Animals & Fowl	N	N	N	N	N	N	N	N	N	N	P	C	N
2000	Brewery (Liquors & Spirits) max. 1,000 sq. ft. and must be in conjunction with a restaurant	N	N	N	N	N	N	N	N	N	C	P	C	N
2000	Ice Manufacturing	N	N	N	N	N	N	N	N	N	P	P	P	N
2000	Textile Mill Products	N	N	N	N	N	N	N	N	N	N	P	N	N
2000	All General Apparel	N	N	N	N	N	N	N	N	N	P	P	P	N
2000	Lumber & Wood Products	N	N	N	N	N	N	N	N	N	N	P	C	N
2000	Cabinets and Similar furniture & Fixtures - indoor storage and production only	N	N	N	N	N	N	N	N	N	C	P	P	N
2000	Pulp Products	N	N	N	N	N	N	N	N	N	N	N	N	N
2000	Publishing, Printing, & Misc. Related Work	N	N	N	N	N	N	N	N	N	P	P	P	N
2000	Industrial Chemical	N	N	N	N	N	N	N	N	N	N	N	N	N
2000	Explosives	N	N	N	N	N	N	N	N	N	N	N	N	N
2000	Petroleum & Coal Products	N	N	N	N	N	N	N	N	N	N	N	N	N
2000	Other Gas Productions	N	N	N	N	N	N	N	N	N	N	C	N	N
2000	Candle and wax products manufacturing	N	N	N	N	N	N	N	N	N	C	P	P	N
2000	Rubber and Misc. Plastics	N	N	N	N	N	N	N	N	N	N	C	N	N
2000	Stone, Clay, Glass, & Associated Products - indoor storage & production only	N	N	N	N	N	N	N	N	N	C	P	P	N
2000	Asphalt & Concrete Batch Plants or Road Product Manufacturing - concrete crushing, road base, etc.	N	N	N	N	N	N	N	N	N	N	N	N	N
2000	Recycling businesses (indoor processing only. Outdoor product storage areas require site obscuring fencing. Applications must meet SLU compatibility standards.)	N	N	N	N	N	N	N	N	N	N	C	C	N
2000	Fabricated Metal Products	N	N	N	N	N	N	N	N	N	N	P	C	N
2000	Fabricated Metal products, indoor storage & production only.	N	N	N	N	N	N	N	N	N	C	P	P	N
2000	Professional, Scientific, Photographic, Optical instruments & Etc	N	N	N	N	N	N	N	N	N	P	P	P	N

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Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial*							Industrial		R&B
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
2000	Tobacco Products	N	N	N	N	N	N	N	N	N	N	P	C	N
2000	Motion Picture production (permanent studios)	N	N	N	N	N	N	N	N	N	P	P	P	N
2000	Signs & Advertising	N	N	N	N	N	N	N	N	N	P	P	P	N
TRANSPORTATION, COMMUNICATIONS, & UTILITIES														
4000	Railroad Lines Extension & Associated Uses	N	N	N	N	N	N	N	N	N	C	C	C	N
4000	Bus Passenger Terminals	N	N	N	N	N	C	C	C	C	P	P	P	N
4000	Bus Garaging & Equipment Maintenance	N	N	N	N	N	N	N	N	N	N	P	P	N
4000	Motor Freight Terminals	N	N	N	N	N	N	N	N	N	N	P	C	N
4000	Motor Freight Garaging & Equipment Maintenance	N	N	N	N	N	N	N	N	N	N	P	C	N
4000	Taxicab Terminal/Garage	N	N	N	N	N	N	N	N	N	P	P	P	N
4000	Auto Parking Facilities - private	N	N	N	P	P	P	P	P	P	P	P	P	P
4000	Telephone Utility Lines - above ground	N	N	N	N	N	N	N	N	N	N	N	N	N
4000	Telephone Utility Lines - underground	P	P	P	P	P	P	P	P	P	P	P	P	P
4000	Cellular Communication Towers	See Section 5.07												
4000	Television Broadcasting Studios - only	N	N	N	N	N	N	N	N	N	P	P	P	N
4000	Television Transmitting Stations & Relay Tower (height of tower may not exceed maximum height of zone)	N	C	N	N	N	N	N	N	N	C	C	C	N
4000	Radio & Television Broadcasting Studios (height of any antenna or tower may not exceed maximum height of zone)	N	N	N	N	N	N	N	N	N	C	C	C	N
4000	Electric Utility Lines - above ground 35 kV or greater	C	C	C	C	C	C	C	C	C	C	C	C	C
4000	Electric Utility Lines - underground	P	P	P	P	P	P	P	P	P	P	P	P	P
4000	Electric Utility Lines - above ground and less than 35 kV	N	N	N	N	N	N	N	N	N	N	N	N	N
4000	Electricity Regulating Substations	N	N	N	N	N	N	N	N	N	C	C	C	N
4000	Gas Utilities - underground	P	P	P	P	P	P	P	P	P	P	P	P	P
4000	Natural or Manufactured Gasoline Storage & Distribution Points	N	N	N	N	N	N	N	N	N	N	C	N	N
4000	Gas Pressure Control Stations	N	N	N	N	N	N	N	N	N	N	C	C	N

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Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial*							Industrial		R&B
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
4000	Culinary Water Treatment Plants - Purification	N	N	N	N	N	N	N	N	N	N	P	P	N
4000	Water Storage	P	P	P	P	P	P	P	P	P	P	P	P	P
4000	Water Pressure Control Stations	P	P	P	P	P	P	P	P	P	P	P	P	P
4000	Sewage Treatment Plants	N	C	N	N	N	N	N	N	N	N	N	N	N
4000	Sewage Pressure Control Stations	P	P	N	P	P	P	P	P	P	P	P	P	P
4000	Solid Waste Disposal & Incineration	N	N	N	N	N	N	N	N	N	N	N	N	N
4000	Freight Forwarding Services	N	N	N	N	N	N	N	N	N	P	P	P	N
4000	Packing & Crating Services	N	N	N	N	N	C	C	C	C	C	P	P	N
4000	Waste Transfer Stations	N	N	N	N	N	N	N	N	N	N	N	N	N
WHOLESALE TRADE (Sell for Resale)														
Note: Any permitted (P) wholesale business proposing "outdoor storage" in the HI and LI zones is required to obtain a Conditional Use Permit														
5100	Automobiles, Motor Vehicle, & Other Automotive Equipment (outdoor storage of vehicles is permitted)	N	N	N	N	N	N	N	N	N	C	C	C	N
5100	Tires & Tubes - indoor storage only	N	N	N	N	N	N	N	N	N	P	P	P	N
5100	Drugs, Chemicals & Allied Products - indoor storage only	N	N	N	N	N	N	N	N	N	P	P	P	N
5100	Drugs, Drug Proprietaries & Druggists' Sundries - indoor storage only	N	N	N	N	N	N	N	N	N	P	P	P	N
5100	Paints & Varnishes - indoor storage only	N	N	N	N	N	N	N	N	N	P	P	P	N
5100	Dry Goods, Piece Goods, & Notions - indoor storage only	N	N	N	N	N	N	N	N	N	P	P	P	N
5100	Apparel & Accessories - indoor storage only	N	N	N	N	N	N	N	N	N	P	P	P	N
5100	Groceries & Food Stuffs - indoor storage only	N	N	N	N	N	N	N	N	N	P	P	P	N
5100	Agricultural Commodities (outdoor storage is permitted)	N	N	N	N	N	N	N	N	N	C	C	C	N
5100	Electrical Apparatus & Equipment, Wiring Supplies, & Construction Materials - indoor storage only	N	N	N	N	N	N	N	N	N	P	P	P	N
5100	Hardware - indoor storage only	N	N	N	N	N	N	N	N	N	P	P	P	N
5100	Plumbing & Heating Equipment & Supplies - indoor storage only	N	N	N	N	N	N	N	N	N	P	P	P	N
5100	Air Conditioning, Refrigeration Equipment & Supplies - indoor storage only	N	N	N	N	N	N	N	N	N	P	P	P	N

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Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial*							Industrial		R&B
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
5100	Commercial, Industrial, & Agricultural Machine Equipment & supplies (outdoor storage is permitted)	N	N	N	N	N	N	N	N	N	C	C	C	N
5100	Professional Equipment & Supplies - indoor storage only	N	N	N	N	N	N	N	N	N	P	P	P	N
5100	Transportation equipment, Other Machinery Equipment, & Supplies (Outdoor storage of vehicles & trailers is permitted)	N	N	N	N	N	N	N	N	N	C	C	C	N
5100	Metal & Minerals - includes Rock Products, Concrete, Asphalt - excludes liquid petroleum products & scrap	N	N	N	N	N	N	N	N	N	N	C	N	N
5100	Petroleum Bulk Stations & Terminals	N	N	N	N	N	N	N	N	N	N	C	N	N
5100	Scrap & Waste Materials	N	N	N	N	N	N	N	N	N	N	N	N	N
5100	Tobacco & Tobacco Products - indoor storage only	N	N	N	N	N	N	N	N	N	P	P	P	N
5100	Beer, Wine, & Distilled Alcoholic Beverages - indoor storage only	N	N	N	N	N	N	N	N	N	P	P	P	N
5100	Paper & Paper Products - indoor storage only	N	N	N	N	N	N	N	N	N	P	P	P	N
5100	Furniture & Home furnishings - indoor storage only	N	N	N	N	N	N	N	N	N	P	P	P	N
5100	Lumber & Construction Materials (outdoor storage is permitted)	N	N	N	N	N	N	N	N	N	C	C	C	N
RETAIL TRADE														
5200	Lumber yards - outdoor storage	N	N	N	N	N	N	N	N	N	C	C	C	N
5200	Building Material, Equipment Supplies & Hardware - indoor storage only	N	N	N	P	P	P	P	P	P	P	N	P	N
5200	Farm Equipment	N	N	N	N	N	N	N	N	N	C	C	P	N
5300	Home Improvement Centers	N	N	N	P	P	P	P	P	P	P	N	P	N
5300	Department Stores	N	N	N	P	P	P	P	P	P	P	N	N	N
5300	Mail Order Houses	N	N	N	N	N	N	N	N	N	P	N	P	N
5300	Limited Price Variety Stores	N	N	N	N	N	P	P	P	P	P	N	P	N
5300	Direct Selling Organizations - Call Centers	N	N	N	N	N	C	C	C	C	C	N	C	C
5300	Arts, Crafts & Hobbies	N	N	N	P	P	P	P	P	P	P	N	P	N
5300	Musical Instruments	N	N	N	P	P	P	P	P	P	P	N	P	N
5300	Flea Market - indoor storage only	N	N	N	N	N	C	C	C	C	C	N	C	N
5300	Groceries &/or Food	N	N	N	P	P	P	P	P	P	P	N	P	N
5300	Farmers Market	N	P	N	N	N	C	C	C	C	C	N	C	N

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Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial*							Industrial		R&B
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
5300	Candy & Other Confectionery Products	N	N	N	P	P	P	P	P	P	P	N	P	N
5500	Motorcycles, Personal ATV, Personal Water Craft, & Snowmobile, Sales & Service	N	N	N	C	C	C	C	C	C	C	N	C	N
5500	Motor Vehicles/Trucks/Marine - New Vehicle Dealership only	N	N	N	C	C	P	P	P	P	C	N	P	N
5500	Used Cars/Trucks - Used Vehicle Sales Lots	N	N	N	N	C	N	P	P	N	N	C	P	N
5500	Mobile & Manufactured Homes Sales	N	N	N	N	N	N	N	N	N	C	C	P	N
5500	Tires, Batteries, & Accessories	N	N	N	C	C	P	P	P	P	P	N	P	N
5500	Gasoline Service Station with or Without Store	N	N	N	C	C	P	P	P	P	P	N	P	N
5500	Marine Craft & Accessories	N	N	N	N	N	C	C	C	C	C	N	P	N
5500	Aircraft & Accessories	N	N	N	N	N	N	N	N	N	N	N	P	N
5600	Clothing, Apparel, & Accessories	N	N	N	P	P	P	P	P	P	P	N	N	N
5700	Furniture & Home furnishings - indoor storage only	N	N	N	P	P	P	P	P	P	P	N	P	N
5700	Music Supplies	N	N	N	P	P	P	P	P	P	P	N	P	N
5800	Restaurants	N	N	N	P	P	P	P	P	P	P	C	P	P
5800	Fast Food	N	N	N	P	P	P	P	P	P	P	N	P	P
5900	Pharmacy	N	N	N	P	P	P	P	P	P	P	N	P	N
5900	Antiques	N	N	N	N	N	P	P	P	P	P	N	P	N
5900	Jeweler or Gold, Silver Dealers	N	N	N	C	C	P	P	P	P	P	N	N	N
5900	Secondhand Merchants - No outdoor storage except as CUP in LI zone	N	N	N	N	N	P	P	P	P	P	N	P	N
5900	Books	N	N	N	P	P	P	P	P	P	P	N	N	N
5900	Stationery	N	N	N	P	P	P	P	P	P	P	N	N	N
5900	Office Supplies	N	N	N	P	P	P	P	P	P	P	N	N	P
5900	Cigars - Cigarettes	N	N	N	N	N	N	N	N	N	P	N	P	N
5900	Newspapers/Magazines	N	N	N	P	P	P	P	P	P	P	N	P	N
5900	Cameras & Photographic Supplies	N	N	N	P	P	P	P	P	P	P	N	P	N
5900	Gifts, Novelties, & Souvenirs	N	N	N	P	P	P	P	P	P	P	N	N	N
5900	Florists	N	N	N	P	P	P	P	P	P	P	N	N	N
5900	Video Rentals	N	N	N	P	P	P	P	P	P	P	N	N	N
5900	Sporting Goods	N	N	N	P	P	P	P	P	P	P	N	P	N
5900	Bicycles	N	N	N	P	P	P	P	P	P	P	N	P	N
5900	Toys	N	N	N	P	P	P	P	P	P	P	N	N	N
5900	Farm & Garden Supplies	N	N	N	N	N	P	P	P	P	P	N	P	N

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Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial*							Industrial		R&B
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
5900	Hay, Grains, & Feed	N	N	N	N	N	C	C	C	C	C	N	P	N
5900	Nursery - Plants	N	N	N	N	N	P	P	P	P	P	N	P	N
5900	Computer Goods & Services	N	N	N	P	P	P	P	P	P	P	N	P	P
5900	Optical Goods	N	N	N	P	P	P	P	P	P	P	N	N	N
SERVICES														
6100	Professional Office Uses	N	N	N	P	P	P	P	P	P	P	P	P	P
6100	Chartered Banks, Credit Unions and Other Similar Financial Institutions	N	N	N	P	P	P	P	P	P	P	N	N	P
6100	Check Cashing and Other Payday Loans or Similar Credit Services	N	N	N	N	N	N	N	N	N	N	N	N	N
6100	Security & Commodity Brokers, Dealers, & Exchanges	N	N	N	N	N	P	P	P	P	P	N	N	P
6100	Insurance Agents, Brokers, and Related Services	N	N	N	P	P	P	P	P	P	P	N	N	P
6100	Real Estate Agents, Brokers, and Related Services	N	N	N	P	P	P	P	P	P	P	N	N	P
6100	Title Abstracting	N	N	N	P	P	P	P	P	P	P	N	N	P
6200	Laundering and Dry Cleaning Services	N	N	N	N	N	P	P	P	P	P	N	P	N
6200	Custom Tailoring	N	N	N	N	N	P	P	P	P	P	N	N	N
6200	Laundromats	N	N	N	N	N	P	P	P	P	P	N	N	N
6200	House Cleaning	N	N	N	N	N	P	P	P	P	P	N	P	N
6200	Commercial Janitorial	N	N	N	N	N	P	P	P	P	P	N	P	N
6200	Window Cleaning	N	N	N	N	N	P	P	P	P	P	N	P	N
6200	Chimney Sweep	N	N	N	N	N	P	P	P	P	P	N	P	N
6200	Photographic Services - Including Commercial	N	N	N	N	N	P	P	P	P	P	N	P	C
6200	Beauty & Barber Shops	N	N	N	N	N	P	P	P	P	P	N	P	N
6200	Massage Therapy/Personal Care Health Spa	N	N	N	N	N	P	P	P	P	P	N	P	N
6200	Funeral Homes	N	N	N	N	N	P	P	P	P	P	N	N	N
6200	Crematory Services	N	N	N	N	N	N	N	N	N	N	C	C	N
6200	Cemeteries	C	C	C	N	N	N	N	N	N	N	N	N	N
6200	Child Day Care - 5 to 16 children (4 or less not regulated)	C	N	N	N	N	P	P	P	P	C	N	N	C
6200	Commercial Adult Day Care Facility	See Section 17.70 and 17.72												

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Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial*							Industrial		R&B
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
6200	Commercial Preschool	N	N	N	N	N	P	P	P	P	P	N	N	C
6200	Catering Services	N	N	N	N	N	P	P	P	P	P	N	P	N
6200	Wedding Reception Centers	N	N	N	N	N	P	P	P	P	P	N	N	N
6300	Advertising Services - General	N	N	N	N	N	P	P	P	P	P	N	P	P
6300	Direct Mail Advertising	N	N	N	N	N	C	C	C	C	P	N	P	P
6300	Travel Services	N	N	N	N	N	P	P	P	P	P	N	N	P
6300	Private Postal Services	N	N	N	N	N	P	P	P	P	P	C	P	C
6300	Blueprinting & Photocopying	N	N	N	N	N	P	P	P	P	P	N	P	P
6300	Disinfecting & Exterminating	N	N	N	N	N	N	N	N	N	C	N	P	N
6300	Locksmithing	N	N	N	N	N	P	P	P	P	P	N	P	N
6300	News Syndicate	N	N	N	N	N	P	P	P	P	P	N	P	P
6300	Employment Services	N	N	N	N	N	P	P	P	P	P	N	N	P
6300	Vault Security Storage - Mini-Storage (outdoor storage by Conditional Use only and is limited to 15% of total storage space and limited to personal recreational vehicles)	N	N	N	N	N	N	N	N	P	P	N	P	N
6300	Research, Development, & Testing Services	N	N	N	N	N	C	C	C	C	P	N	P	P
6300	Business & Management Consulting	N	N	N	N	N	P	P	P	P	P	N	P	P
6300	Detective & Protective Services	N	N	N	N	N	P	P	P	P	P	N	P	P
6300	Heavy Equipment Rental & Leasing; Vehicles over 26,000 GVW	N	N	N	N	N	N	N	N	N	N	P	P	N
6300	Light Equipment Rental & Leasing; Automobile & Light-Truck Rental (No vehicles over 26,000 GVW)	N	N	N	N	N	P	P	P	P	P	N	P	N
6300	Photo-Finishing	N	N	N	N	N	P	P	P	P	P	N	P	N
6300	Stamp Trading	N	N	N	N	N	P	P	P	P	P	N	P	N
6300	Motion Picture Distribution & Services	N	N	N	N	N	P	P	P	P	P	N	P	N
6411	Automobile Wash	N	N	N	N	N	P	P	P	P	P	N	P	N
6411	Auto Lube & Tune-up	N	N	N	N	N	C	C	C	C	P	N	P	N
6411	Auto Tire Shops / Tire Sales / Tire Services	N	N	N	C	N	C	C	C	C	P	N	P	N
6411	General Auto / Vehicle Repair	N	N	N	N	N	N	N	N	N	C	C	C	N
6400	Wrecking Yards	N	N	N	N	N	N	N	N	N	N	N	N	N
6400	Impound Yards	N	N	N	N	N	N	N	N	N	N	C	C	N
6400	Small Engine, Appliance, Electrical, & Machine Repair	N	N	N	N	N	C	C	C	C	C	N	C	N

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Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial*							Industrial		R&B
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
6400	Watch, Clock, & Jewelry Repair	N	N	N	N	N	P	P	P	P	P	N	P	N
6400	Re-Upholstery & Furniture Repair	N	N	N	N	N	P	P	P	P	P	N	P	N
6513	Medical, Dental, & Health Clinic Services / small, outpatient type services	N	N	N	N	N	P	P	P	P	P	N	N	P
6513	Hospital Services	N	N	N	N	N	C	C	C	C	C	N	N	N
6500	Medical & Dental Laboratories	N	N	N	N	N	P	P	P	P	P	N	P	P
6500	Veterinarian Services, Animal Hospitals - small animals only	N	C	N	N	N	C	C	C	C	C	N	C	N
6500	Veterinarian Services, Animal Hospitals - large animals	N	C	N	N	N	N	N	N	N	N	N	C	N
6500	Legal Services	N	N	N	P	N	P	P	P	P	P	N	P	P
6500	Engineering & Architectural	N	N	N	P	N	P	P	P	P	P	N	P	P
6500	Educational & Scientific Research	N	N	N	P	N	P	P	P	P	P	N	P	P
6500	Accounting, Auditing & Bookkeeping	N	N	N	P	N	P	P	P	P	P	N	P	P
6500	Urban Planning	N	N	N	P	N	P	P	P	P	P	N	P	P
6500	Auction Services - Indoor Only	N	N	N	N	N	P	P	P	P	P	N	P	N
6500	Family & Behavioral Counseling	N	N	N	N	N	P	P	P	P	P	N	N	P
6500	Genealogical - Family History Services	N	N	N	N	N	P	P	P	P	P	N	N	P
6500	Interior Design	N	N	N	N	N	P	P	P	P	P	N	P	P
6600	Building Construction - General Contractor, Office & Storage	N	N	N	N	N	N	N	N	N	C	N	P	N
6600	Landscaping Service, Office & Storage	N	N	N	N	N	N	N	N	N	C	N	P	N
6800	Private Primary & Secondary Schools	C	N	N	N	N	C	C	C	C	C	N	C	N
6800	Universities & Colleges	N	N	N	N	N	C	C	C	C	C	N	C	C
6800	Professional & Vocational Schools	N	N	N	N	N	C	C	C	C	C	N	C	C
6800	Martial Arts Studios	N	N	N	N	N	P	P	P	P	P	N	P	N
6800	Barber & Beauty Schools	N	N	N	N	N	P	P	P	P	P	N	N	N
6800	Art & Music Schools	N	N	N	N	N	P	P	P	P	P	N	P	C
6800	Dancing, Tumbling, and Gymnastics Schools	N	N	N	N	N	P	P	P	P	P	N	P	C
6800	Driving Schools	N	N	N	N	N	P	P	P	P	P	N	P	N
6911	Churches, Synagogues & Temples	C	C	C	N	N	N	N	N	N	C	N	N	C
6800	Adoption Agencies	N	N	N	N	N	P	P	P	P	P	N	N	P
6800	Professional Members Organizations	N	N	N	N	N	N	N	N	N	P	N	C	P
6800	Labor Unions & Similar Labor Organizations	N	N	N	N	N	N	N	N	N	P	N	C	P
6800	Civic, Social & Fraternal Associations	N	N	N	N	N	N	N	N	N	P	N	C	P

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Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial*							Industrial		R&B
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
PUBLIC ASSEMBLIES & AMUSEMENTS														
7100	Libraries	N	N	N	N	N	P	P	P	P	P	N	N	N
7100	Museums	N	N	N	P	P	P	P	P	P	P	N	N	P
7100	Art Galleries	N	N	N	P	P	P	P	P	P	P	N	N	P
7100	Planetaria, Aquariums, Botanical Gardens, & Arboretums	N	C	N	N	N	P	P	P	P	P	N	N	C
7100	Zoos	N	C	N	N	N	N	N	N	N	N	N	N	N
7100	Sexually-Oriented Businesses	See Section 8.30 and 17.61												
7100	Amphitheaters	N	C	N	N	N	C	C	C	C	C	N	N	N
7100	Motion Picture Theaters	N	N	N	P	P	P	P	P	P	P	N	N	N
7100	Stage Theater	N	N	N	P	P	P	P	P	P	P	N	N	N
7100	Dance Clubs/Music Venues	N	N	N	N	N	C	C	C	C	C	N	C	N
7100	Stadiums	N	N	N	N	N	C	C	C	C	C	C	C	N
7100	Arenas / Field Houses	N	N	N	N	N	C	C	C	C	C	N	C	N
7100	Auditoriums & Exhibit Halls	N	N	N	N	N	C	C	C	C	C	N	N	N
7100	Convention Centers	N	N	N	N	N	P	P	P	P	P	N	C	P
7100	Fairgrounds	N	N	N	N	N	N	N	N	N	P	N	C	N
7100	Amusements Parks	N	N	N	N	N	C	C	C	C	C	N	N	N
7100	Arcades & Miniature Golf	N	N	N	C	C	C	C	C	C	P	N	N	N
7100	Golf Driving Ranges	N	C	C	N	N	C	C	C	C	C	N	C	N
7100	Go-Cart Tracks	N	N	N	N	N	N	N	N	N	N	N	C	N
7100	Golf Courses &/ or Country Clubs	C	C	C	N	N	N	N	N	N	N	C	C	N
7100	Tennis Courts - Private	N	N	N	C	C	C	C	C	C	P	N	C	P
7100	Roller Skating & Blading	N	N	N	N	N	C	C	C	C	P	N	C	N
7100	Skate Board Parks - Private	N	C	N	N	N	N	N	N	N	N	N	C	N
7100	Skate Board Parks - Publicly Owned	See Section III - Appendix A												
7100	BMX Biking Tracks & Facilities	N	C	C	N	N	N	N	N	N	N	N	C	N
7100	ATV / Motorcycle Tracks	N	N	N	N	N	N	N	N	N	N	N	N	N
7100	Riding Stables - Commercial	C	C	C	N	N	N	N	N	N	P	N	C	N
7100	Bowling Lanes	N	N	N	N	N	P	P	P	P	P	N	N	N
7100	Play Fields & Athletic Fields - Commercial	N	C	N	N	N	N	N	N	N	N	N	C	N
7100	Recreation Centers - General	N	N	N	P	P	C	C	C	C	P	N	C	N
7100	Gymnasium & Athletic Clubs	N	N	N	P	P	C	C	C	C	P	N	C	C
7100	Swimming Pools - Commercial	N	N	N	N	N	C	C	C	C	P	N	N	N

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Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial*							Industrial		R&B	
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI		
7100	Indoor Soccer Facilities	N	N	N	N	N	N	N	N	N	N	P	N	C	N
7100	Indoor Gun Ranges	N	C	C	N	N	C	C	C	C	C	C	N	C	N
7100	Water Slides	N	N	N	N	N	C	C	C	C	C	P	N	N	N
7100	Parks - General Recreation - Public Property	P	P	P	P	P	P	P	P	P	P	P	P	P	P
7100	Campgrounds	N	C	C	N	N	N	N	N	N	N	N	N	N	N
7100	Recreational Vehicle Park	N	C	N	N	N	N	N	N	N	N	N	N	N	N
AGRICULTURE & RESOURCE EXTRACTION															
N/A	Commercial Farms & Ranches producing Pigs, Turkeys, Mink, or Chickens products	N	N	N	N	N	N	N	N	N	N	N	N	N	N
N/A	Agricultural Related Activities: Commercial Production - large scale	N	C	C	N	N	C	C	C	C	C	C	C	C	N
N/A	Horticultural Services	N	C	C	N	N	C	C	C	C	C	C	C	C	N
N/A	Forestry & Timber Production	N	C	C	N	N	N	N	N	N	N	N	C	N	N
N/A	All Fisheries & Fish Hatcheries	N	C	N	N	N	N	N	N	N	N	N	C	C	N
N/A	All Mining & Related Services	N	N	N	N	N	N	N	N	N	N	N	N	N	N
N/A	All Resource Production & Extraction	N	N	N	N	N	N	N	N	N	N	N	N	N	N
N/A	Peat Extraction	N	C	N	N	N	N	N	N	N	N	C	C	C	N
See LCC 17.18	CF zone (Commercial Farm) uses - See LCC 17.51														
UNCLASSIFIED															
N/A	All unclassified items	See Section III of SLU Table (Appendix A)													

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this _____ day
of _____, 2019.

Jeff Acerson, Mayor

ATTEST:

Kathryn A. Moosman,
Lindon City Recorder

SEAL

Utah Administrative Code 392-301

R392. Health, Disease Control and Prevention, Environmental Services.

R392-301. Recreational Vehicle Park Sanitation.

R392-301-1. Authority and Purpose.

(1) This rule is authorized under Sections 26-1-5, 26-1-30(9), 26-1-30(23), 26-7-1, and 26-15-2.

(2) This rule establishes minimum standards for the sanitation, operation, and maintenance of a recreational vehicle park, as defined by this rule, and provides for the prevention and control of health hazards associated with a recreational vehicle park that are likely to affect individuals dwelling temporarily therein including risk factors contributing to injury, sickness, death, and disability.

R392-301-2. Applicability.

This rule applies to any person who owns or operates a recreational vehicle park, unless specifically exempted by this rule. This rule applies to the repair, maintenance, use, operation, and occupancy of recreational vehicle parks designed, intended for use, or otherwise used for temporary human habitation.

R392-301-3. Definitions.

For the purposes of this rule, the following terms, phrases, and words shall have the meanings herein expressed:

(1) "Building Code" means International Building Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.

(2) "Dependent recreational vehicle" means a recreational vehicle that is dependent upon a service building for toilet facilities, hand washing facilities, or shower or bathing facilities, and is not designed for connection to water, sewer, or electrical utilities.

(3) "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that can cause infection, disease transmission, vermin infestation, or hazardous condition that requires immediate correction or cessation of operation to prevent injury, illness, or death.

(4) "Independent recreational vehicle" means a recreational vehicle equipped with electrical appliances, a water-flush toilet, and a sink and bath or shower which, to be functional, may require connection to outside electrical, water, and sewer utilities.

(5) "Local health officer" means the health officer of the local health department having jurisdiction, or a designated representative.

(6) "Operator" means a person responsible for managing or operating a recreational vehicle park.

(7) "Plumbing Code" means International Plumbing Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.

(8) "Recreational vehicle" means a vehicular unit, other than a mobile home or tiny house, designed as a temporary dwelling for travel, recreational and vacation use, which is either driven or is mounted on or pulled by another vehicle, including: travel trailer, camp trailer, fifth-wheel trailer, folding tent trailer, truck camper, or motorhome.

(9) "Recreational vehicle park" or "RV park" means any site, tract or parcel of land on which facilities have been developed to provide temporary living quarters for two or more recreational vehicles. Such a park may be developed or owned by a private, public or non-profit organization catering to the public or restricted to the organizational or institutional members and their guests only.

(10) "Sanitary dump station" means a facility designed:

(a) in accordance with requirements set by Plumbing Code and the Utah Department of Environmental Quality, Division of Water Quality;

(b) to receive the discharge of wastewater from any holding tank or similar device installed in any recreational vehicle; and

(c) to discharge the contents, in an acceptable manner, to an approved wastewater disposal or treatment system.

(11) "Service building" means a structure within a recreational vehicle park that contains toilet, hand sink, and bathing facilities. It may also include laundry facilities, a vending area, or other service type facilities for RV park occupant use.

(12) "Tiny house", for the purposes of this rule, means a dwelling that is 400 square feet or less in floor area, constructed on a chassis with wheels. A tiny house is not a park model recreational vehicle as defined in 41-1a-101 or any other recreational vehicle type as defined in this rule.

(13) "Wastewater" means discharges from all plumbing facilities including rest rooms, kitchen, and laundry fixtures either separately or in combination.

R392-301-4. General.

(1)(a) This rule does not require a construction change in any portion of a RV park if the park was in compliance with the law in effect at the time the park was constructed, except as in Subsection R392-301-4(1)(b).

(b) The local health officer may require construction changes if it is determined the RV park or portion thereof contains an imminent health hazard.

(2) The operator shall carry out the provisions of this rule.

(3) Severability - If any provision of this rule or its application to any person or circumstance is declared invalid, the application of such provision to other persons or circumstances, and the remainder of this rule, shall not be affected thereby.

(4) The operator shall comply with all applicable building, zoning, electrical, health, fire codes and all local ordinances.

(5) The operator shall provide the local health officer with contact information for a park representative who can be available to communicate with the local health officer during all days and times that the RV park is occupied in the event of an imminent health hazard or emergency.

(6) A recreational vehicle park operator or agent shall select or construct a location for the facility that will provide adequate surface drainage. The operator shall make a reasonable effort to locate the facility away from any known existing public health nuisance.

(7) When an operator accommodates dependent recreational vehicles or tents, the operator shall construct and maintain a service building according to the requirements of Section R392-301-7.

(8) A recreational vehicle or a tiny house may be allowed in a RV Park only when:

(a) a data plate or permanent label is attached to the structure that includes:

(i) name of the manufacturer;

(ii) serial number or vehicle identification number (VIN) of the unit;

(iii) date of manufacture; and

(iv) a statement that the unit is designed and manufactured to NFPA 1192 or ANSI A119.5 standards; and when

(b) it has been certified by the Recreational Vehicle Industry Association; or

(c) it has been inspected by a qualified third-party inspection company and certified to be in compliance with the standards in NFPA 1192 or ANSI A119.5.

(9) An electrical installation in a RV park shall comply with Utah Code Title 15A.

R392-301-5. Water Supply.

(1) Potable water supply systems for use by recreational vehicle park occupants shall be designed, installed, and operated according to the requirements set forth by:

(a) Plumbing Code;

(b) The Utah Department of Environmental Quality, Division of Drinking Water under Title R309;

and

(c) Local health department regulations.

(2) The operator shall provide potable water to each site designed and intended for recreational vehicle use.

(a) This provision may be modified with approval by the local health officer if a service building is provided as in Subsection R392-301-4(7).

(b) Where individual water connections are not provided to sites, common-use water faucets shall be accessible to RV park occupants, and located not more than 300 feet from any site. A threaded spigot is prohibited on any such common-use water faucet providing potable water to a site.

(c) The operator shall design and construct the area immediately around a common-use water faucet (i.e. spigot) to promote surface drainage by using a constructed drain system such as a gravel pit, subsurface drywell, French drain, or seepage trench. The operator shall prevent water in this area from flowing into traffic areas and surface waters, or from pooling, standing, or becoming stagnant. This requirement does not apply to water connections in individual sites.

(d) The operator shall protect water systems against the hazards of cross-connection, backflow, and interior surface contamination of attached hoses.

(3) In any recreational vehicle park or portion thereof where it is not feasible to pipe potable water into the area, an alternate supply of potable water may be permitted upon approval of the local health officer.

R392-301-6. Wastewater.

(1) All wastewater shall be discharged to a public sanitary sewer system whenever practicable.

(a) Sewer systems for use by recreational vehicle park occupants shall be designed, installed, and operated according to the requirements set forth by:

(i) Plumbing Code;

(ii) The Utah Department of Environmental Quality, Division of Water Quality under Title R317;

(iii) local health department regulations; and

(iv) the local sewer district having jurisdiction.

(b) Where connection to a public sewer is not available, wastewater shall be discharged into an approved wastewater disposal system meeting the requirements of Title R317, Environmental Quality, Water Quality, and local health department regulations.

(c) The operator shall submit all required plans for the construction or alteration of a wastewater disposal system in accordance with Title R317 prior to commencing construction or alteration.

(2) The operator shall provide a sanitary dump station unless all sites are connected to an approved sewer system. Unless a local health officer approves other means, the operator shall design and construct the sanitary dump station to include the following:

(a) Easy ingress and egress from a service road for recreational vehicles and located not less than 50 feet from any site;

(b) The sewage inlet surrounded by a curbed concrete apron or trough of at least three feet by three feet, sloped to the inlet, and provided with a suitable hinged cover milled to fit tight;

(c) A means for flushing with pressurized water the immediate area and the recreational vehicle wastewater holding tank(s).

(3) If the operator makes sewer service available to each designated site designed and intended to accommodate independent recreational vehicles, the operator shall design, install, operate, and maintain individual connections to the sewer system according to the requirements set by:

(a) Plumbing Code;

(b) the Utah Department of Environmental Quality, Division of Water Quality;

(c) local health department regulations; and

(d) local sewer district having jurisdiction.

(4) When the operator makes sewer service available to an individual site, that sewer connection is not subject to the requirements of Subsection R392-301-6(2).

(5) The operator shall provide tight-fitting covers for all sewer risers.

(6) A trap is prohibited between the sewer riser and sewer lateral.

(7) The connection and connecting line between the recreational vehicle drain outlet and the sewer riser shall be watertight and self-draining.

(8) The rim of the sewer riser shall extend not more than 4 inches above adjacent ground surface elevations. Surface drainage shall be directed away from the sewer riser.

(9) The operator shall prohibit dependent recreational vehicles and tents in a recreational vehicle park unless effective means are provided to collect and contain dishwashing, bathing or other liquid waste material and to properly dispose of these wastes by means approved by the local health officer.

(10) If the operator provides laundering facilities, the equipment shall discharge wastewater as required in Subsection R392-301-6(1).

R392-301-7. Service Building.

(1) All structures used in a recreational vehicle park shall be of permanent construction, meeting the requirements of Building Code.

(2) Each recreational vehicle park in which sites are set aside for dependent recreational vehicles or tents, as in R392-301-4(7), shall be provided with a service building or buildings for the use of park occupants.

(3) Service buildings shall meet the following requirements:

(a) Except as provided in Subsection R392-301-7(3)(b)(i), separate toilet rooms within the service building shall be provided for each sex. These rooms shall be distinctly marked "for men" and "for women" by signs printed in English, or marked with easily understood pictures or symbols.

(b) Each service building shall have one toilet, one hand sink, and one bath fixture for each sex for each 15 sites set aside in Subsection R392-301-4(7), or fraction thereof.

(i) Where a toilet room will be occupied by no more than one person at a time, can be locked from the inside, and contains at least one toilet, separate toilet rooms for each sex need not be provided.

(c) A service building shall be located not less than 15 feet and not more than 500 feet from any site designated for dependent recreational vehicles.

(d) A service building shall be provided with adequate light, heat and ventilation.

(e) A service building shall be properly maintained clean and shall be constructed of smooth, moisture resistant finish materials to withstand frequent washing and cleaning.

(4) The operator shall maintain each service building in a clean and sanitary condition.

(5) Clean individual disposable towels shall be provided near handwashing sinks. Alternate hand drying methods approved by the local health officer may be substituted for individual disposable towels.

(6) The operator shall provide soap and waste receptacles with lids in each service building.

(7) For each toilet room within a service building, the operator shall provide:

(a) toilet tissue in suitable dispensers; and

(b) at least one solid, easily cleanable, covered waste receptacle for the collection of solid waste; or

(c) at least one solid, easily cleanable, uncovered waste receptacle and a sanitary napkin receptacle.

R392-301-8. Operation and Maintenance.

(1) The operator shall maintain all buildings, rooms, and equipment, including furnishings and equipment in RV park areas, and the grounds surrounding them in a clean and operable condition, free of litter and debris.

(2) Where electric power is available, service buildings shall be equipped with outside lighting to indicate the location and entrance doorways of each.

(3) Where necessary, all reasonable means shall be employed to eliminate or control infestations of

vermin, vectors, or pests within all parts of a RV park. This shall include approved screening or other approved control of outside openings in structures intended for occupancy.

(4) The operator shall maintain interior roads and parking areas in a manner that prevents harborage for vermin.

R392-301-9. Food Service.

When food service is provided for RV park occupants, food service, storage, and preparation shall comply with the FDA Model Food Code as incorporated and amended in Rule R392-100 and local health department regulations.

R392-301-10. Solid Wastes.

(1) The operator shall provide adequate containers to prevent the accumulation of solid waste in the RV park.

(2) Solid waste generated at a RV park or picnic area shall be stored in a leak-proof, non-absorbent container, which shall be kept covered with a tight-fitting lid.

(3) All solid wastes shall be disposed with sufficient frequency and in such a manner as to prevent insect breeding, rodent harborage, or a public health nuisance.

R392-301-11. Swimming Pools.

The operator shall comply with Rule R392-302, Design, Construction, and Operation of Public Pools as well as other local health department regulations for all pools or spas made available to RV park occupants or staff.

R392-301-12. Inspections and Investigations.

(1)(a) Upon presenting proper identification, the operator shall permit the local health officer to enter upon the premises of a recreational vehicle park to perform inspections, investigations, reviews, and other actions as necessary to ensure compliance with Rule R392-301.

(b) The local health officer may not enter an occupied recreational vehicle without the express permission of the occupant except when a warrant is issued to a duly authorized public safety officer which authorizes the local health officer to enter, or when the operator and the local health officer determine that there exists an imminent risk to the life, health, or safety of the occupant.

R392-301-13. Closing or Restricting Use of Recreational Vehicle Parks or Sites.

(1) If a local health officer deems a recreational vehicle park, site, space, or portion thereof to be an imminent health hazard, the park, site, or space may be closed or its use may be restricted, as determined by the local health officer.

(2) The operator shall restrict public access to the impacted area of any recreational vehicle park, site, or space closed or restricted to use by a local health officer within a reasonable time as ordered by the local health officer.

(3) It shall be unlawful for an operator to allow the public to utilize any recreational vehicle park, unit, space, or portion thereof that has been deemed unfit for use until written approval of the local health officer is given.

KEY: public health, recreation areas, RV parks, recreational vehicles

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