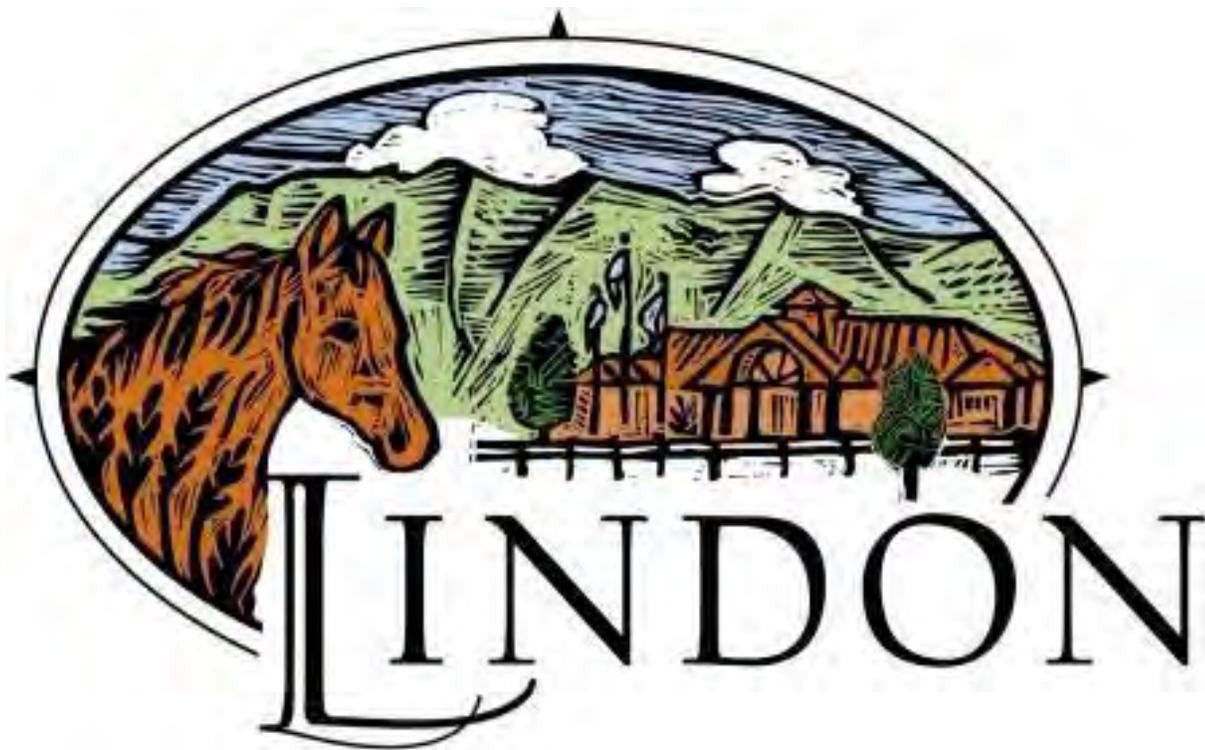


# **Lindon City Planning Commission Staff Report**



October 24, 2017

# Notice of Meeting

## Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on **Tuesday, October 24, 2017**, 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

#### 1. Call to Order

#### 2. Approval of minutes

Planning Commission 10/10/2017

#### 3. Public Comment

(15 minutes)

#### 4. Conditional Use Permit — GR Auto Body and Paint, 909 West 500 North, Unit “B”

Gustavo Robles requests conditional use permit (CUP) approval for general auto/vehicle repair services to be located at 909 West 500 North, Unit “B”, in the Light Industrial (LI) zone.

(15 minutes)

#### 5. Minor Subdivision — Old Station Square Subdivision, Plat D, ~315 N. State St.

Jeremy Ackley requests approval of a two (2) lot subdivision of 2.02 acres (Utah County Parcel #48:342:0015, Part Lot 8, Plat A, Old Station Square) in the General Commercial (CG) zone.

(30 minutes)

#### 6. Public Hearing — Ordinance Amendment, Lindon City Code (LCC) 17.48.025

**(Continued from Planning Commission meeting(s): 08/22, 09/12, 09/26, and 10/10/2017)**

The Lindon City Council has requested an amendment to LCC 17.48.025, regulating the Lindon Village Commercial zone, regarding the maximum acreage any given land use can occupy within the zone.

(30 minutes)

#### 7. Public Hearing — Ordinance Amendment, Lindon City Code (LCC) 17.51

The Lindon City Council has requested an amendment to LCC 17.51 Commercial Farm zone, regarding setbacks, minimum acreage, and uses (etc.).

(15 minutes)

#### 8. Public Hearing — Ordinance Amendment, Lindon City Code (LCC) 17.09

The Lindon City Council has requested an amendment to LCC 17.09 Land Use Authority and Appeal Authority, regarding approvals in the Commercial Farm zone.

#### 9. New Business from Commissioners

#### 10. Planning Director Report

Adjourn



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

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Planning Department, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our Staff may be contacted directly at (801) 785-7687. City Codes and ordinances are available on the City web site found at [www.lindoncity.org](http://www.lindoncity.org). The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs or events should call Kathy Moosman at 785-5043, giving at least 24 hours notice.

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

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



**Posted By:** Hugh Van Wagenen, Planning Director

**Date:** October 19, 2017

**Time:** 2:00 p.m.

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

## **Item I: Call to Order**

October 24, 2017 Lindon City Planning Commission Meeting

### **Roll Call:**

Sharon Call  
Steve Johnson  
Rob Kallas  
Charlie Keller  
Mike Marchbanks  
Mike Vanchiere  
Bob Wily

## **Item 2: Approval of Minutes**

October 10, 2017 Planning Commission



2 COMMISSIONER KALLAS MOVED TO OPEN THE PUBLIC HEARING.  
3 COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT  
4 VOTED IN FAVOR. THE MOTION CARRIED.

6 Hugh Van Wagenen, Planning Director, gave a brief background of this agenda  
7 item stating they will be picking up where they left off at the last meeting. He then gave a  
8 brief background noting the City Council has expressed concern that the Lindon Village  
9 Commercial zone will fill up before any substantial retail development is located on the  
10 corridor. He made note this ordinance will restrict the land use make up in the zone to  
11 limit the amount of service/office related uses that can locate in the zone. He noted in the  
12 September 12, 2017 meeting, the Planning Commission requested a rough analysis of  
13 “retail corners” to determine how much land may be suited to retail development and  
14 those findings were presented and the Commission then asked staff to look at frontage  
15 along the corridor that could be used for sales tax generating business.

16 Mr. Van Wagenen went on to say at the last conversation they discussed  
17 minimum use percentages for sales tax producing businesses on the 700 North Corridor.  
18 They also discussed the idea of hard corners, full movement intersections (20 remaining)  
19 and looking at just the frontage (2.82 miles including both sides) and (2.34 miles  
20 remaining) on the corridor. Mr. Van Wagenen then discussed the Districts and the  
21 possibility of going east of the railroad tracks. He noted staff does not have the specific  
22 language proposed yet on what direction to go (minimum frontage vs. minimum acreage)  
23 and they need some further feedback tonight.

24 Commissioner Kallas commented that we may want to go east of the railroad  
25 tracks to identify more commercial pads in that area because it is likely that is how it will  
26 develop and to keep the flexibility. Mr. Van Wagenen agreed with that statement noting  
27 there is already some pull to the gravity that is already there. Michael Coutlee, realtor in  
28 attendance, asked if there has been any more thought given to multi-housing projects in  
29 the area (Riverwoods type of development) and bringing in another use. He also pointed  
30 out that it is the service/office related uses that will bring in the people for the retail.  
31 Chairperson Call stated right now the focus is on making sure there is a certain amount  
32 reserved for retail and some of those other uses may come in later. Commissioner Keller  
33 pointed out that currently the zone doesn’t allow for any residential living.

34 Commissioner Marchbanks commented that this is a good starting point and he is  
35 pleased with the way this is shaping out; he is not opposed to going east of Geneva Road  
36 with the similar concept. Commissioner Keller questioned if the percentage is enough for  
37 retail for what is trying to be achieved and if it is reasonable. Commissioner Marchbanks  
38 commented that he feels it is reasonable given the current retail market that is rapidly  
39 diminishing and it will reserve the hard corners.

40 Chairperson Call asked if there were any further public comments or discussion.  
41 Hearing none she called for a motion to close the public hearing.

42 COMMISSIONER KALLAS MOVED TO CLOSE THE PUBLIC HEARING.  
43 COMMISSIONER KELLER SECONDED THE MOTION. ALL PRESENT VOTED IN  
44 FAVOR. THE MOTION CARRIED.

45 There was then some general discussion regarding percentages, revenue  
46 generating businesses, pad sites on the frontage, open corridors and how it will develop.  
47  
48

2 Following some additional discussion, the Commission agreed that staff has come a long way with the ordinance and it is moving in the right direction.

4 At this time Chairperson Call asked Councilmember Bean if the direction the Commission is going is the same direction the City Council is considering with this issue. Councilmember Bean stated it is a good direction as this is a difficult approach because of the five (5) acre parcel issue and if it is too small. He added something the City Council would like to consider is how to get to that point and to build flexibility in with the idea of what the minimum percentage of retail is. Chairperson Call stated the Commission does their best to give their recommendation to the City Council and they understand they will decide the percentage of retail from there.

12 Commissioner Vanchiere commented that by making one decision by default you make another one. He also agrees with Councilmember Bean that it is inevitable that the further you get down the line the less options there will be and there will not be a whole lot that can be done about that and shouldn't be a real consideration; to make it equitable across the board will just not happen. He added if the retail percentage goal is attained and the minimum percentage is met are we going to say no to non-retail uses; at some point someone will not be happy with how it turns out and that should not be a consideration and we will have to accept that fact. Commissioner Kallas pointed out if you just go with percentages rather than identifying commercial then you run the risk of development and right down to the end of the development everything has to be commercial to meet the percentage and it is just not realistic. Commissioner Johnson commented that he struggles with just a percentage and agrees it needs to have the flexibility. Commissioner Marchbanks pointed out that the City Council has the prerogative to raise the minimum if they feel it is necessary, but he feels this is a great starting point and thinks it is good to logically select the hard corners up front and be willing to be flexible as well.

28 Mr. Van Wagenen stated staff will create some logical Districts to the east (based on the patterns to the west) and come up with an official map to identify some of the hard corners and try to put in the ability to be fluid about where the hard corners will fluctuate along the frontage within that District and bring it back for a vote to forward on to the Council. Chairperson Call pointed out this is a working document so as far as the discussion tonight this item will need to be continued.

34 Chairperson Call asked if there were any further comments or discussion. Hearing none she called for a motion to continue.

36

38 COMMISSIONER KELLER MOVED TO CONTINUE ORDINANCE AMENDMENT #2017-13-O. COMMISSIONER JOHNSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

40 CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
42 COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KELLER	AYE
44 COMMISSIONER JOHNSON	AYE
COMMISSIONER VANCHIERE	AYE
46 THE MOTION CARRIED UNANIMOUSLY.	

2           5. **General Discussion — State of the City Report (August 2017).** Staff will  
3           present information regarding the Lindon City – State of the City Report (August  
4           2107). No formal action will be taken at this time.

6           Mr. Van Wagenen explained the City Administrator, Adam Cowie, has begun to  
7           create an annual State of City document. The 2017 document was issued a few months  
8           ago and is a great overview of the City activities and finances. He then reviewed the  
9           document with the Commission followed by discussion. He noted that no action is  
10          needed as this item is for discussion only.

11          Chairperson Call asked if there were any comments or discussion. Hearing none  
12          she called moved on to the next agenda item.

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

16          Chairperson Call asked for an update on the final approval process on the Walker  
17          Farms request. Mr. Van Wagenen said the request passed in a 3 to 2 vote. He did mention  
18          there was some conversation about adjusting the commercial farm zone a bit because of  
19          the concerns brought up through this process as there were some in favor and some  
20          against. He also mentioned the Udall swim lesson issue will be coming forward when the  
21          ordinance is complete.

22          7. **Planning Director Report** – Mr. Van Wagenen reported on the following items  
23          followed by discussion.

- 24                   • Utah Land Use Institute Fall Conference (October 24-25, 2017) Sandy,  
25                   Utah
- 26                   • Discuss r-o-w improvements

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

29          **ADJOURN** –

30                   COMMISSIONER KELLER MADE A MOTION TO ADJOURN THE  
31                   MEETING AT 8:30 PM. COMMISSIONER JOHNSON SECONDED THE MOTION.  
32                   ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

33                   Approved – October 24, 2017

34                   \_\_\_\_\_  
35                   Sharon Call, Chairperson

36                   \_\_\_\_\_  
37                   Hugh Van Wagenen, Planning Director

**Item 3: Public Comment**

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

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

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

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## Item 4: Conditional Use Permit — GR Auto Body and Paint 909 West 500 North, Unit “B”

Gustavo Robles requests conditional use permit (CUP) approval for general auto/vehicle repair services to be located at 909 West 500 North, Unit “B”, in the Light Industrial zone.

<p><b>Applicant:</b> Gustavo Robles  <b>Presenting Staff:</b> Brandon Snyder</p> <p><b>General Plan:</b> Mixed Commercial  <b>Zone:</b> Light Industrial (LI)</p> <p><b>Property Owner:</b> E H Utah LLC  <b>Address:</b> 909 West 500 North  <b>Parcel ID:</b> 43:201:0010 (Lot 10, Plat G, Joyner Business Park Subdivision)  <b>Lot Size:</b> 1.071 acre(s)</p> <p><b>Type of Decision:</b> Administrative  <b>Council Action Required:</b> No</p>	<p><b>SUMMARY OF KEY ISSUES</b></p> <ol style="list-style-type: none"> <li>Whether to <b>approve</b> the applicant’s request for a conditional use permit.</li> <li>Whether to impose reasonable conditions to mitigate potential detrimental impacts.</li> </ol> <p><b>MOTION</b></p> <p>I move to (<i>approve, deny, continue</i>) the applicant’s request for a conditional use permit for general auto/vehicle repair, to be located at 909 West 500 North, Unit “B”, in the Light Industrial (LI) zone, with the following conditions (if any):</p> <ol style="list-style-type: none"> <li>No outdoor storage</li> <li></li> </ol>
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### OVERVIEW

- The applicant has requested approval for general auto/vehicle repairs. The Lindon City Land Use Table indicates that “General auto/vehicle repair” is a conditional use in the LI zone.
- The applicant provides vehicular repair services mainly for local car dealerships. The applicant’s business plan is attached.
- City records (as of 10/18/2017) indicate three open/active business licenses for this location: Ready Project (Food Manufacturing – CUP Issued 2009), Dynamond Building Maintenance (Commercial Janitorial), and Construction Material Technologies (Geo-Tech Engineering).
- The applicant is not proposing any changes to the site.
- The minimum parking requirements are six (6) stalls (1/300 sq. ft. office and 5/service bay). The stalls must be asphalt or concrete per LCC 17.18.080.

Third Party Public Notices required per LCC section 17.14.50 were mailed on October 13, 2017. No public comments have been received at this time.

The purpose of the of the LI zoning district is to provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained, and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas. areas.

## **ANALYSIS**

### ***Applicable laws and standards of review***

- State Code defines a conditional use as "a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts."
- Section 10-9a-507 of the State Code requires municipalities to grant a conditional use permit "if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards." Once granted, a conditional use permit runs with the land.
- State Code further provides that a conditional use permit application may be denied only if "the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards." Utah Code § 10-9a-507.



- LCC Section 17.20.060 provides that a conditional use may be denied when:
  - "[U]nder circumstances of the particular case, the proposed use will be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity, and there is no practical means available to the applicant to effectively mitigate such detrimental effects;" or,
  - "[T]he applicant cannot or does not give the Planning Commission reasonable assurance that conditions imposed incident to issuance of a conditional use permit will be complied with."



Lindon City.

Business overview.

Thank you for taking time to review our conditional use permit. We have attached the necessary items for the check list as asked for by Lindon city. This letter is to inform you on the use of our business and daily routine. We are contracted out by local dealerships to do paint correction, dent removal/work. We have 6 designated parking spots for employees or customers. We have one state of the art paint booth that will be installed in the warehouse. I have contacted Phil Brown for my build inspection. Please feel free to reach out to me at anytime. Also I have had my business license and everything trasfred to my new address. I appreciate your time.

- 
- Business Hours 9:00 am - 7:00 pm
- 
- Use: We are a paint and touch up body shop for 3 major local car dealers in the Lindon area.
- 
- We are NOT a collision center. We do NOT have outside storage. we are a very clean shop.
- 

Feel free to call me with Questions [801-814-7502](tel:801-814-7502)

# G R AUTO BODY & PAINT, INC.

[Update this Business](#)

**Entity Number:** 8780057-0142

**Company Type:** Corporation - Domestic - Profit

**Address:** 909 WEST 500 NORTH Lindon, UT 84042

**State of Origin:**

**Registered Agent:** GUSTAVO A ROBLES

**Registered Agent Address:**

909 W 500 N

[View Management Team](#)

Lindon, UT 84042

Status: *Active*

[Purchase Certificate of Existence](#)

**Status:** Active  as of 08/26/2013

**Renew By:** 08/31/2018

**Status Description:** Good Standing

The "Good Standing" status represents that a renewal has been filed, within the most recent renewal period, with the Division of Corporations and Commercial Code.

**Employment Verification:** Not Registered with Verify Utah

[History](#)

[View Filed Documents](#)

**Registration Date:** 08/26/2013

**Last Renewed:** 07/18/2017

[Additional Information](#)

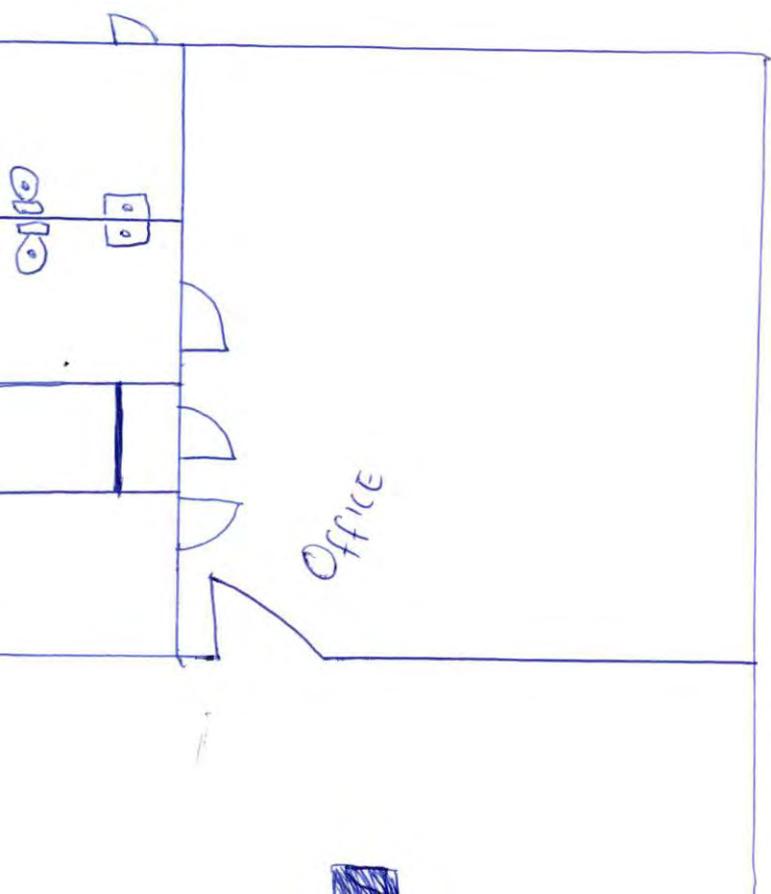
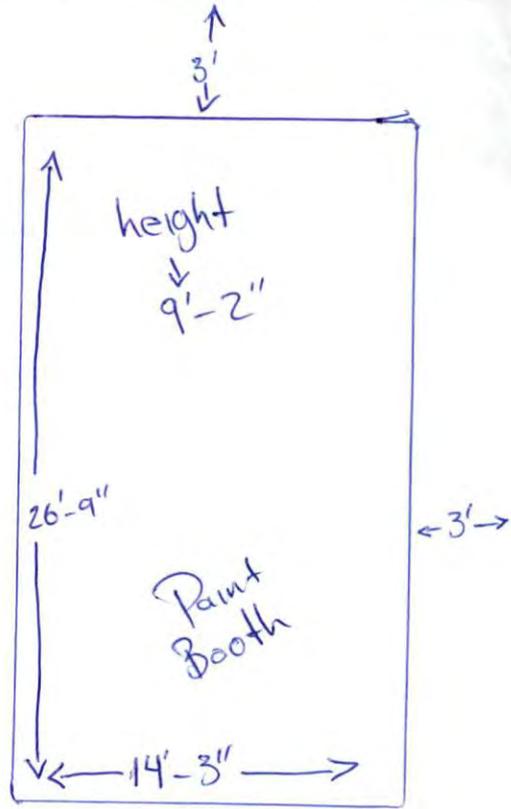
**NAICS Code:** 8111 **NAICS Title:** 8111-Automotive Repair and Maintenance

[<< Back to Search Results](#)

Search by: [Business Name](#) [Number](#) [Executive Name](#) [Search Hints](#)

Business Name:

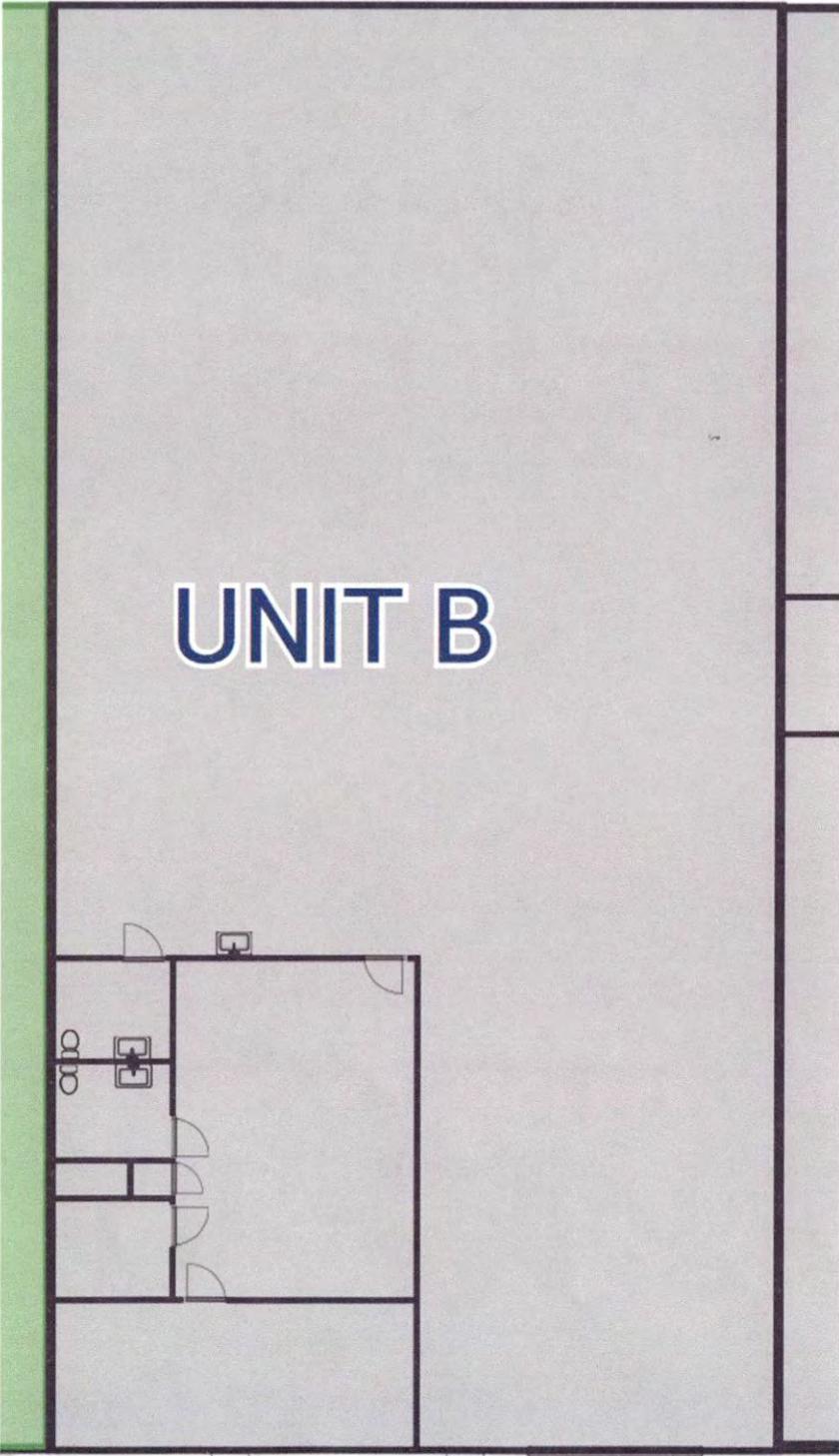




Community Development  
Lindon City

OCT 10 2017

**RECEIVED**



# UNIT B

# Item 5: Minor Subdivision — Old Station Square, Plat D ~ 315 N. State St.

**Applicant:** Jeremy Ackley  
**Presenting Staff:** Brandon Snyder

**General Plan:** Commercial  
**Current Zone:** General Commercial (CG)

**Property Owner:** APerfect Development LLC  
**Address:** ~315 N. State St.  
**Parcel ID:** 48-342-0015 (Part Lot 8, Plat A, Old Station Square Subdivision)  
**Size:** 2.02 acres

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

**SUMMARY OF KEY ISSUES**

- Whether the request complies with applicable land use regulations.

**MOTION**

I move to (*approve, deny, continue*) the applicant's request for preliminary plan approval of a two-lot subdivision to be known as the Old Station Square Subdivision, Plat D, with the following conditions (if any):

- 
- 

**PROPOSAL**

- Two-lot minor subdivision

**BACKGROUND**

- Section of Lakeview Drive vacated by Lindon City Council 07/05/2005. Road rerouted to the south. (Existing utilities will be maintained within an appropriate easement as shown on the proposed plat.)
- Application for first review of proposed Plat "D" received in 2005. (Proposal at that time was for one lot. The proposal included the vacated portion of Lakeview Drive and land to the north. Proposal reviewed through 2006 and into 2007.)
- Old Station Square Subdivision, Plat A, recorded 01/11/2006.
- One-lot subdivision, which combined three existing lots and the vacated section of Lakeview Drive, reviewed by the Planning Commission 01/10/2007. Principle access to this lot was to be from State Street. A potential access from the intersection of Lakeview Drive and 290 West was to be considered if traffic safety concerns could be addressed. A concern was traffic using future **development's parking lot as a direct access route to State Street. The Planning Commission** recommended approval of the subdivision with conditions. One condition was that there be no direct access from State Street to Lakeview Drive.
- City Council reviewed the proposed one-lot subdivision on 01/16/2007. The City Council approved the proposal with conditions. One condition was that there be no direct access from State Street to Lakeview Drive through the lot. Plat was never recorded. (Approval expired.)



6. Amended proposed Plat D received by Lindon City 02/19/2009. This proposal included lot 8 of Plat A. This proposal would still create the lot north of the vacated Lakeview Drive, but would also split lot 8 into two lots.
7. Old Station Square Subdivision, Plat F, approved by the City Council 03/03/2009. The plat divided off a portion of Lot 8, Plat A. The remainder to be included in pending Plat D. (Plat F was in relation to the Candlelight Media site plan at 272 West 200 North.)
8. Plat D (now with two lots) reviewed by the Planning Commission 03/25/2009 and approved by the City Council 04/07/2009, with no conditions. Meeting minutes and staff report indicate that access will be from State Street, 200 North and Lakeview Drive. It was noted that during the site plan review of the lots, through access from Lakeview to State would be reviewed and that the through access would be made inconvenient by way of landscaping, curbing or other similar barriers. (Improvement plans approved by the City Engineer 01/12/2011. Plat never recorded and approval expired.) Current proposal is very similar if not identical to the 2009 proposal.

## **DISCUSSION & ANALYSIS**

### *Lot Requirements*

- Minimum lot size in the CG zone is 20,000 sq. ft. (Lot 18: 56,154 sq. ft.; Lot 19: 31,780 sq. ft.)

### *Frontage Requirements*

- No minimum frontage required.

### *Other Requirements*

- The City Engineer is currently addressing engineering standards. All engineering and improvement items will be resolved before final approval is granted by the City Engineer.

## **ATTACHMENTS**

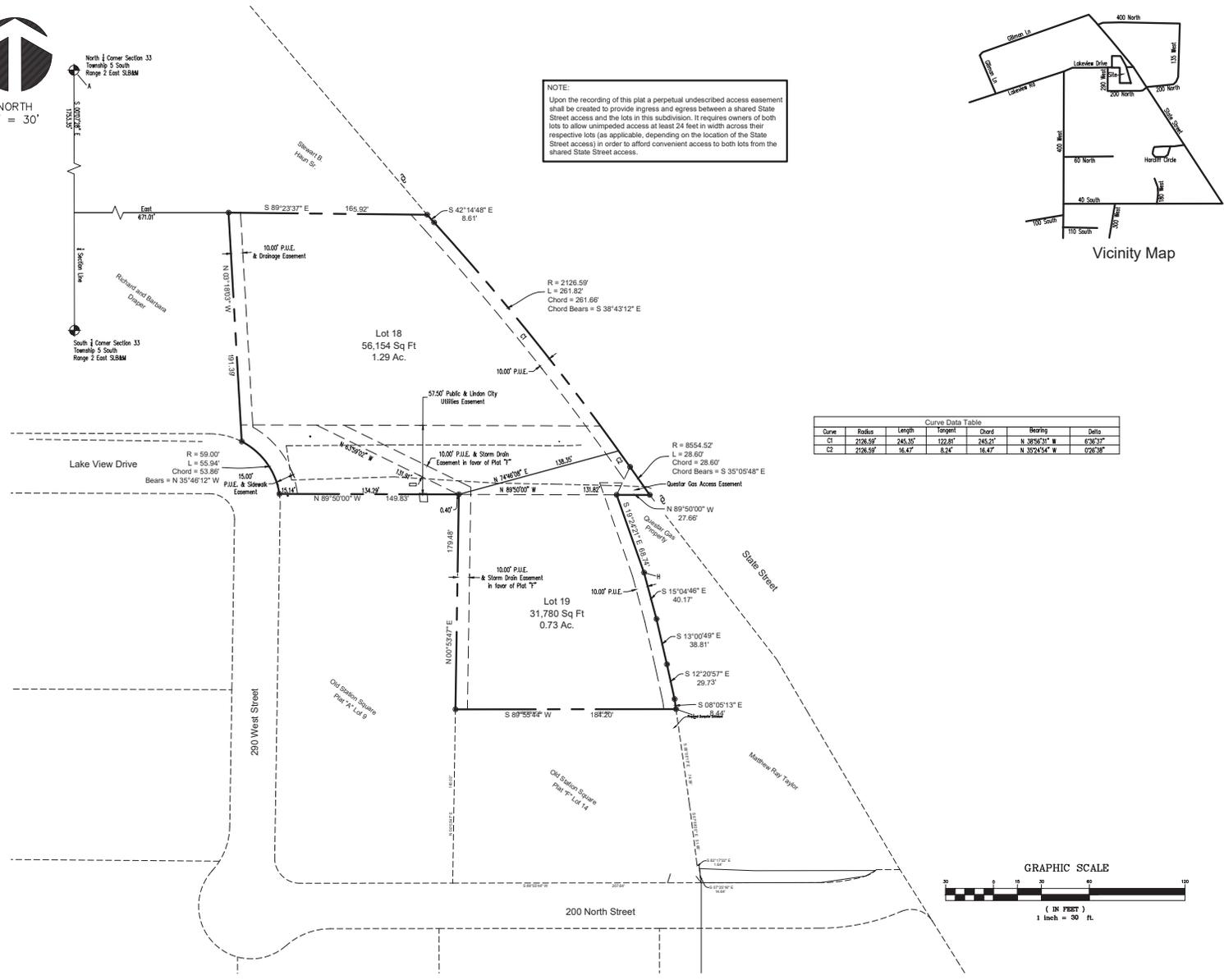
1. Plat
2. Conceptual site plan



NORTH  
1" = 30'

North Corner Section 33  
Township 5 South  
Range 2 East 3.B.M.  
1 Section 33  
South Corner Section 33  
Township 5 South  
Range 2 East 3.B.M.

**NOTE:**  
Upon the recording of this plat a perpetual undescended access easement shall be created to provide ingress and egress between a shared State Street access and the lots in this subdivision. It requires owners of both lots to allow unimpeded access at least 24 feet in width across their respective lots (as applicable, depending on the location of the State Street access) in order to afford convenient access to both lots from the shared State Street access.



Curve	Radius	Length	Apogee	Chord	Bearing	Delta
C1	2126.59'	245.13'	122.56'	245.13'	N 35°46'12" W	67°52'17"
C2	2126.59'	16.47'	8.24'	16.47'	N 35°24'54" W	67°26'38"



Vicinity Map

**Surveyor's Certificate**  
I, Roger D. Dudley, do hereby certify that I am a registered land surveyor, and that I hold certificate No. 142082 in accordance with Utah Code, Title 58, Chapter 25, Professional Engineers and Professional Land Surveyors Licensing Act. I further certify that at the request of the owner of the below-described land, I performed a survey of said land in accordance with Section 17-23-17 of the Utah Code, that the boundary description below correctly describes the land surface upon which will be constructed Plat "A", Royal Circle Subdivision, that I have verified all measurements, and that the reference markers shown on said plot are located as shown and are sufficient to readily retrace or reestablish this survey.

**Boundary Description**  
Commencing at a point located South 00° 07'28" East along the quarter Section line 1751.35 feet and East 671.01 feet from the North quarter corner of Section 33, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence South 89°23'37" East 165.92 feet; thence South 42°14'48" East 8.61 feet; thence along the arc of a 2126.59 foot radius curve to the right 261.82 feet (chord bears South 38°43'12" East 261.82 feet); thence along the arc of a 854.52 foot radius curve to the right 28.60 feet (chord bears South 30°05'48" East 28.60 feet); thence North 89°50'00" West 27.66 feet; thence South 12°20'57" East 29.73 feet; thence South 08°05'13" East 8.44 feet; thence South 89°52'44" West 149.83 feet; thence North 00°53'47" East 179.48 feet; thence North 89°50'00" West 149.83 feet; thence along the arc of a 59.00 foot radius curve to the left 55.94 feet (chord bears North 35°46'12" West 55.94 feet); thence North 03°18'03" West 191.39 feet to the point of beginning.  
Area: 67,933 Sq Ft 2.02 Ac.  
Basis of Bearing is South 00° 07'28" East along the quarter Section line. (NAD 83-Datum)

Date \_\_\_\_\_ Surveyor (See Seal Below)

**Owner's Dedication**  
The undersigned owners (owner without regard to number or gender) of the above-described land hereby certifies that: owner has caused a survey to be made of said land and to be prepared for the  
Owner hereby consents to the concurrent recordation of the plat and declaration and hereby submits the described land to the provisions and requirements of the declaration, owner hereby dedicates any public streets reflected on the map for the use by the general public.

In witness hereof we have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_.

**Acknowledgement**  
STATE OF UTAH } S.S.  
COUNTY OF UTAH }  
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_ who represented that he is the owner of the above-described property and has the authority to execute this instrument.  
My Commission Number \_\_\_\_\_  
Signed (a Notary Public Commissioned in Utah)  
My Commission Expires \_\_\_\_\_  
Print name of Notary

**Acceptance by Legislative Body**  
The City of Lindon, County of Utah, approves this Subdivision subject to the Conditions and Restrictions stated herein, and hereby accepts the dedication of all streets, easements and other parcels of land intended for perpetual use of the public: this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

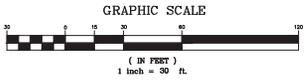
Mayor/Planning Commission Chair \_\_\_\_\_ City Engineer \_\_\_\_\_  
Planning Director \_\_\_\_\_ City Recorder \_\_\_\_\_  
City Attorney \_\_\_\_\_  
Attest \_\_\_\_\_

**Conditions of Approval**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Plat "D"  
**Old Station Square**  
Lindon City, \_\_\_\_\_ Utah County, Utah  
Scale: 1" = 30 Feet

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

**Notice of Lindon City Housing Ordinance**  
All potential buyers of lots within this plat are hereby notified of the Lindon City R2 Overlay Ordinance. Under this ordinance there is potential for small, localized multifamily housing projects in this neighborhood consisting of single family planned unit developments, duplexes, triplexes and accessory apartments. Conditions Covenants and Restrictions (C.C.R.s) which prohibit this type of housing in specific subdivisions are considered legal and in violation of Lindon City Code. Please contact the Lindon City Planning Department at (801) 765-7687 for details regarding this Ordinance.

**City Engineer's Certificate**  
I, Mark L. Christensen as the Lindon City Engineer, have inspected the foregoing plat and legal description and find them to be correct, and do hereby give the approval of said plat on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
Lindon City Engineer (see seal)





NORTH  
1" = 30'

Richard and Barbara  
Draper

Stewart B.  
Haun Sr.

Lot 18  
56,125 Sq Ft  
1.29 Ac.

State Street

Lake View Drive

Existing CG & SW to remain

290 West Street

Questar Gas

Lot 19  
31,780 Sq Ft

Old Station Square  
Plat "A" Lot 9

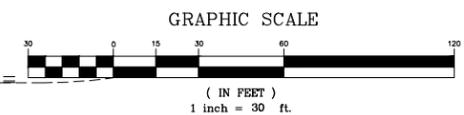
Matthew Ray Taylor

200 North Street

**CAUTION!!! Notice to contractors**

The Contractor is specifically cautioned that the location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies and where possible from measurements taken in the field. The information is not to be considered exact or complete. The Contractor must notify the utility location center at least 48 hours prior to any excavation to request the exact location of the utilities in the field. It shall be the responsibility of the Contractor to relocate all existing utilities which conflict with the proposed improvements shown on the plan.

**Know what's below. 811**  
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**DUDLEY AND ASSOCIATES**  
ENGINEERS PLANNERS SURVEYORS  
353 EAST 1200 SOUTH, OREM, UTAH  
801-224-1252

# Concept Plan

Utah

Lindon

Revisions

Date	9-26-2017
Scale	1" = 30'
By	TD
Tracing No.	L -

Sheet No.	C - 1.0
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## Item 6: Ordinance Amendment, Lindon City Code 17.48 Commercial Zones, Lindon Village Zone

<p>Applicant: Lindon City Presenting Staff: Hugh Van Wagenen</p> <p>Type of Decision: Legislative Council Action Required: Yes</p>	<p><u>SUMMARY OF KEY ISSUES</u></p> <ol style="list-style-type: none"><li>1. Whether it is in the public interest to recommend approval of the proposed amendment to the City Council which require sales tax production in certain areas within the LVC zone.</li></ol> <p><u>MOTION</u></p> <p>I move to recommend (<i>approval, denial, continuation</i>) of ordinance amendment 2017-13-O (<i>as presented, with changes</i>).</p>
--	--

### BACKGROUND

The City Council has expressed concern that the Lindon Village Commercial zone will fill up before any substantial retail development is located on the corridor. This ordinance will require certain areas along 700 North to have a sales tax producing business.

This amendment has been discussed in the following 2017 Planning Commission meetings: August 22, September 12, September 26, October 10.

### ANALYSIS

With direction from the Planning Commission, staff has identified additional Districts in the LVC zone east of Geneva Road. Each district needs to be developed in a comprehensive manner. Also, street corners at full movement intersections have been identified as prime locations for sales tax producing businesses. Therefore, any project within the identified corners must produce sales tax. The City Council is able to make exceptions if it is in the best interest of the public.

Both the Districts and Sales Tax Producing Corners are identified in Figure 1 of the ordinance (the map itself is Attachment 1 below). Please see the draft of Ordinance 2017-13-O in Attachment 2 below.

### ATTACHMENTS

1. LVC District and Sales Tax Producing Corners Map
2. Draft Ordinance 2017-13-O



ORDINANCE NO. 2017-13-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING CHAPTER 17.48.025 OF THE LINDON CITY CODE TO MODIFY THE LINDON VILLAGE COMMERCIAL ZONE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the proposed amendment is consistent with the goal of the General Plan to ensure that new development is of high quality and to promote Lindon as a regional center for commercial facilities; and

WHEREAS, the Lindon Village Commercial zone was created to facilitate sales tax generation as such taxes contribute to high quality services for citizens of the great city of Lindon; and

WHEREAS, the Lindon City Planning Commission has recommended approval of an amendment to section 17.48.025 of the Lindon City Code; and

WHEREAS, a public hearing was held on August 22, September 12, September 26, October 10, and October 24, 2017, to receive public input and comment regarding the proposed amendment; and

WHEREAS, no adverse comments were received during the hearing; and

WHEREAS, the Council held a public hearing on November 21, 2017 to consider the recommendation and no adverse comments were received.

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

**SECTION I:** LCC section 17.48.025 of the Lindon City Code are hereby amended to read as follows:

**17.48.025 Lindon Village Commercial (LVC) Zone.**

**1. Purpose.** The purpose of this section is to ensure that the Lindon Village Commercial Zone is developed cohesively. In addition to the planning requirements identified below for individual districts, it is intended that each district will develop in context and with consideration of adjacent districts to create a consistent and coherent development corridor. To accomplish this goal, the following principles are encouraged:

- a. Transportation networks should be interconnected within and between districts. Networks should provide multiple routes to and from destinations, and should consider pedestrian, bicycle, and vehicle users.
- b. Development should include high quality architectural treatments and amenities that create a desirable, comfortable, and consistent experience. Development design should include gathering places and thoroughfares that include continuous tree cover, ample sidewalks, appropriate street furniture and lighting, and supportive building frontages.
- c. The general plan identifies district 15 and the surrounding area, which includes districts 11 through ~~16~~<sup>20</sup>, as a future transit node. These districts should be designed and developed to be transit-ready by placing a special emphasis on pedestrian orientation. Design and amenities in these districts should create a pleasant pedestrian experience.
- d. All development in the Lindon Village Commercial Zone shall comply with the Lindon City commercial design standards. For further guidance on implementing the principles identified above, consult Section II on streetscape considerations, Section III on site design, and Section V on architectural character.

**2. Permitted Land Uses.** Permitted, conditional, and nonpermitted uses in the LVC Zone mirror those uses as reflected in the standard land use table for the General Commercial (CG) Zone with the exception of the following uses which are *not permitted* in the LVC Zone:

- a. Motor vehicles/trucks/marine – New vehicle dealership;
- b. Used cars/trucks – Used vehicle sales lots;
- c. Auto lube and tune-up;
- d. Auto tire shops/tire sales/tire services;
- e. Light equipment rental and leasing – Automobile and light-truck rental;
- f. Indoor gun ranges;
- g. Assisted living facilities – Large or small as defined by Chapter 17.72.

**3. Sales Tax Production Required.** On corners at full movement intersections Figure 1 identifies general areas approximately one acre in size (identified by letters a through u).

- a. Any project or business utilizing these identified areas shall have a sales tax producing component.
- b. These areas can be developed as stand-alone pad sites or in conjunction with a larger project within a development district (outlined in paragraph 4 below).
- c. Verification of sales tax production shall be required prior to any final site plan approval and subsequent business license approval.
- ~~a-d.~~ Upon recommendation from the Planning Commission, the City Council may grant exceptions to this requirement after finding that a project is of more benefit to the public than sales tax production on the excepted corner.

b.—

**3. District Plans.** The following applies to the areas identified in Figure 1 (~~2000 West to railroad tracks within LVC Zone~~) at the end of this chapter:

a. Figure 1 divides the 700 North Commercial Corridor into ~~sixteen~~ twenty-three (~~16~~ 23) development districts. An applicant proposing to develop any portion of a 700 North Commercial Corridor development district must either develop the entire district as a single, coherently planned site, or, if the proposed site involves only a part of the district in which it is located, the following shall be submitted:

i. A district plan showing:

A. The location of the proposed site as it forms part of the entire district; and

B. A future street system, lot configurations, and building orientations that demonstrate how the balance of the undeveloped area could be developed in a way that will preserve access and corridor visibility for the remaining undeveloped part of the district.

b. The land use authority shall approve a district plan with each site plan approved on the 700 North Commercial Corridor (see Figure 1). The approved district plan shall become a basis or standard for future development within the applicable district. It is anticipated that a district plan may evolve in response to subsequent development. An applicant may propose modifications to an existing district plan, and the land use authority may approve requested modifications, that promote quality and orderly development.

**4. Standards for landscaping, fencing and screening, storage and merchandise, maintenance of premises, site lighting, and special provisions in the LVC Zone shall be the same as the CG Zones. (Ord. 2016-23 §1, amended, 2016; Ord. 2015-5, amended, 2015)**

Figure 1. LVC Districts (1-23) and Sales Tax Production Corners (a through u) Map





(Ord. 2016-23 §1, amended, 2016; Ord. 2016-3, amended, 2016; Ord. 2017-13, amended 2017)

## Item 7: Ordinance Amendment, Lindon City Code 17.51, Commercial Farm Zone

<p>Applicant: Lindon City Council Presenting Staff: Hugh Van Wagenen</p> <p>Type of Decision: Legislative Council Action Required: Yes</p>	<p><u>SUMMARY OF KEY ISSUES</u></p> <ol style="list-style-type: none"><li>1. Whether it is in the public interest to recommend approval of the proposed changes to CF zone requirements.</li></ol> <p><u>MOTION</u></p> <p>I move to recommend (<i>approval, denial, continuation</i>) of ordinance amendment 2017-16-O (<i>as presented, with changes</i>).</p>
--	--

### BACKGROUND

Due to a recent request to rezone Single-Family Residential property to Commercial Farm (CF) and the divisive nature of the request, as evidenced by the differing opinions and attitudes of the surrounding community, the City Council has requested a review of requirements in the CF zone.

### ANALYSIS

Specific items the Council would like the Planning Commission to make a recommendation on include:

1. requirement for a residence on-site that is owner occupied.
2. minimum acreage greater than five; perhaps require five acres to be in Green Belt status as identified by Utah County; perhaps require differing acreages dependent on what uses will take place.
3. uses that may not be compatible or may need specific increased setbacks
4. increased setback distances to either the property line or to the nearest residential structure
5. buffering and screening additions to prevent ill effects on surrounding properties
6. not allowing outdoor entertainment/music at venues

### ATTACHMENTS

1. Draft 2017-16-O

**ORDINANCE NO. 2017-16-O**

1  
2  
3  
4 AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY,  
5 UTAH, CREATING CHAPTER 17.51, COMMERCIAL FARM ZONE, OF THE  
6 LINDON CITY CODE, CREATING THE PROVISIONS OF THE SECTIONS AND  
7 PROVIDING FOR AN EFFECTIVE DATE.  
8

9 WHEREAS, the Municipal Council of Lindon City finds it is necessary to create LLC  
10 Chapter 17.51, Commercial Farm Zone, to create code language and identify necessary regulations,  
11 finding that approval of such would benefit the city; and  
12

13 WHEREAS, creation of the Commercial Farm Zone is in conformance with the character and  
14 image of ‘a little bit country’ that Lindon City hopes to preserve and protect by allowing continued  
15 animal rights and agricultural production throughout the city; and  
16

17 WHEREAS, the creation of the Commercial Farm Zone will support agriculture and open  
18 space by allowing additional sources of potential income for farmers in Lindon by allowing other  
19 unique commercial activities associated with working farms; and  
20

21 WHEREAS, the Planning Commission recommended adoption of the new code provisions,  
22 and such provisions will assist in maintaining and enhancing the agricultural and farm character of  
23 Lindon which is consistent with the goals and policies established in the Lindon City General Plan;  
24 and  
25

26 WHEREAS, the current ordinance should be created to provide such provisions and be added  
27 to the Municipal Code of Lindon City.  
28

29 NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of  
30 Utah, Chapter 17.51 of the Lindon City Code is hereby created and will read as follows:  
31  
32

1 **SECTION I:**

2  
3 Chapter 17.51  
4 COMMERCIAL FARM ZONE

5  
6 Sections:

- 7 17.51.010 Purpose and Objectives  
8 17.51.012 Permitted Uses  
9 17.51.015 Agricultural Production Required  
10 17.51.020 Lot Area  
11 17.51.030 Lot Width  
12 17.51.040 Lot Depth  
13 17.51.050 Lot Frontage  
14 17.51.070 Number of Dwellings Per Lot  
15 17.51.080 Yard Setback Requirements  
16 17.51.090 Projections Into Yards  
17 17.51.100 Building Height  
18 17.51.110 Distance Between Buildings  
19 17.51.120 Permissible Lot Coverage  
20 17.51.125 Screening and Fencing  
21 17.51.130 Parking  
22 17.51.140 Residential and Agricultural Accessory Buildings  
23 17.51.150 Other Requirements

24  
25 Section 17.51.010 Purpose and Objectives

26 Commercial Farm Zones (CF) are established to provide encouragement of agricultural production  
27 and associated commercial activities that are compatible with and/or promote agricultural uses  
28 within the city. Objectives of the zone include promoting and preserving agricultural production,  
29 promoting agricultural open space throughout the city, and allowing associated commercial activities  
30 which could be used as additional revenue sources to help sustain and support agricultural industry  
31 within Lindon. Although the intent of the zone is to promote agricultural uses within the city, the  
32 zone may be utilized as a ‘holding zone’ to allow reasonable options for income from agricultural  
33 and/or commercial uses for a period of time before developing the land in conformance with the  
34 General Plan Land Use Map.  
35

36 Section 17.51.012 Permitted Uses

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

- 38 1. Permitted Uses: Single-family residence; accessory buildings to a single-family dwelling;  
39 agricultural production and related accessory buildings; other permitted uses in the R1  
40 residential zones.  
41 2. Conditional Uses: Caretakers or farm-help accessory dwelling unit; commercial horse  
42 stables; farmers market; greenhouses; plant or garden nursery; garden center; bed &  
43 breakfast facility; educational programs and associated facilities; amphitheater; reception

1 center; conference center; boutique; café; restaurant; veterinary clinic; and food  
2 manufacturing (not to exceed 2,000 sq/ft of processing and production area).

3  
4 Section 17.51.014 Owner Residency Required

5 Each Commercial Farm project shall have a legal on-site residence that is owner-occupied.  
6

7 Section 17.51.015 Agricultural Production Required

8 1. As of November 21, 2017 a minimum of five (5) acres contiguous land or Aat least 40% of the  
9 property, whichever is greater, must be maintained in active agricultural production and be  
10 managed in such a way that there is a reasonable expectation of profit. Any property zoned CF  
11 prior to November 21, 2017 does not have to meet the five (5) acre minimum requirement, but  
12 does have to meet the 40% minimum. Land used in connection with a farmhouse, such as  
13 landscaping, driveways, etc., cannot be included in the area calculation for agricultural  
14 production eligibility.

15 2. For the purposes of this chapter, “agricultural production” shall be defined as the production of  
16 food for human or animal consumption through the raising of crops and/or breeding and raising  
17 of domestic animals and fowl (except household pets) in such a manner that there is a reasonable  
18 expectation of profit.  
19

20 Section 17.51.020 Lot Area

21 As of November 21, 2017 ~~F~~the minimum area of any lot or parcel of land in the CF zone shall be  
22 five-eight (8~~5~~) acres. Any property under eight (8) acres zoned CF prior to November 21, 2017  
23 will have the right to develop if all other requirements of LCC 17.51 are met. Multiple parcels  
24 that total five-eight acres or more may qualify as meeting the minimum lot area without  
25 combining the parcels only when they are under identical legal ownership and are contiguous. A  
26 deed restriction prohibiting the separation of parcels may be required in order to maintain the  
27 minimum five contiguous acres.  
28

29 Section 17.51.030 Lot Width

30 1. Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section  
31 17.51.020 above, shall have a width of not less one hundred (100) feet (measured at front yard  
32 setback).  
33

34 Section 17.51.040 Lot Depth

35 Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section  
36 17.51.020 above, shall have a minimum lot depth of one hundred (100) feet.  
37

38 Section 17.51.050 Lot Frontage

39 Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section

1 17.51.020 above, shall abut a public street for a minimum distance of fifty (50) feet, on a line  
2 parallel to the centerline of the street or along the circumference of a cul-de-sac improved to City  
3 standards. Frontage on a street end which does not have a cul-de-sac improved to City standards  
4 shall not be counted in meeting this requirement.

5  
6 Section 17.51.070 Number of Dwellings Per Lot

7 Not more than one (1) single-family dwelling with an accessory apartment, and one (1)  
8 caretakers or farm-help dwelling may be placed on a lot or parcel of land in the CF zone (or  
9 conglomeration of parcels necessary to meet minimum acreage requirements). In no case may the  
10 care takers or farm-help dwelling be sold as a separate, subdivided lot unless it meets all  
11 requirements of the underlying zone. Owner occupancy of a primary residence on the property is  
12 required to maintain a caretakers or farm-help dwelling unit.

13  
14 Section 17.51.080 Non-Commercial Building Yard Setback Requirements

15 The following minimum yard requirements shall apply to non-commercial buildings in the CF  
16 zone: (Note: All setbacks are measured from the property line, or for property lines adjacent to a  
17 street the setback shall be measured from the street right-of-way line.

18 1. Front yard setback: thirty (30) Feet

19 Rear yard setback: thirty (30) Feet

20 Side yard setback: ten (10) Feet

21 2. Street Side yard - Corner Lots: On corner lots, the side yard contiguous to the street shall not  
22 be less than thirty (30) feet and shall not be used for vehicle parking, except such portion as is  
23 devoted to driveway use. Of the remaining rear and side yards on a corner lot, one rear yard  
24 setback of thirty (30) feet and one side yard setback of ten (10) feet shall be required on the  
25 remaining non-street facing sides of the lot.

26 Section 17.51.085 Commercial Building Yard Setback Requirements

27 The following minimum yard requirements shall apply to the following commercial  
28 buildings/structures in the CF zone: amphitheater; reception center; conference center; boutique;  
29 café; restaurant; veterinary clinic; and food manufacturing.

30 (Note: Unless otherwise noted, all setbacks are measured from the property line, or for property  
31 lines adjacent to a street the setback shall be measured from the street right-of-way line.)

32 1. Front yard setback: fifty (50) feet

33 2. Rear yard setback: fifty (50) feet

34 3. Side yard setback: fifty (50) feet

35 4. Street Side yard - Corner Lots: On corner lots, the side yard contiguous to the street shall not  
36 be less than fifty (50) feet.

37 5. Neighboring residential structure (measured structure to structure): two-hundred (200) feet

1 Section 17.51.090 Projections into Yards

2 1. The following structures may be erected on or project into any required yard setback:

3 a. Fences and retaining walls in conformance with the Lindon City Code and other City codes or  
4 ordinances;

5 b. Necessary appurtenances for utility service.

6 2. The structures listed below may project into a minimum front, side, or rear yard not more than  
7 the following distances:

8 a. The following may project into a minimum front, side or rear yard not more than twenty-four  
9 (24) inches: Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features;  
10 fireplace structures and bays (provided that they are not wider than eight (8) feet, measured  
11 generally parallel to the wall of which they are a part), awnings and planting boxes or masonry  
12 planters.

13 b. The structures listed below may project into a rear yard not more than twelve (12) feet: A  
14 shade structure or uncovered deck (which does not support a roof structure, including associated  
15 stairs and landings) extending from the main-floor level and/or ground level of a building,  
16 provided such structure is open on at least three (3) sides, except for necessary supporting  
17 columns and customary architectural features.

18 c. The following may project into a front, side or rear yard (above or below grade) not more than  
19 four feet as long as they are uncovered (not supporting a roof structure): unenclosed stairways,  
20 balconies, landings, and fire escapes.

21  
22 Section 17.51.100 Building Height

23 No lot or parcel of land in the CF zone shall have a building or structure which exceeds a  
24 maximum average height of thirty-five (35) feet, measuring the four (4) corners of the structure  
25 from finished grade to the highest point of the roof structure. In all zones, the Planning Director  
26 and Chief Building Official shall be responsible for designating and identifying the four corners  
27 of a structure. Non-habitable architectural features or structures not wider than ten (10) feet such  
28 as silos, steeples, cupolas, or other similar structures may exceed the building height up to forty-  
29 five (45) feet. No dwelling shall be erected to a height less than one (1) story above grade.

30  
31 Section 17.51.110 Distance Between Buildings

32 The separation distance between any accessory buildings and a dwelling, or the distance between  
33 multiple detached accessory buildings, shall not be less than ten (10) feet.

34  
35 Section 17.51.120 Permissible Lot Coverage

36 1. In a CF zone, all buildings, including accessory buildings and structures, shall not cover more  
37 than forty (40) percent of the area of the lot or parcel of land, or the conglomeration of parcels as  
38 defined in Section 17.51.020.

39 2. At least forty (40) percent of the front yard setback area of any lot shall be landscaped. On any

1 lot, concrete, asphaltic, gravel, or other driveway surfaces shall not cover more than fifty (50)  
2 percent of a front yard.

3  
4 Section 17.51.125 Screening and Fencing

5 1. The following screening and fencing requirements are required in the CF zone:

6 a. A six (6) foot high site obscuring fence shall be constructed and maintained along any property  
7 line between a residential use or residential zone and a commercial building in the CF zone when  
8 the commercial building is closer than 30' from the property line. The fence shall be placed along  
9 the property line at an area parallel to the commercial building and shall extend a minimum of  
10 50' along the property line from both directions from the ends of the building.

11 b. Any commercial structure closer than 30' to a residential use or residential zone shall provide  
12 a minimum 10' wide tree-lined buffer from the commercial building to the adjacent residential  
13 use or zone. Trees shall be planted at least every 10' along the buffer area adjacent to the  
14 residential use or residential zone. Trees must be a minimum of 2" caliper measured one foot off  
15 the ground and at least 6' tall when planted. In addition to any required fencing, trees shall be of  
16 a variety that will mature to a height of at least 20' tall in order to provide an increased visual  
17 barrier between the commercial use and the residential use.

18 2. For purposes of this chapter, residential dwelling units and agricultural accessory buildings in  
19 the CF zone are not considered commercial structures.

20 3. The Planning Commission may waive or modify the fencing and/or landscape screening  
21 requirement upon findings that the fence and/or landscaping is not needed to protect adjacent  
22 residential uses from adverse impacts, or that such impacts can be mitigated in another  
23 appropriate manner.

24  
25 Section 17.51.130 Parking

26 1. Each use in the CF zone shall have, on the same lot or conglomeration of parcels as defined in  
27 Section 17.51.020 above, off-street parking sufficient to comply with the number of spaces  
28 required by Chapter 17.18 of the Lindon City Code.

29 2. Parking spaces in a CF zone are exempted from the surfacing, striping, and interior  
30 landscaping requirements as found in Chapter 17.18, but shall be provided with a dustless, hard  
31 surface material such as compacted gravel, asphalt, or concrete and shall be provided with a  
32 similar hard surfaced access from a public street.

33 3. Notwithstanding paragraph 2 above, any off-street parking lot adjacent to a residential use or  
34 residential zone shall provide a minimum ten (10) foot landscaped buffer from the parking lot to  
35 the adjacent residential use or zone. Trees shall be planted at least every ten (10) feet along the  
36 landscaped strip. Trees must be a minimum of two (2) inch caliper measured one foot off the  
37 ground and at least six (6) feet tall when planted. Trees shall be of a variety that will mature to a  
38 height of at least twenty (20) feet tall in order to provide a visual barrier between the parking lot  
39 and the residential use/zone.

40 3. No required parking spaces shall be within thirty (30) feet of a front property line or street side  
41 property line.

1 4. All required ADA parking stalls shall be provided with smooth, hard surface asphalt or  
2 concrete paving with a similar surface provided as an ADA accessible pedestrian route between  
3 the parking spaces and any public buildings being accessed from the spaces.  
4

5 Section 17.51.140 Residential and Agricultural Accessory Buildings

6 1. Accessory Building within the Buildable Area (non-commercial). Accessory buildings meeting  
7 all setback requirements (within the buildable area) for the main dwelling are permitted when in  
8 compliance with the following requirements:

9 a. Have a building height not taller than thirty-five (35) feet. Height to be calculated as per  
10 §17.51.100.

11 b. Comply with all lot coverage requirements.

12 2. Accessory Building Outside the Buildable Area (non-commercial). Accessory buildings that  
13 do not meet the setback requirements (outside the buildable area) for the main dwelling shall  
14 comply with lot coverage requirements and meet the following:

15 a. Be set back a minimum of 30 feet from the front property line and five feet from any other  
16 property line.

17 b. Be set back a minimum of ten (10) feet from property line when located between the main  
18 dwelling and the side property line.

19 c. Not be located within a recorded public utility easement, unless a release can be secured from  
20 all public utilities.

21 d. Have an average building height of no more than twenty (20) feet in height measured at the  
22 four corners of the structure from finished grade to the highest point of the roof structure.

23 e. Comply with distance between buildings requirements.

24 3. Accessory buildings larger than two-hundred (200) square feet shall be required to obtain a  
25 building permit.

26 4. Construction of an accessory building may precede the construction of the primary residence.  
27

28 17.51.150 Other Requirements

29 1. Except as otherwise stated within this chapter regarding animal uses in the CF zone, all  
30 applicable sections of Title 6 of the Lindon City Code (animal regulations) pertains to the CF  
31 zone, including setbacks to agricultural buildings and corrals.

32 2. Signage: Signs allowed within the CF zone are limited to monument signs, wall signs, banner  
33 signs, flags, directional signs, and temporary display signs (balloons, banners, and pennant flags)  
34 as more fully described in Title 18 of Lindon City Code.  
35  
36  
37

---

1 **SECTION II:** Provisions of other ordinances in conflict with this ordinance and the provisions  
2 adopted or incorporated by reference are hereby repealed or amended as provided herein.  
3

4 **SECTION III:** The provisions of this ordinance and the provisions adopted or incorporated by  
5 reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or  
6 unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall  
7 nevertheless be unaffected and continue in full force and effect.  
8

9 **SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as  
10 provide by law.  
11

12  
13 PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this  
14 \_\_\_\_\_ day of \_\_\_\_\_, 2017.  
15  
16

---

17  
18  
19  
20 \_\_\_\_\_  
21 Jeff Acerson, Mayor

22 ATTEST:

23 \_\_\_\_\_  
24 Kathryn A. Moosman,  
25 Lindon City Recorder  
26  
27  
28

SEAL

## Item 8 : Ordinance Amendment, Lindon City Code 17.09, Table #1, Land Use Authority and Appeal Authority

<p>Applicant: Lindon City Council Presenting Staff: Hugh Van Wagenen</p> <p>Type of Decision: Legislative Council Action Required: Yes</p>	<p><u>SUMMARY OF KEY ISSUES</u></p> <p>1. Whether it is in the public interest to recommend approval of the proposed amendment which would assign the City Council as the Land Use Authority for site plans and conditional uses in the Commercial Farm zone.</p> <p><u>MOTION</u></p> <p>I move to recommend (<i>approval, denial, continuation</i>) of ordinance amendment 2017-15-O (<i>as presented, with changes</i>).</p>
--	---

### BACKGROUND

Due to a recent request to rezone Single-Family Residential property to Commercial Farm (CF) and the divisive nature of the request, as evidenced by the differing opinions and attitudes of the surrounding community, the City Council has requested to become the Land Use Authority for any site plan or conditional use applications in the CF zone.

### ANALYSIS

A land use authority is a body designated by the City Council to grant approvals on land use decisions. Currently, the Land Use Authority for site plans and conditional uses generally is the Planning Commission, thereby absolving an applicant from presenting such a request to the City Council.

The current proposal to make the City Council the Land Use Authority for both site plans and conditional use permits in the CF zone will result in a minimum one-week addition to any application approval timeline and to accommodate the City Council public meeting. Applications in the CF zone are not common.

In order to make this change, only Table #1 in LCC 17.09 needs to be modified, as shown in the draft ordinance below.

### ATTACHMENTS

1. Draft 2017-15-17

ORDINANCE NO. 2017-15-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING LCC 17.09, TABLE #1, OF THE LINDON CITY CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the proposed amendment is consistent with the goals of the General Plan to maintain the quality of existing and future neighborhoods and recognize and promote Lindon as a dynamic Utah County community with a distinctive rural environment; and

WHEREAS, development within the Commercial Farm zone must be well balanced with the needs and desires of the surrounding neighborhood; and

WHEREAS, the City Council finds review of site plans and conditional use permits within the Commercial Farm zone pertinent to their responsibilities as elected officials; and

WHEREAS, the Lindon City Planning Commission has recommended approval of the proposed amendment; and

WHEREAS, a public hearing was held on October 24, 2017, to receive public input and comment regarding the proposed amendment; and

WHEREAS, no adverse comments were received during the hearing; and

WHEREAS, the Council held a public hearing on November 21, 2017 to consider the recommendation and no adverse comments were received.

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

**SECTION I:** LCC section 17.09, Table #1 of the Lindon City Code are hereby amended to read as follows:

## Chapter 17.09 LAND USE AUTHORITY AND APPEAL AUTHORITY

LCC 17.09, Table #1

Land Use Application	Land Use Authority	Appeal Authority
General Plan Amendment	City Council	None
Zone Change and Zoning Ordinance Amendments	City Council	None
Major Subdivisions	City Council	Board of Adjustment
Minor Subdivisions*	Planning Commission	City Council
Plat Amendment*	Planning Commission	City Council
Alteration of Non-Conforming Use	City Council	Board of Adjustment
Reimbursement Agreement	City Council	Board of Adjustment
Property Line Adjustment*	City Staff	Planning Commission
Building Permit*	City Staff	Planning Commission
Temporary Site Plan*	City Staff	Planning Commission
<u>1. Site Plan*</u> <u>+2. Site Plan in CF zone</u>	<u>1. Planning Commission</u> <u>+2. City Council</u>	<u>1. City Council</u> <u>+2. Board of Adjustment</u>
<u>1. Conditional Use Permit*</u> <u>+2. Conditional Use Permit in CF zone</u>	<u>1. Planning Commission</u> <u>+2. City Council</u>	<u>1. City Council</u> <u>+2. Board of Adjustment</u>
Temporary Conditional Use Permit*	Planning Commission	City Council
Variances	Board of Adjustment	None
Other Administrative actions as listed in code or performed through department policy*	City Staff, Planning Commission, City Council	Board of Adjustment
Other Legislative actions	City Council	None

\* In cases where the City Council implements LCC 17.08.090 and becomes the land use authority, the appeal authority becomes the Board of Adjustment.

(Ord. 2008-11, amended, 2008; Ord. 2013-14, amended, 2013; Ord. 2017-15-O, amended 2017)

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

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

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

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

ATTEST:

\_\_\_\_\_  
Kathryn A. Moosman,  
Lindon City Recorder  
SEAL

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

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

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

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

ATTEST:

\_\_\_\_\_  
Kathryn A. Moosman,  
Lindon City Recorder  
SEAL

**Item 9: New Business (Planning Commissioner Reports)**

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

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

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

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## **Item 10: Planning Director Report**

- Update: CC review of Udall swim lessons
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**Adjourn**