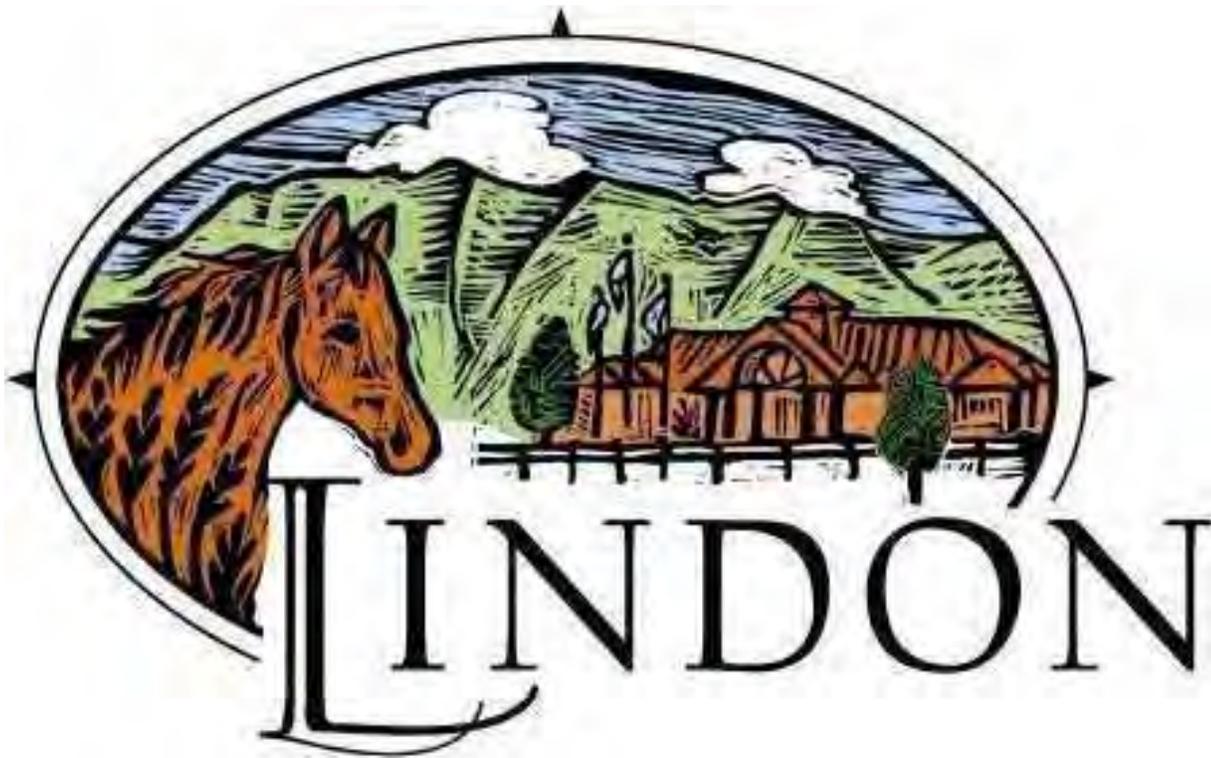


Lindon City Planning Commission Staff Report



September 22, 2020

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on Tuesday, September 22, 2020, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at 6:00 p.m. This meeting may be held electronically to allow a commissioner to participate by video or teleconference. The agenda will consist of the following items:

Agenda

Invocation: By Invitation

Pledge of Allegiance: By Invitation



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

1. Call to Order
2. Approval of minutes
Planning Commission 9/8/2020
3. Public Comment
4. Major Subdivision – Country Garden Estates – approximately 75 N. 500 E.
Wayne Ercanbrack requests Major Subdivision approval for an eight-lot single family home subdivision in the Residential R1-20 zone. *(15 minutes)*
5. Conditional Use Permit – Brady Anderson – 278 E. 70 S.
Brady Anderson requests conditional use permit approval to breed and sell exotic snakes (boa constrictors and ball pythons) at 278 E. 70 S. in the low density residential R1-20 zone. *(20 minutes)*
6. R2 Overlay and Accessory Apartment Ordinance Amendment – Lindon City
Lindon City requests a recommendation to the city council to amend Title 17.46 and amend sections pertaining to the R2 Overlay and Accessory Apartments. *(15 minutes)*
7. New Business from Commissioners
10. Planning Director Report
- General city updates

Adjourn

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

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

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

Posted By: Kathryn Moosman, City Recorder

Date: 9/18/2020

Time: 5:00 pm

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

Notice of Meeting
Lindon City Planning Commission



Item 1 – Call to Order

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

2 conditional use permit approval to operate an F45 exercise training gym in the
Commercial General zone.

4 Mr. Bake stated the applicants are proposing to use the property located at 259
North 290 West Lindon Utah for an exercise studio that will be offering small group
6 exercise classes by appointment only. The proposed use of the property is most similar to
the category “Gymnasium and Athletic Clubs” in the Lindon City Standard Land Use
8 Table; this use is listed as a Conditional Use in the General Commercial zone. He noted
the applicant will be required to obtain a Conditional Use Permit from the Planning
10 Commission before they can receive a business license. Mr. Bake stated notices were
mailed on August 28, 2020 to adjoining property owners in accordance with Lindon City
12 Code and staff has received no public comments back at this time.

Mr. Bake explained the applicant will be using a previously constructed building
14 on a property that meets architectural and site requirements for the General Commercial
zone; the property is about one acre and has two commercial buildings. The applicant
16 will be using the East building closest to 290 West street and the other building behind it
is used as a dental studio. The applicant is not planning to do any construction on the
18 building exterior or site and they plan to add bathrooms and storage space to the interior
of the building. The applicant’s business will not exceed the parking requirements for the
20 property and they do not propose any changes to the parking lot at this time. The business
has 36 parking spaces allotted to their building which is shared with the other building on
22 the lot.

Mr. Bake indicated it is expected that this business will have a minimal impact on
24 surrounding properties and will be compatible with other uses in the General Commercial
Zone. The nature of the business and the by appointment only classes will limit the traffic
26 impact that this business will have on surrounding properties.

Mr. Bake then presented an aerial photo of the site showing parking locations,
28 proposed building floor plan and the business description followed by some general
discussion. He then turned the time over to the applicant for comment.

30 The applicants, Keith and Alicia Halladay addressed the commission at this time.
They stated they are applying for this conditional use permit to locate their F45 Training
32 Studio t 259 North 290 West in Lindon. They explained that F45 Training is a global
fitness franchise specializing in innovative, high-intensity group workouts. This location
34 will be a branded exercise studio offering small group classes by appointments only.
They plan to have 36 parking spaces allotted to their building and the neighboring
36 business, the dental studio. Their hours of operation will be from 5am to 9pm with all
training done inside the building. Chairperson Call stated she doesn’t have any questions
38 and this appears to be a pretty straightforward request.

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

42 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE
APPLICANT’S REQUEST FOR A CONDITIONAL USE PERMIT TO USE THE
44 PROPERTY LOCATED AT 259 NORTH 290 WEST LINDON UTAH FOR AN
EXERCISE STUDIO WITH THE FOLLOWING CONDITIONS: 1. HOURS OF
46 OPERATION WILL BE LIMITED TO 5:00 AM TO 9:00 PM; 2. CUSTOMER
PARKING WILL BE LIMITED TO THE DESIGNATED STALLS ASSIGNED TO
48 YOUR BUILDING; AND 3. ALL ITEMS OF THE STAFF REPORT.

2 COMMISSIONER KALLAS SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

4	CHAIRPERSON CALL	AYE
	COMMISSIONER KALLAS	AYE
6	COMMISSIONER MARCHBANKS	AYE
	COMMISSIONER JOHNSON	AYE
8	COMMISSIONER SCHAUERS	AYE
	COMMISSIONER TRIBE	AYE

10 THE MOTION CARRIED UNANIMOUSLY.

12 **5. Conditional Use Permit – Home Occupation Child Day Care – 1532 W.630 N.**

14 Norma Moreno requests conditional use permit approval to operate a home
occupation child day care in the Residential R3 zone.

16 Anders Bake, Associate Planner, led this agenda item by giving a brief overview
stating the applicant, Norma Moreno is requesting a conditional use permit to operate an
18 in home child care business at 1532 West 630 North in the Residential R3 zone. He noted
the Lindon City Standard land Use Table indicates that Child Day Care – 5 to 16 children
20 (4 or less not regulated) requires a conditional use permit in the residential (R3) zone.

22 Mr. Bake pointed out Ms. Moreno has been approved by the Utah Department of
Health for a Family Child Care License. The license permits the licensee a total capacity
of 16 children. He noted Ms. Moreno is required to maintain her state license in addition
24 to their Lindon City home occupation business license. He added Ms. Moreno has
applied for a home occupation business license which can be approved after Conditional
26 Use Permit approval is granted. He noted a home occupation business must follow the
regulations found in section 17.04.400 of the Lindon City Code. Mr. Bake stated notices
28 were mailed on August 28, 2020 to adjoining property owners in accordance with Lindon
City Code and staff have received no comments back at this time.

30 Mr. Bake went on to say the Home Occupation requirements in the Lindon City
Code section 17.04.400 state that “The purpose and intent of this section is to allow
32 gainful occupations, professions, activities, or uses that are clearly customary, incidental,
and secondary to the residential use of the property and which do not alter the exterior of
34 the property or affect the residential character of the neighborhood.” He then referenced
the table identifying the requirements in section 17.04.400 of the Lindon City Code and
36 whether or not the proposed business is in compliance with the requirements. He noted
all requirements are met but the applicant will need to adjust and coordinate drop off
38 times so that the business can be compliant with this requirement and staff will monitor
this as the business operation begins through any complaints received.

40 Mr. Bake indicated the Utah Department of Health regulates child care centers and
family child care providers in the state of Utah. Ms. Moreno currently holds a license
42 with the Utah Department of Health. This License allows for the following: Child care is
provided in a private home for up to 16 children (unless otherwise determined by the
44 city), including the provider's own children less than four years old; providers must be at
least 18 years old.

46 Mr. Bake indicated that two qualified caregivers are required when there are more
than eight children in care and when there are more than two children less than two years

2 old in care. With two caregivers, providers can care for up to (but not more than) four
4 children less than two years old; a compliant outdoor play area is required.

4 Mr. Bake stated Ms. Moreno’s business description shows that they will make
6 considerable efforts to minimize the impacts that this business may have on the
6 surrounding neighborhood.

8 Mr. Bake then presented the Business description, Utah Health Department
8 license, Interior Building layout and Aerial photo of the site and surrounding area
10 followed by some general discussion.

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

14 COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT’S
14 REQUEST FOR A CONDITIONAL USE PERMIT TO USE THE RESIDENTIAL
16 PROPERTY LOCATED AT 1532 WEST 630 NORTH FOR AN IN HOME CHILD
16 CARE BUSINESS, WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT
18 WILL COMPLY WITH THE HOME OCCUPATION REQUIREMENTS FOUND IN
18 LINDON CITY CODE SECTION 17.04.400; 2. NO MORE THAN 6 VEHICLES MAY
20 BE PARKED AT THE RESIDENCE AT ONE TIME; 3. THE BUSINESS WILL BE
20 OPERATED BY A RESIDENT OF THE HOME; 4. NO MORE THAN 500 SQUARE
22 FEET OR TWENTY-FIVE PERCENT OF THE TOTAL FLOOR SPACE,
22 WHICHEVER IS LESS, SHALL BE USED FOR THE CHILD CARE BUSINESS; 5.
24 THE APPLICANT WILL MEET ALL REQUIREMENTS TO MAINTAIN A CHILD
24 CARE LICENSE WITH THE UTAH DEPARTMENT OF HEALTH; 6. HOURS OF
26 OPERATION WILL BE LIMITED TO MONDAY TO SATURDAY FROM 7:30 A.M.
26 TO 5:30 P.M.; 7. PARENTS/GUARDIANS WILL BE REQUIRED TO SIGN A PICK-
28 UP/DROP-OFF CONTRACT WHICH REQUIRES THEM TO FOLLOW SPEED
30 LIMIT, NOISE LEVELS AND RESPECTING NEARBY RESIDENTS; 8. THE
30 APPLICANT WILL CONTINUALLY MAINTAIN A STATE OF UTAH CHILD
32 CARE LICENSE AND LINDON CITY HOME OCCUPATION LICENSE; AND 9.
32 ALL ITEMS OF THE STAFF REPORT. COMMISSIONER SCHAUERS SECONDED
32 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

34 CHAIRPERSON CALL	AYE
34 COMMISSIONER KALLAS	AYE
36 COMMISSIONER MARCHBANKS	AYE
36 COMMISSIONER JOHNSON	AYE
38 COMMISSIONER SCHAUERS	AYE
38 COMMISSIONER TRIBE	AYE

40 THE MOTION CARRIED UNANIMOUSLY.

42 **6. Major Subdivision – Lindon Treasury Plat D – 200 West 110 South Jeremy**
44 Ackley requests Major Subdivision approval for a four-lot single family home
44 subdivision in the Residential R1-20 zone.

46 Mr. Florence explained the applicant, Jeremy Ackley, who is in attendance, is
48 requesting Major Subdivision approval for a four-lot single family home subdivision in
48 the Residential R1-20 zone. He noted the planning commission and city council recently
48 approved a previous phase of this subdivision which is being developed by a different

2 owner. He noted the proposed 4-lot subdivision meets the minimum lot size and
infrastructure requirements for the R1-20 zone.

4 Mr. Florence stated the lot requirements for the Residential (R1-20) Zone and the
Subdivision Requirements are met and in compliance. He noted the City Engineer is
6 working through any technical issues related to the plat and civil engineering plans and
will ensure all engineering related issues are resolved before final approval is granted.

8 Mr. Florence then read the listed conditions and presented an aerial photo, vicinity map
and the plat followed by some general discussion.

10 Following additional discussion, the commission agreed these look like very nice
lots in a nice area and it appears to meet all requirements.

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

14
16 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND APPROVAL
TO THE CITY COUNCIL THE APPLICANT'S REQUEST FOR PRELIMINARY
APPROVAL OF LINDON TREASURY PLAT D WITH THE FOLLOWING
18 CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH THE CITY
STAFF TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING
20 DOCUMENTS AND PLAT; 2. PRIOR TO PLAT RECORDING THE APPLICANT
WILL PROVIDE STAFF WITH A FINAL PLAT MYLAR TO INCLUDE
22 NOTARIZED SIGNATURES OF OWNER'S CONSENT TO DEDICATION, OBTAIN
SIGNATURE OF ALL ENTITIES INDICATED ON THE ATTACHED SUBDIVISION
24 PLAT; 3. COMPLETE (OR POST AN ADEQUATE IMPROVEMENT COMPLETION
ASSURANCE), WARRANT AND POST REQUIRED WARRANTY ASSURANCE
26 FOR ALL REQUIRED PUBLIC INFRASTRUCTURE IMPROVEMENTS; 4. THE
PLANS AND PLAT WILL MEET AND BE CONSTRUCTED AS PER THE
28 RELEVANT SPECIFICATIONS AS FOUND IN THE LINDON CITY
DEVELOPMENT MANUAL; 5. PRIOR TO FINAL APPROVAL THE APPLICANT
30 SHALL PLACE PERMANENT SURVEY MONUMENTS IN THE SUBDIVISION; 6.
ALL ITEMS OF THE STAFF REPORT. COMMISSIONER TRIBE SECONDED THE
32 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

34 CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE
36 COMMISSIONER JOHNSON	AYE
COMMISSIONER SCHAUERS	AYE
38 COMMISSIONER TRIBE	AYE

THE MOTION CARRIED UNANIMOUSLY.

40
7. Public Hearing – R2 Overlay and Accessory Apartment Ordinance

42 **Amendment** – Lindon City Lindon City requests a recommendation to the city
council to amend Title 17.46 and amend sections pertaining to the R2 Overlay and
44 Accessory Apartments.

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

2 Mr. Florence opened this agenda item by explaining at a joint planning
commission and city council meeting held on August 11, 2020 staff presented proposed
4 changes to the R2 Overlay and accessory apartment ordinance. He noted under the
current ordinance, an accessory apartment is identified under the R2 Overlay Zone. City
6 staff are proposing to divide the ordinance into two sections which will be the R2
Overlay and the Accessory Apartment sections. Under the R2 Overlay zone, the city is
8 divided into 18 districts and each district is allowed a specific number of R2 units
depending on acreage and calculation per district. He then referenced the map.

10 Mr. Florence indicated the R2 Overlay Zone also counts accessory apartments
towards the overall total unit count for each district. However, the number of accessory
12 apartments can exceed the district unit count with no limits to the number of accessory
apartments. Currently, all but five districts are full and don't allow additional R2 Overlay
14 developments. For the most part, the districts are full due to the number of accessory
apartments rather than R2 Overlay developments.

16 Mr. Florence then went over the Proposed R2 Overlay Changes as follows:

- 18 • Under sections 17.46.010 and 17.46.050 the ordinance calls out R2 Overlay
projects as conditional use. Staff is proposing to change 17.46.030 from permitted
to conditional to be consistent with other code sections.
- 20 • Staff is proposing to remove accessory apartments from the overall district
calculation since there is no limit and accessory apartments can exceed the district
22 limit.
- 24 • Staff is proposing to change how the number of units are calculated for each
district. Staff evaluated the number of R2 Overlay developments in each district,
the 750' required buffer between R2 Overlay units, and available parcels. The
26 proposal is to set a number of allowed R2 Overlay unit per district. There are a
few districts that staff are proposing to remain closed due to the number of
28 existing R2 Overlay developments.

30 Mr. Florence also explained the way the below calculations works, for example, is
District 1 currently has two units and the City would allow two additional units for a total
32 of 4 in that district as follows:

District 1: 4 (+2)	District 7: 11 (+0)	District 13: 12 (+2)
34 District 2: 24 (+2)	District 8: 4 (+2)	District 14: 13 (+2)
District 3: 2 (+2)	District 9: 4 (+2)	District 15: 17 (+2)
36 District 4: 26 (+0)	District 10: 6 (+2)	District 16: 30 (+2)
District 5: 15 (+2)	District 11: 54 (+0)	District 17: 4 (+0)
38 District 6: 2 (+0)	District 12: 10 (+0)	District 18: 54 (+0)

40 Mr. Florence then went over the Proposed Accessory Apartment Changes. He
noted to ensure the proper code references are made throughout the code, staff has
42 referenced section 17.14.150 which does not allow accessory apartments in the Anderson
Farms Planned Development Zone. See 17.46.100(2)(a)

- 44 • Allows that one accessory parking stall be located within the front setback. See
17.46.100(2)(c)
- 46 • Removes the requirement that the path, sidewalk or walkway have to be hard
surfaced 17.46.100(2)(c)

- 2 • Removes the noticing and appeal requirement prior to an accessory apartment
4 being approved. Replaces the language with a requirement that the city will send a
6 notice to surrounding property owners once the accessory apartment has been
8 approved. See 17.46.100(5)

10 Mr. Florence indicated City staff has tried to simplify both the R2 Overlay
12 requirements for the district calculations as well as requirements for accessory
14 apartments. Particularly, since the City does not have a limit on the number of accessory
16 apartments, staff finds it better to clearly state how many R2 Overlay units are allowed
18 per district. He noted this will allow some additional units in districts that were otherwise
20 closed due to accessory apartments. He then presented the Exhibits Draft 17.46
22 Ordinance change, the Current R2 Overlay Map and the Proposed R2 Overlay Map
24 showing districts.

There was then some general discussion including discussion on the whether the
city attorney should be consulted regarding the CC&R's as there may be some legal
issues. Mr. Florence stated this item can be continued as it is city-initiated item.

Following the information presented, Mr. Florence directed the commission to
study the ordinance over the next week and get back to him with any issues with the
numbers or any changes or feedback prior to the next meeting. He noted he will also
confer with the city attorney and obtain a legal opinion regarding the CC&R's and the
corresponding section of the code.

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

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

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

COMMISSIONER KALLAS MOVED TO CONTINUE ORDINANCE
AMENDMENT 2020-14-O IN ORDER TO OBTAIN A LEGAL OPINION FROM THE
CITY ATTORNEY REGARDING THE CC&R'S. COMMISSIONER TRIBE
SECONDED THE MOTION. THE VOTE WAS AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

**8. Concept Review – Approximately 550-570 North State Street (Norton
Property).** Amy Johnson requests concept review for residential and commercial
development for the property located at approximately 570 N. State Street. A
Concept Review allows applicant to receive planning commission feedback and

2 comments or proposed projects. No formal approvals or motions are given, but
4 general suggestions or recommendations are typically provided.

6 Mr. Florence explained the applicant, Amy Johnson, who is in attendance, is
8 requesting concept review approval for a residential and commercial development for
10 property located at approximately 570 North State Street. He noted a Concept Review
allows applicant to receive planning commission feedback and comments or proposed
projects. No formal approvals or motions are given, but general suggestions or
recommendations are typically provided.

12 Mr. Florence stated the Ms. Johnson is requesting concept review feedback as a
mixed commercial site for commercial business and residential uses as follows:

- 14 • The applicant participated in many of the public meetings on the Planned
Residential Development Overlay ordinance.
- 16 • Specifically, the applicant is requesting concept feedback on the below bullet
points:
 - 18 ○ The applicant would like to decrease the commercial depth requirement
from 300 feet to 250 feet for two reasons:
 - 20 ▪ The commercial tenants that the applicant is trying to attract to the site
only needs a 250-foot commercial depth. For a majority of the lost
22 commercial space the applicant is proposing a 50-foot landscape buffer
and amenity space to be used by the residential development.
 - 24 ▪ The south portion of the project is irregularly shaped because the
applicant does not own all of the State Street commercial frontage. The
applicant is proposing a decrease of this commercial depth.
 - 26 ○ The applicant is proposing decreased front setbacks on the townhomes.
 - 28 ▪ The ordinance requires 25-foot front setbacks.
 - 30 ▪ The proposed setbacks are between 10-20 feet.
 - 32 ▪ The ordinance allows decreased front setbacks when common open
space is proposed.
 - 34 ▪ The purpose for the request is that the applicant would like to construct
larger townhome buildings on the property and due to site constraints is
having difficulty meeting the front setback requirement.
 - 36 ▪ Parking on driveways less than 20' feet won't be allowed. The
applicant is providing 23 visitor stalls for those buildings that don't
have 20-foot driveways. The roads that are 29 feet in width will be
38 public streets and will allow parking on one side of the street.

40 Mr. Florence then presented the Planned Residential Ordinance Requirements
17.76.080(4)(b) State Street Setback noting it is to preserve the commercial intent, use
and zoning along State Street, a three hundred (300) foot setback shall be required and
42 residential uses are not allowed within this setback, unless a reduction is grant as follows:

- 44 1) The Planning Commission and City Council may consider a reduction in this
depth upon evaluating the following:
 - 46 a) Viable commercial options remain for the site;
 - 48 b) A commercial lot is irregularly shaped;
 - c) The reduction does not limit future redevelopment opportunities of the
commercial property.

2 17.76.080(6)

4 Front: 25 feet. The front setback may be modified by the land use authority where design
6 items such as common open space, paseos or similar design feature is proposed. He then
8 presented the Proposed Concept Plan and the Planned Residential Development
10 Ordinance followed by discussion. He then turned the time over to the applicant for
12 comment.

14 Ms. Amy Johnson then presented her concept review to the commission. She
16 explained the setbacks, common roads, street parking, common open space, amenities,
18 green space, sidewalks, driveways, landscaping, floor plans, configurations and
20 elevations.

22 Ms. Johnson stated they are trying to coincide with the open front commercial
24 spaces. She noted this will be a whole mix with diversity of people and they believe
26 they have made a design the community will be happy with. She pointed out one of the
main things that was an issue in the community meetings was the traffic. They are
implementing signage to reduce commercial traffic into the residential neighborhood.
They can make a slower passage way through as well. They have also created roads from
commercial into the community with traffic calming medians, so there will not be a lot
of burden into the surrounding streets.

28 Ms. Johnson stated they have compromised on driveways to increase open space
30 but they have matched the parking standard that is required. On the back setback where
32 they are abutting commercial it is smaller than the code asks that we position it to the
34 land use authority. She noted they currently don't have actual sidewalks on every front of
36 the buildings, but they do have connecting paths to every open space. They are also
working hard and have all intentions of making sure the commercial have tenants in
place.

38 Chairperson Call mentioned her concerns on decreasing commercial space to
40 only 250 ft. depth. In the past commercial along state street has been 500 ft. and going to
42 300 ft. is a big change; she would like to keep the 300 ft. depth. Ms. Johnson stated they
are building at 300 ft. they are just trying to use that extra 50 ft. to create more open
space and greenery. They are still providing the tax base and not diminishing that and it
still allows for the tax base. She added there is plenty of parking in the commercial
space.

44 Commissioner Johnson expressed his concern that the feedback from one set of
46 residents are being favored over another; on 500 North and 570 North. He has a hard
48 time with the traffic concerns.

Mr. Florence stated they did a traffic study on 500 North and the capacity
operates very efficiently; capacity needs to be considered. He added we need to look at
the traffic generated and how it affects the streets. Mr. Florence stated the front setback
is 25 ft. If you provide common open space then you can reduce that front setback
requirement. Chairperson Call expressed her concerns on the setbacks. Ms. Johnson
pointed out she is going way and beyond the amount of required green space.

Councilmember Vanchiere commented the city council will be reviewing this
item and these comments from the commission are good things to consider. He added
many first-time home buyers cannot afford ½ acre lots and there are many elderly, who
want to stay in Lindon but don't want a ½ acre lot any longer. What we are trying to
bring in is a quality development that is affordable and allow opportunities for those to
live in Lindon.

2 Ms. Johnson stated she is hearing the largest issue is the driveways that need to
be at least 20 ft.

4 Chairperson Call called for any comments from the public at this time. She
pointed out they are not taking any action tonight. There were several in attendance who
6 addressed the commission as follows:

8 **Patrick Leichty:** Mr. Leichty stated he lives on 500 North. He noted they were not part
of the neighborhood meeting so this was quite a surprise to them. He expressed his
10 concerns with increased traffic, home values etc. He also spoke if property behind the
300 ft. line can be turned to residential so ½ acre homes could come in and because the
12 taxes are so high is that why this is allowed. Mr. Florence explained at some point the
city council approved this entire property to commercial. The property owners were
14 trying to get commercial value. They felt this was a better transition from commercial to
residential.

16 **Chrystal Bagley:** Ms. Bagley stated she lives on 500 North. She appreciates that a
18 traffic study was done, but feels it isn't indicative and doesn't give a good reading as it
doesn't allow for people working from home, church, and school. With normal life and
20 normal conditions there is a lot more traffic. There is a lot of kids on their street and she
has concerns with safety issues. They are also worried about home values; this amount
22 of density in their neighborhood will devalue their homes and that is not why they
moved to Lindon and for the "little bit of country" feel. She also spoke on the number
24 of units being allowed and the high density.

26 **Steve Patton:** Mr. Patton stated he likes the commercial side on state street and there
should be no exception to the rule, but he has concerns with the number of units. There
28 are already 90 plus homes in their neighborhood with a limited number of outlets and
proposing this would cause a public safety issue.

30 **Jeremy Ackley:** Mr. Ackley commented is there anything in place for the rest of the
32 deep lots for the future; how do these keep being deemed commercial.

34 **Riley Braught:** Mr. Braught stated he is a home builder and business owner who lives
on 500 North. He pointed out the city has set standards and rules they want developers
36 to follow and he is just asking that the city follow those same rules they set in place.

38 Chairperson Call expressed appreciation for everyone being here tonight and for
the comments heard. She also thanked Ms. Johnson for her presentation. Chairperson
40 Call called for any further comments or discussion from the Commission. Hearing none
she moved on to the next agenda item.

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

46 Chairperson Call mentioned the second proposal for the snake business was not on
the agenda. Mr. Florence stated Mr. Brady Anderson has submitted an application and
48 filed for a home occupation, but it was after the notice was sent out so it will be on the

2 September 22nd meeting agenda. He noted legal counsel has indicated that the conditional
use is not binding and he is not grandfathered in and will have to file a new application.

4 Commissioner Johnson asked for an update on the process of 700 North. Mr.
Florence stated he will take the residential numbers off and move forward with the master
6 plan. They will bring it to the September 22nd meeting for a public hearing. Mr. Florence
also asked if the commission would like a city-wide meeting on the master plan or has it
8 been sufficient. He noted we should probably look at other options and not just big box.
Commissioner Johnson stated he believes we should have more input especially when it
10 is something this important and to have more transparency moving forward as it is our
job to be more open to the community.

12 Commissioner Kallas commented he feels we are being transparent as we know
that the residents don't like multifamily housing and now there is a movement where
14 developers want multi-family housing as that is where the money is. Most citizens don't
want it and we have tried infill etc. He believes we are trying to cure a problem created in
16 the 90's and times have changed. Commissioner Marchbanks stated he sees this as a
transition from commercial.

18 Chairperson Call called for any further comments or discussion from the
commission, hearing none she moved on to the next agenda item.

20 **10. Planning Director Report –**

- 22 • General City updates

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

26 **ADJOURN –**

28 COMMISSIONER MARCHBANKS MADE A MOTION TO ADJOURN THE
30 MEETING AT 8:32 PM. COMMISSIONER TRIBE SECONDED THE MOTION.
ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

32 Approved – September 22, 2020

34
36 _____
Sharon Call, Chairperson

38
40 _____
Michael Florence, Planning Director

Item 4: Country Garden Estates Major Subdivision Approval Approximately 75 N. 500 E.

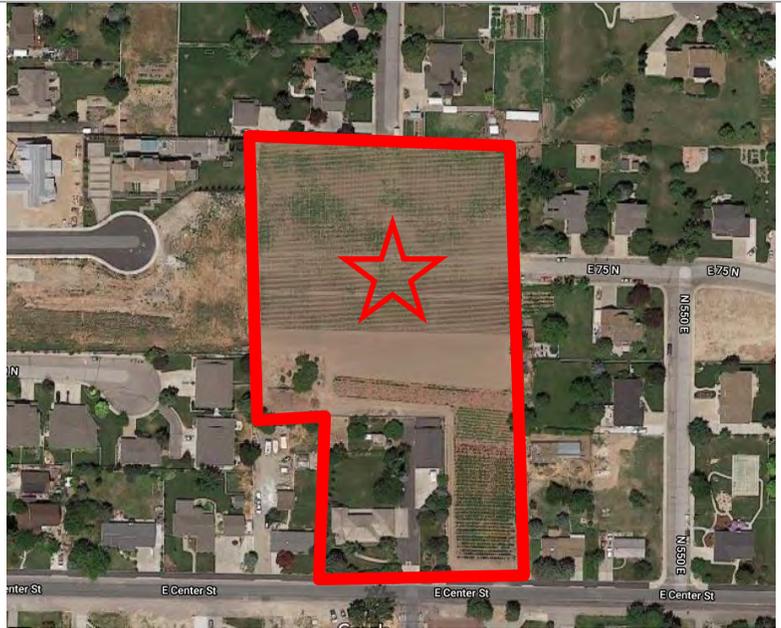
Date: September 22, 2020

Applicant: Wayne Ercanbrack
Presenting Staff: Michael
Florence

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

Property Owner: Wayne
Ercanbrack
Parcel ID's: 14:073:0207

Type of Decision: Administrative
Council Action Required: Yes



SUMMARY OF KEY ISSUES

1. Mr. Ercanbrack is seeking preliminary major subdivision approval for an 8-lot single family home development;

OVERVIEW

1. The proposed 8-lot subdivision meets the minimum lot size and infrastructure requirements for the R1-20 zone;
2. The development will be connecting 75 N. and 500 E.
3. The road alignment follows the Lindon City Street Master Plan map
4. The subdivision will include one existing home which is owned by Mr. Ercanbrack

MOTION

I move to recommend (approval, denial, or continue) of the applicant's request for preliminary approval of the Country Garden Estates plat with the following conditions:

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

Surrounding Zoning and Land Use
 North: Residential R1-20 – Single Family
 South: Residential R1-20 – Single Family
 East: Residential R1-20 – Single Family
 West: Residential R1-20 – Single Family

Lot Requirements – Residential (R1-20) Zone

Required	Compliant
Minimum lot size: 20,000 square feet	Lots range in size from 20,000 square feet to 42,784 square feet

Subdivision Requirements

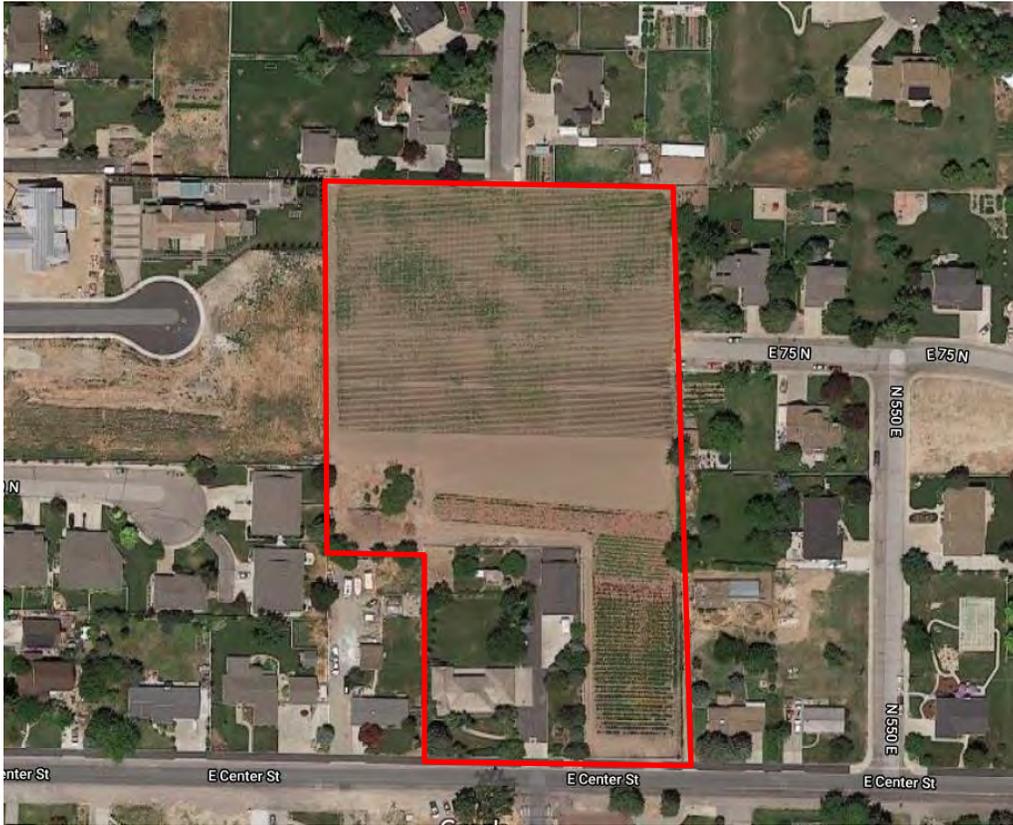
Required	Complaint
No single lot shall be divided by municipal or county boundary lines, roads, alleys, or other lots.	Yes
All residential lots shall front on a public street	Yes
Side lot lines shall be at right angles or radial to street lines.	No. All lots in this subdivision are not at right angles. The planning commission and city council must approve any variation in the lot lines
The street layout shall conform to the master plan	Yes
Minimum right-of-way width for Minor streets	Yes, 50' street cross sections are provided
Minor streets maximum grade: 12%	1.50%
Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public	Yes
Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of 15 feet apportioned equally in abutting properties.	Yes
Underground utilities and piped sanitary sewerage shall be provided by the subdivider.	Yes
No lot shall be created which is more than three times as long as it is wide.	Yes
Street lights	Yes, a Granville street light will be placed on Lot 8

Engineering Requirements

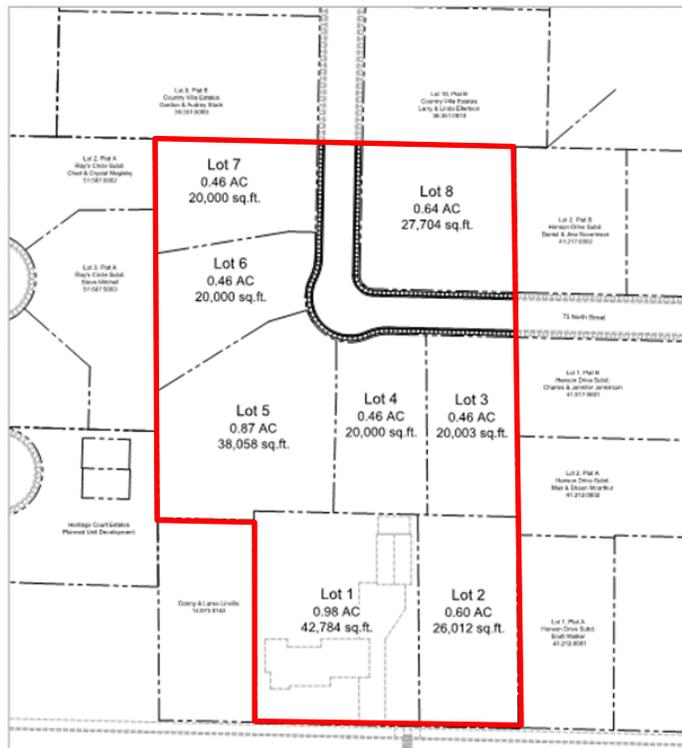
The City Engineer is working through technical issues related to the plat and civil engineering plans and will ensure all engineering related issues are resolved before final approval is granted.

EXHIBITS

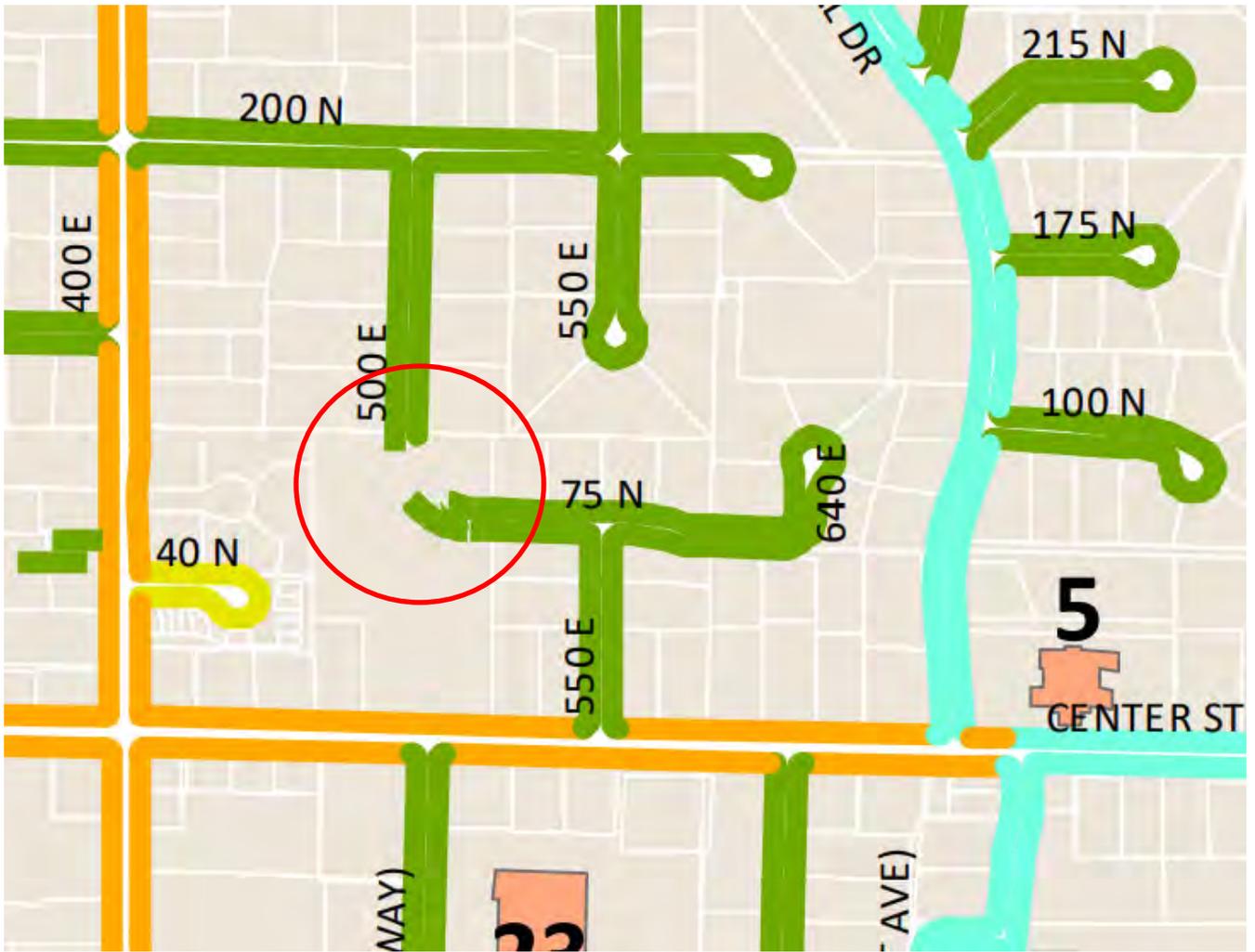
1. Aerial photo
2. Vicinity map
3. Lindon City Street Master Plan Map section
4. Plat

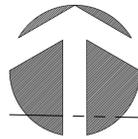


Country Garden Estates

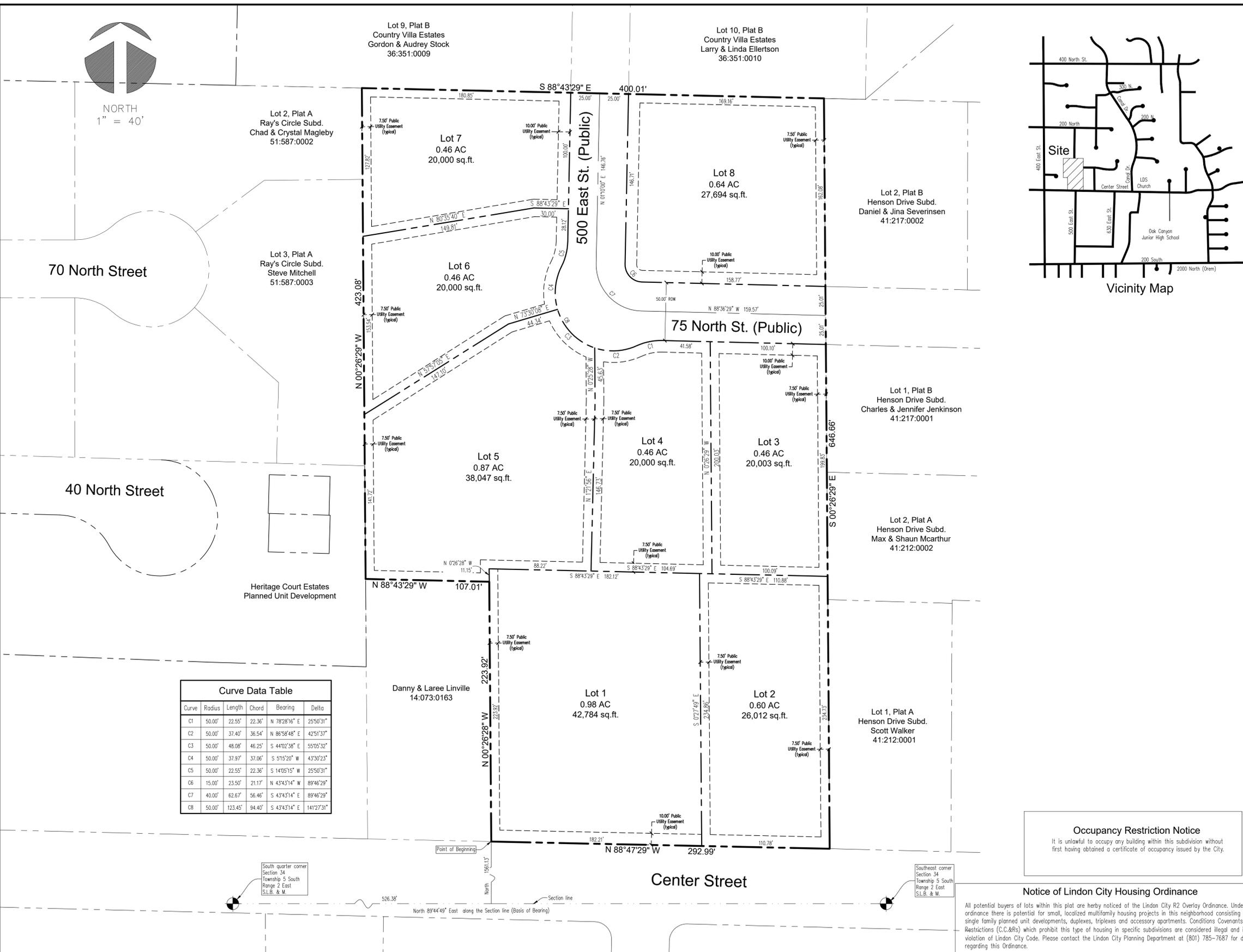


10/15/2020

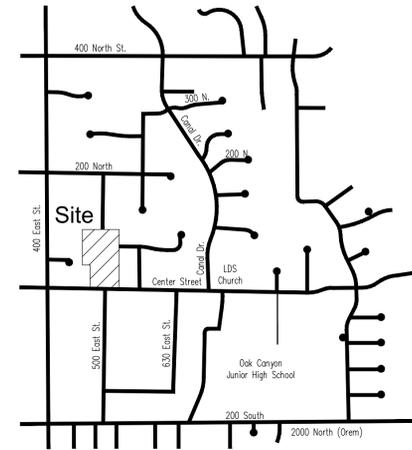




NORTH
1" = 40'



Curve Data Table					
Curve	Radius	Length	Chord	Bearing	Delta
C1	50.00'	22.55'	22.36'	N 78°28'16" E	25°50'31"
C2	50.00'	37.40'	36.54'	N 86°58'48" E	42°51'33"
C3	50.00'	48.08'	46.25'	S 44°02'38" E	55°05'32"
C4	50.00'	37.97'	37.06'	S 51°52'07" W	43°30'23"
C5	50.00'	22.55'	22.36'	S 14°05'15" W	25°50'31"
C6	15.00'	23.50'	21.17'	N 43°43'14" W	89°46'29"
C7	40.00'	62.67'	56.46'	S 43°43'14" E	89°46'29"
C8	50.00'	123.45'	94.40'	S 43°43'14" E	141°27'31"



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. 147082 in accordance with Utah Code, Title 58, Chapter 22, 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 COUNTRY GARDEN ESTATES SUBDIVISION. That I have verified all measurements, and that the reference markers shown on said plat are located as shown and are sufficient to readily retrace or reestablish this survey.

Boundary Description

Commencing at a point located North 89°44'49" East along the Section line 526.38 feet and North 1561.13 feet from the South quarter corner of Section 34, Township 5 South, Range 2 East Salt Lake Base and Meridian; thence North 00°26'29" West 223.92 feet; thence North 88°43'29" West 107.01 feet to the Easterly boundary of Heritage Court Estates, Planned Unit Development; thence North 00°26'29" West partially along Heritage Court Estates, Planned Unit Development and Ray's Circle Subdivision 423.08 feet to the Southerly boundary of Plat "B", Country Villa Estates Subdivision; thence South 88°43'29" East along Plat "B", Country Villa Estates Subdivision 400.01 feet to the Westerly boundary line of Plat "B", Henson Drive Subdivision, thence South 00°26'29" East along said Plat "B", Henson Drive Subdivision 646.66 feet to the northerly boundary line of Center Street; thence North 88°47'29" West along Center Street 292.99 feet to the point of beginning.

Area = 234,689 sq.ft. or 5,387 Acres
Total number of Lots = 8
Basis of Bearing is North 89°44'49" East along the Section line from the South quarter corner to the Southeast corner of Section 34.

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 COUNTRY GARDEN ESTATES SUBDIVISION, 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 _____, 20____, 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 hereon, 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 _____
Planning Director _____ City Engineer _____
City Attorney _____ City Recorder _____

Conditions of Approval

Plat "A"

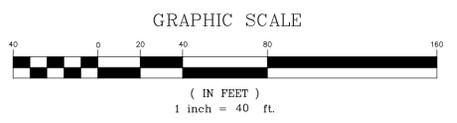
Country Garden Estates

Lindon City, Utah County, Utah
Scale: 1" = 40 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 illegal and in violation of Lindon City Code. Please contact the Lindon City Planning Department at (801) 785-7687 for details regarding this Ordinance.

Prepared by:
Dudley and Associates, Inc.
353 East 1200 South
Orem, Utah 84058
office 801-224-1252
fax 801-224-1264



SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	CLERK-RECORDER SEAL	COUNTY RECORDER
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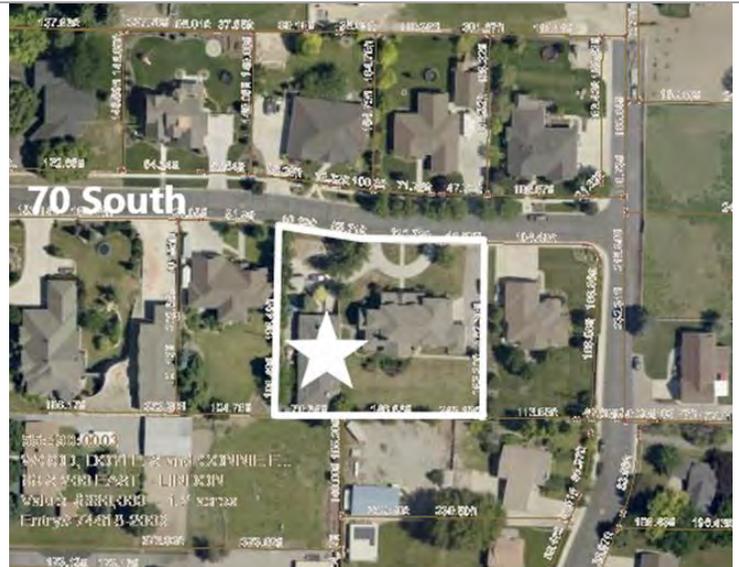
Item 5: Conditional Use Permit — Brady Andersen

Date: September 22, 2020
Applicant: Brady Andersen
Presenting Staff: Anders Bake

General Plan: Residential Low
Zone: Residential Single Family
R1-20

Property Owner: Brady Andersen
Address: 278 East 70 South
Parcel ID: 37:216:0014
Lot Size: 0.932 acres

Type of Decision: Administrative
Council Action Required: No



Request

Brady Andersen requests Conditional Use Permit approval to breed and sell exotic reptiles as a home occupation business at 278 East 70 South, Lindon, in the Residential Single-Family (R1-20) zone. Jeremy and Kara Stone (JSR Inc.) previously had a conditional use permit for snake breeding and sales at this location. **The Stone's** filed to transfer their conditional use permit to their current property at 106 South 300 East. City Code regarding wild and exotic animals, 6.16.015 requires a conditional use permit but also that potential allowance of wild and/or exotic animal species and the quantities of said species are subject to approval on a case-by-case basis.

The snakes that Mr. Andersen raises and breeds are non-venomous.

Motion

I move to (approve, deny, continue) the applicant's request for a conditional use permit to breed and sell exotic reptiles at 278 East 70 South, in the Residential Single-Family (R1-20) zone, with the following conditions:

1. An active Lindon City Home Occupation Business License is maintained and all home occupation regulations will be continually met;
2. The applicant will continually maintain all applicable federal and state licenses and provide yearly copies of license and inspection reports to the City;
3. The home occupation is allowed in the accessory building only and will continually meet all applicable Building and Fire codes and regulations;
4. The applicant will maintain a safe and secure facility to prevent reptiles from escaping and to discourage unlawful entry;

5. To reduce odor complaints and to maintain a clean facility the accessory building will be cleaned at a minimum three times per week with spot cleaning as needed. Exhaust and venting systems will be regularly maintained to reduce any odors;
6. No onsite raising, storage or breeding of live rodents, rabbits or other similar retille food sources. The applicant will purchase deceased frozen rodents from a third-party vendor;
7. The home occupation business operation will be conducted entirely within the accessory structure shown in this report at 278 East 70 South. No other residences or residential properties will be used for the business operation;
8. The maximum total number of reptiles that can be on the property will be limited to 500. There shall be no more than 500 snakes at any one time or within any given year;
9. City staff be allowed to inspect the property, with reasonable notice, to ensure compliance with the conditions imposed by the Planning Commission;
10. A vinyl fence will be constructed along the rear property line where a solid fence does not exist; and
11. All items of the staff report.

Home Occupation Standards

The Home Occupation requirements in the Lindon City Code section 17.04.400 states “**The purpose and intent of this section... is to allow gainful occupations, professions, activities, or uses that are clearly** customary, incidental, and secondary to the residential use of the property and which do not alter the exterior of the property or **affect the residential character of the neighborhood.**”

The following table identifies the requirements in section 17.04.400 of the Lindon City Code and whether or not the proposed business is in compliance with these requirements:

Required Standards	Compliant
Obtain a home occupation business license.	No - The applicant will need to apply for a home occupation business license which will be issued if the applicant receives conditional use permit approval.
Be clearly incidental to and secondary to the residential use of the dwelling unit and not occupy more than five hundred (500) square feet or twenty-five percent (25%) of the total floor space of such dwelling unit, whichever is less. This requirement does not apply to accessory buildings approved as part of a home occupation.	Yes – The applicant’s business will operate entirely within an accessory building as part of this home occupation. There will be no business activity within the dwelling unit on the property. The planning commission will need to specifically approve the accessory structure for the home occupation use.
Be carried on entirely within the dwelling unit or accessory structure	Yes
Be carried on by one or more of the residents of the immediate family who reside in the dwelling unit.	Yes
Have no more than one (1) employee or part-time equivalent to one (1) employee who does not live in the dwelling unit work at the home.	Yes – The homeowner/applicant will be the only person operating the business.

Not have any external evidence of the home occupation (except as may be required by state law or city ordinance) nor any exterior displays, displays of goods, nor advertising signs (except as allowed by this section) visible from outside of the dwelling unit.	Yes
no more than six (6) motorized nonfarm vehicles shall be parked at the residence at any time, provided all of the vehicles can be parked legally, either in normal parking places on the lot occupied by the residence without parking in front of any other property.	Yes
The home occupation must not generate more than five (5) vehicles of traffic to the residence during any hour.	Yes – It is not anticipated that traffic generated by this business will be an issue.
The home occupation shall not generate any traffic before 7:30 a.m. or after 6:00 p.m.	Yes
Not emit noise, odor, dust, fumes, vibration, smoke, electrical interference or other interference with the residential use of adjacent properties	The City has received complaints regarding odors coming from the accessory building

Other Lindon City Codes

6.04.005 Animal Control Definitions

“Exotic Animal” means an animal of foreign origin introduced from abroad and commonly domesticated, but not commonly raised within Lindon City. These animals shall include but not be limited to:

- a. Camel;
- b. Emu;
- c. Peacock;
- d. Ostrich.

For purposes of this ordinance, bees and other animals specifically permitted within this title are not considered exotic animals.

17.20 – Conditional Uses

4. Lindon City Code Section 17.20.060 provides that a conditional use may be denied when:

- a. "Under 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,
- b. "The 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."

6.16 Wild and Exotic Animals

6.16.010 – Wild and exotic animals.

It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor, or purchase any wild or exotic animal, as defined by this Title, except for governmental agencies or otherwise as

provided for by state or federal regulations or as permitted by issuance of a conditional use permit as allowed for within this chapter.

6.16.015 - Conditional use required.

1. Wild and exotic animals, as defined in this title, shall only be authorized in Lindon City by issuance of a conditional use from the Planning Commission. Conditional uses shall be regulated according to Chapters 17.20 through 17.24 of Lindon City Code.

2. The potential allowance of wild and/or exotic animal species and the quantities of said species are subject to approval on a case-by-case basis. Conditions of approval may be imposed by the Planning Commission as deemed necessary to protect the public health, safety, and welfare including, but not limited to, increased setbacks, fencing, size and type of enclosure or structure, etc.

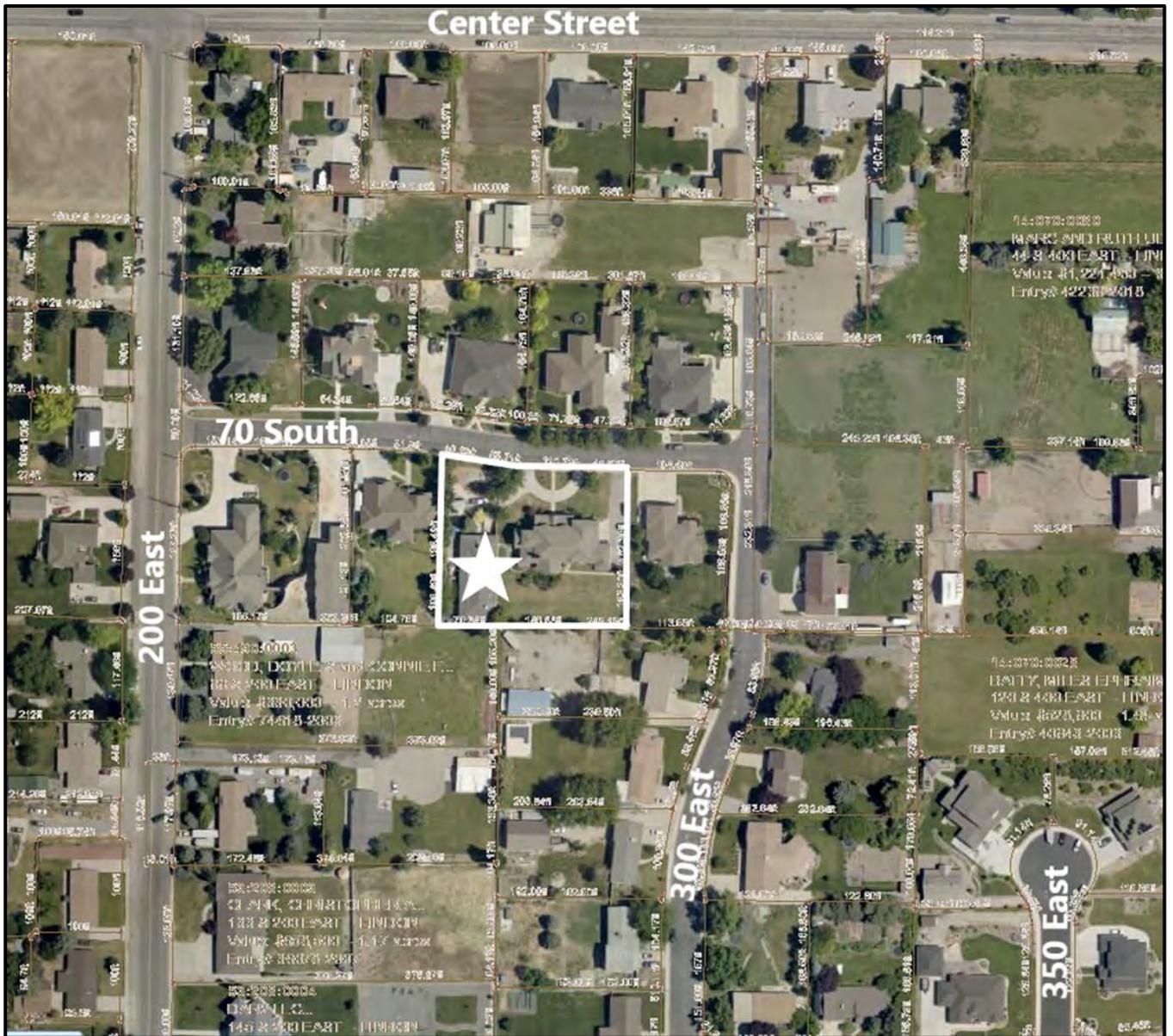
Staff Analysis

Mr. Andersen has provided the information to show how he will comply with the requirements for a Conditional Use Permit and a Home Occupation business. The provided information includes a site plan showing that the proposed business will operate entirely within the accessory structure on Mr. **Andersen's property. A federal license** from the U.S Fish and Wildlife services and business description have also been provided and are attached to this report. The business description explains that Mr. Andersen plans to have 100 to 500 snakes at a time and staff has added a 500 snake limit as a proposed condition of approval. The business description also outlines the feeding process and where rodents can be purchased. Staff recommends that the breeding, raising, or storage of live rodents be prohibited as a condition of approval.

Since the public notice went out, the City has received two calls from residents complaining of odors from the accessory building. It is staffs understanding the snakes are currently being raised at the building.

Attachments

- Aerial Photo
- Site Plan and Building elevations
- Business description
- Copy of Federal License



Center Street

70 South

200 East

300 East

350 East



148-400-0000
ANNETT, DEPT. OF COMMUNITY...
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CHAPTER 2

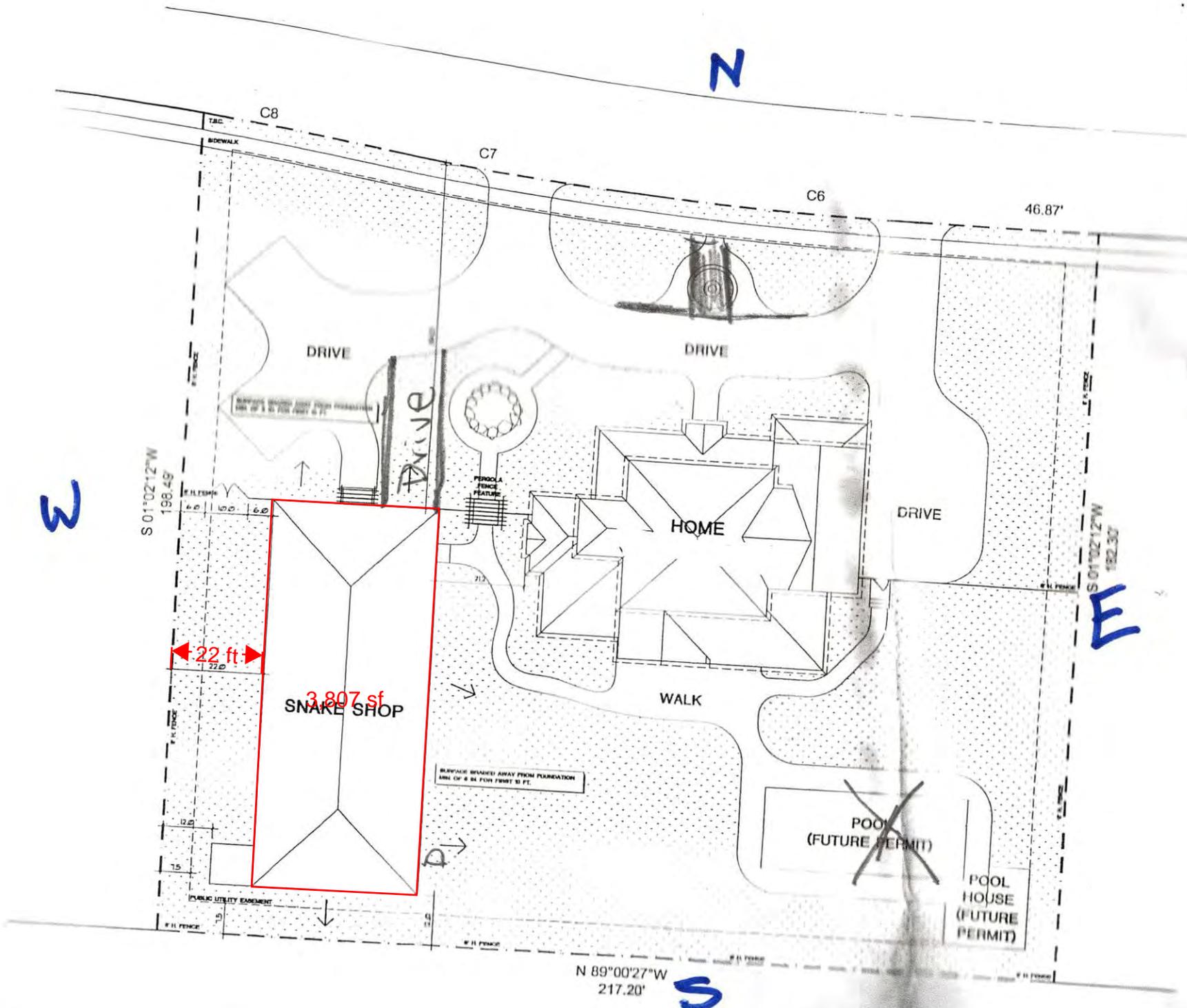
APPLICATIONS & SUBMITTAL REQUIREMENTS

Site Plans for Permitted and Conditional Uses

2.6

- 1. A vicinity map drawing accurately locating the property.**
- 2. Name and address of property owners.**
- 7. Dimensions and square footage of the site.**
- 9. Dimensions and locations of existing and proposed improvements, structures, easements and topographic features within the parcel and within 200 feet of the proposed subdivision**

#1



N

W

E

S

C8

C7

C6

46.87'

DRIVE

DRIVE

DRIVE

DRIVE

HOME

3,807 sf
SNAKE SHOP

22 ft

WALK

~~POOL
(FUTURE PERMIT)~~

POOL
HOUSE
(FUTURE PERMIT)

BARFAGE BLANKET AWAY FROM FOUNDATION
MIN. OF 8 IN. PER FOOT TO FT.

S 01°02'12"W
198.49'

S 01°02'12"W
192.30'

N 89°00'27"W
217.20'

PUBLIC UTILITY EASEMENT

11 FENCE

11 FENCE

11 FENCE

11 FENCE

#2

Utah County Parcel Map



Tools

1:564

(Enter parcel number(s).
Click the Help tab to see format options.)

[Additional Info for Parcel: 372160014](#)

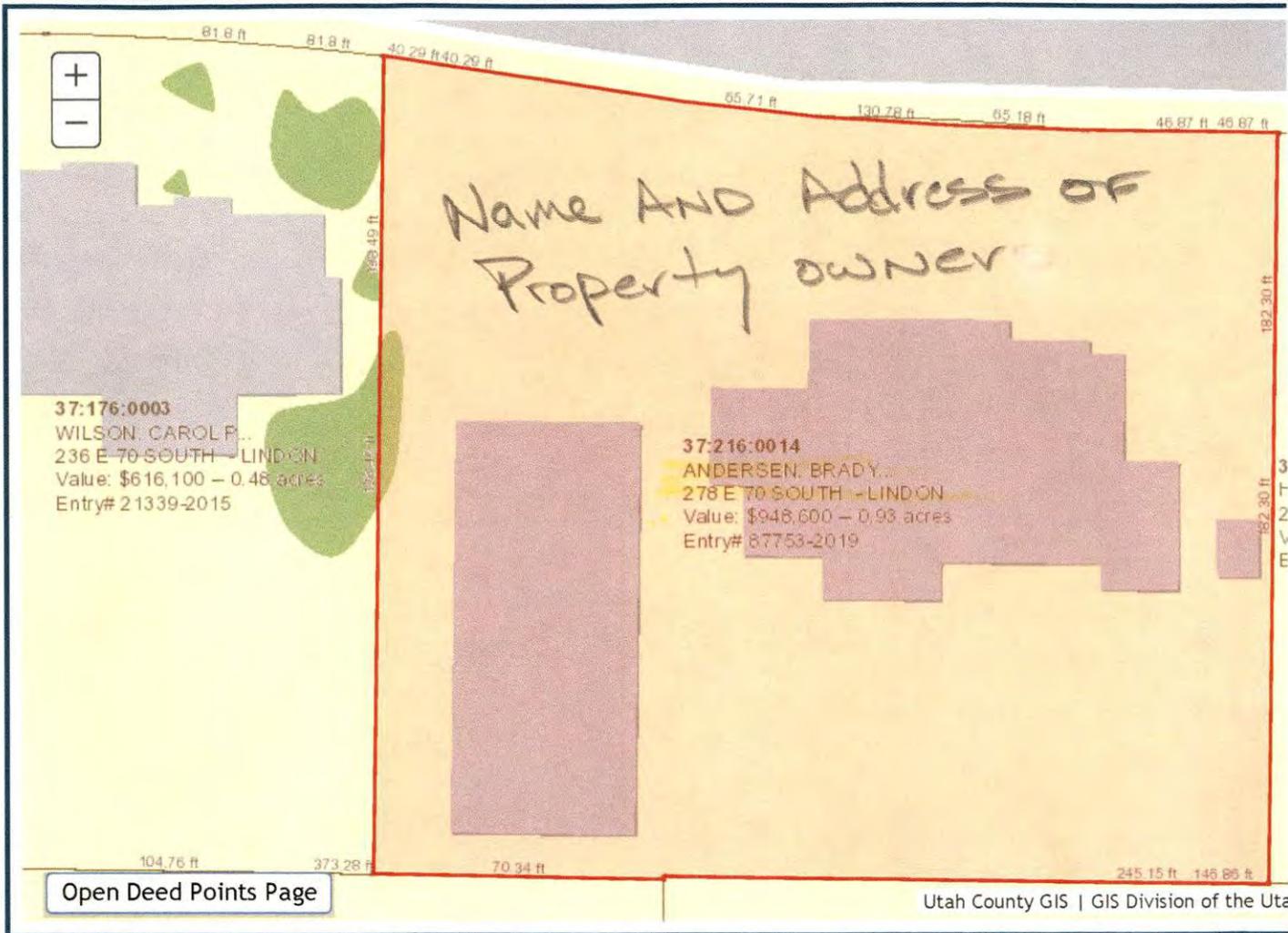
Street (123 E 456 South)

City

Section Township Range

Map Contents

- Aerial Images
- Parcel Deed Points
- Parcels
- Parcels For Aerial Images
- Base Map
- Historical Parcels
- Section, Township, Range

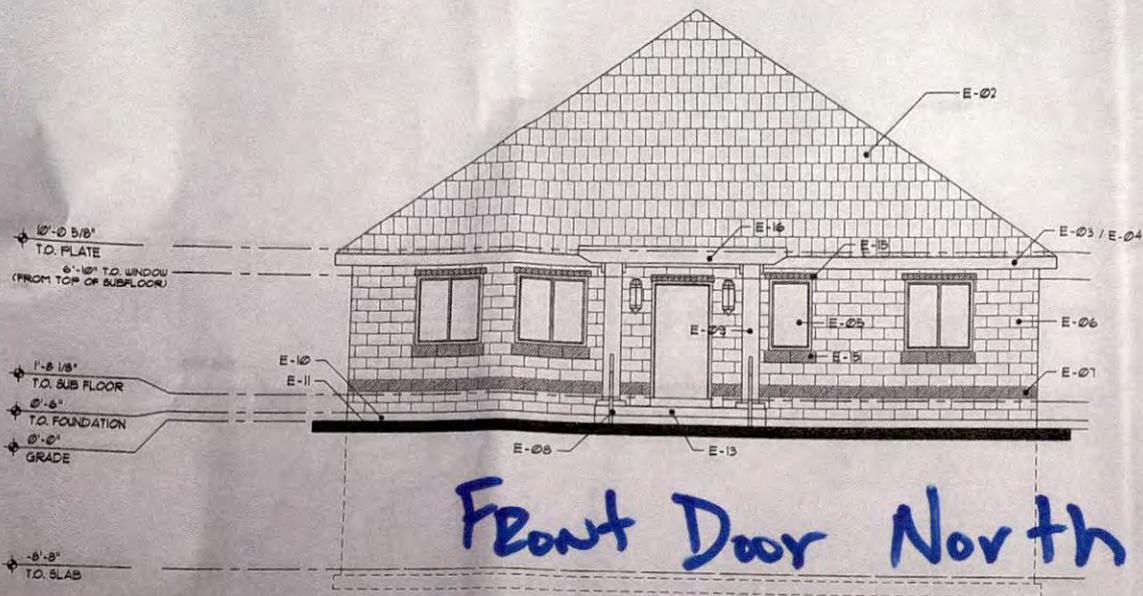


Utah County GIS | GIS Division of the Uta

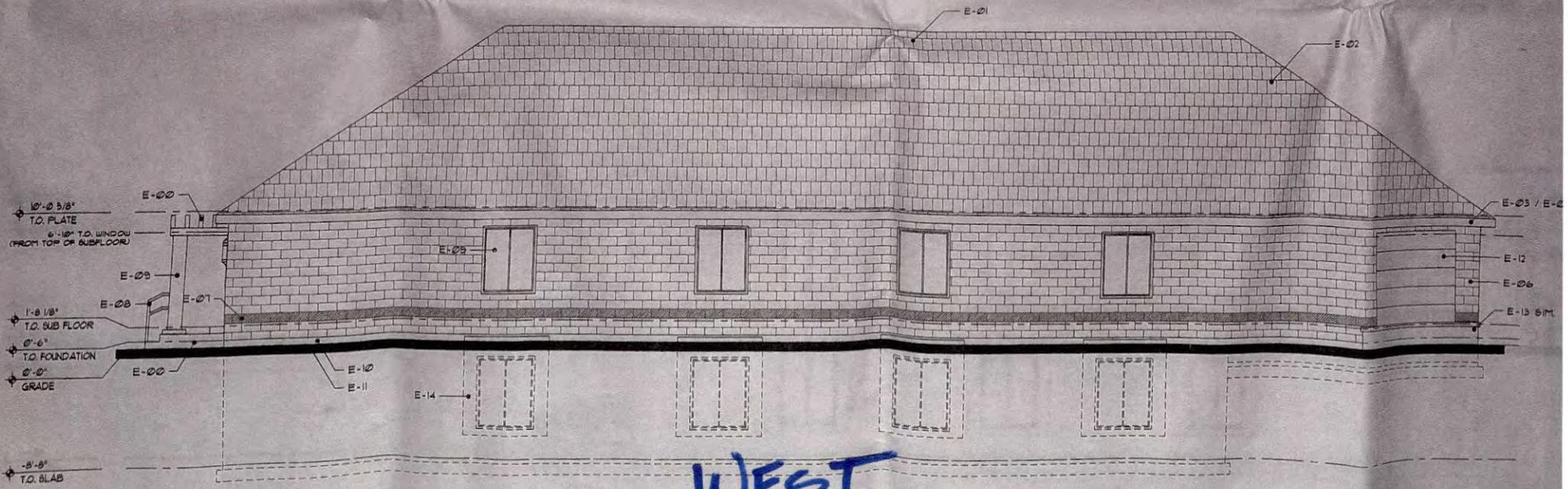
This on-line parcel map is for reference only and no liability is assumed for any inaccuracies, incorrect data or variations with an actual survey.

* Mailing Address
BRADY ANDERSEN
51 W CENTER #349
OREM, UT 84057

#7



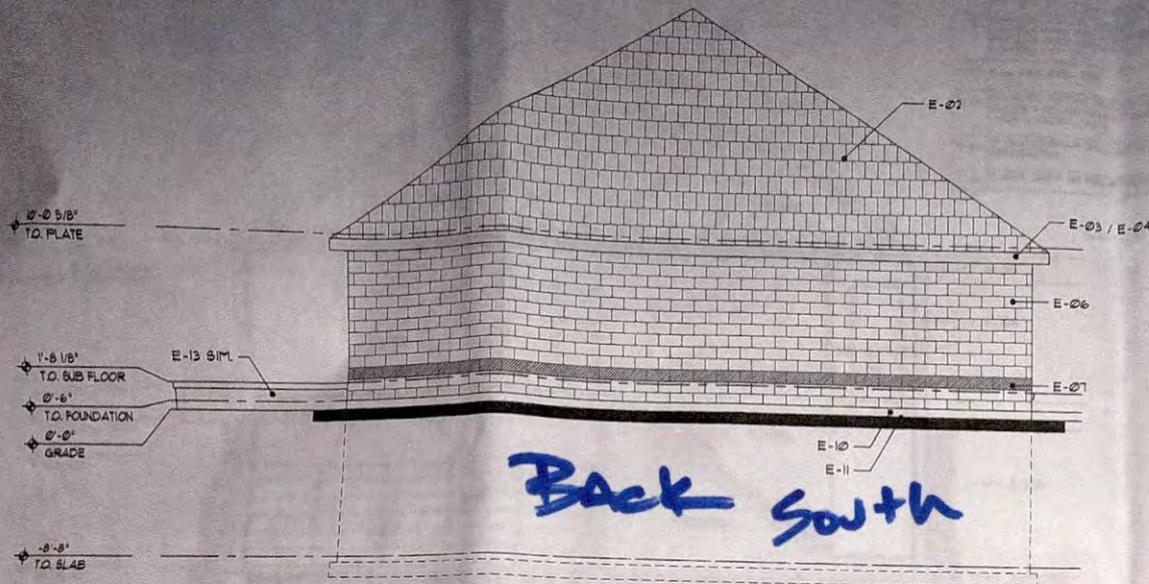
A FRONT ELEVATION
 SCALE: 1/4"=1'-0" (24" x 36")
 SCALE: 1/8"=1'-0" (18" x 11")



B SIDE ELEVATION
 SCALE: 1/4"=1'-0" (24" x 36")
 SCALE: 1/8"=1'-0" (18" x 11")

KEYED ELEVATION NOTES

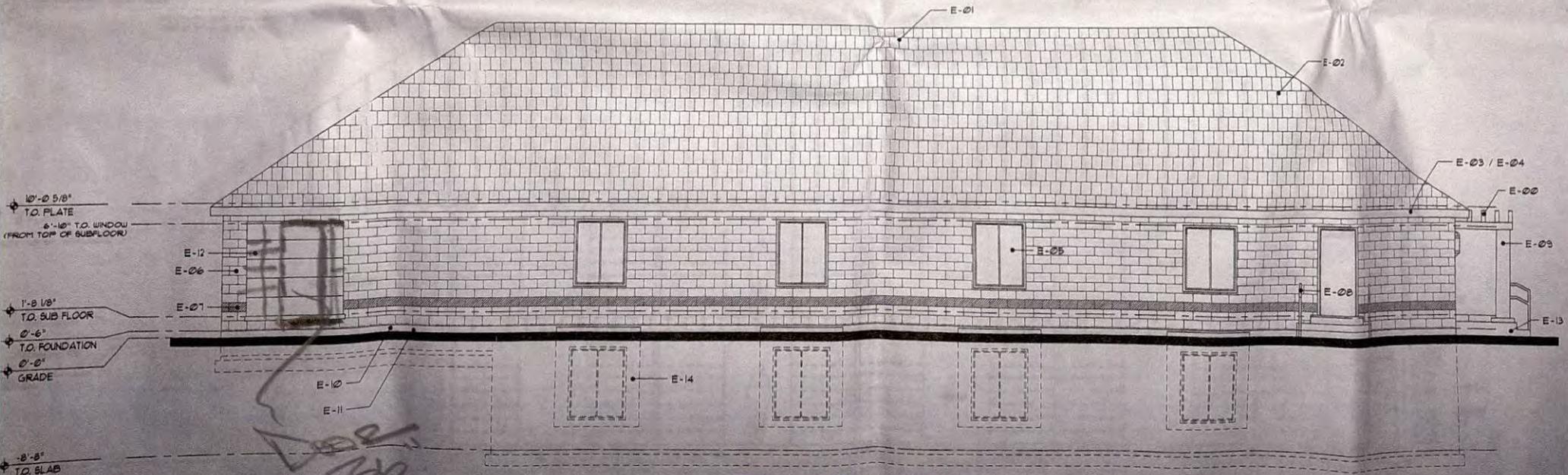
E-01	TURTLE ROOF VENTS (AS REQUIRED BY HEAT LOSS ANALYSIS)
E-02	12 YEAR FIBERGLASS SHINGLES (CLASS A) w/ DRIP EDGE ON 1/2" L.D. FELT ON 1/8" OSB SHEATHING ON TRUSSES. INSTALL ICE AND WATER SHIELD MEMBRANE 3/4" UP ROOF SLOPE AND IN ALL BAYES AND VALLEYS.
E-03	ALUM. GUTTER AND DOWNSPOUT.
E-04	ALUM. PERFORATED SOFFIT (BY TR) PARGIA AND CROWN (COLOR AND T.B.D. BY OWNER)
E-05	VINYL FRAME WINDOW CALK AROUND ALL SIDES
E-06	CMU (COLOR T.B.D. BY OWNER OR CONTRACTOR)
E-07	DECORATIVE CMU BAND (COLOR OWNER OR CONTRACTOR)
E-08	36" HIGH HANDRAIL - REFER TO C SHEET FOR SPEC.
E-09	DECORATIVE COLUMN - REFER TO STRUCTURAL FOR COLUMN FRAMING
E-10	CEMENT PLASTER ALL EXPOSED FOUNDATION WALLS
E-11	FINISH GRADE
E-12	SCHEDULED EQUIPMENT
E-13	CONCRETE PORCH
E-14	WINDOW WELL AS PER LOCAL GOVERNING CODE
E-15	DECORATIVE CMU WINDOW TRIM
E-16	MATCH DECORATIVE CMU BAND PERICOLA



(A) REAR ELEVATION
 SCALE: 1/4"=1'-0" (24" x 36")
 SCALE: 1/8"=1'-0" (11" x 17")

KEYED ELEVATION NOTES

E-01	TURTLE ROOF VENTS (AS REQUIRED BY WET LOSS ANALYSIS)
E-02	25 YEAR FIBERGLASS SHINGLES (CLASS A) W/ DRAIN EDGE ON 1" L.B. TRIMMS. INSTALL ICE AND WATER SHIELD TERRAZZO 3/4" UP ROOF SLOPE AND IN ALL BAYS AND VALLEYS.
E-03	ALUM. GUTTER AND DOWNSPOUT
E-04	ALUM. PERFORATED SOFFIT (1" TYP.) FASCIA AND CROWN. (COLOR AND STYLE T.B.D. BY OWNER)
E-05	VINYL FRAME WINDOW CAULK AROUND ALL SIDES
E-06	CMU (COLOR T.B.D. BY OWNER OR CONTRACTOR)
E-07	DECORATIVE CMU BAND. (COLOR T.B.D. BY OWNER OR CONTRACTOR)
E-08	3/4" HIGH SIDING. REFER TO COVER SHEET FOR FINISH.
E-09	DECORATIVE COLUMN. REFER TO STRUCTURAL FOR COLUMN FRAMING
E-10	CEMENT PLASTER ALL EXPOSED FOUNDATION WALLS
E-11	FINISH GRADE
E-12	SCHEDULED EQUIPMENT
E-13	CONCRETE PORCH
E-14	WINDOW SILL AS PER LOCAL GOVERNING CODE
E-15	DECORATIVE CMU WINDOW TRIM (COLOR TO MATCH DECORATIVE CMU BAND)
E-16	PENGOLA



(B) SIDE ELEVATION
 SCALE: 1/4"=1'-0" (24" x 36")
 SCALE: 1/8"=1'-0" (11" x 17")

Post-1904

1904-1905

6#

N



Imagery ©2020 Maxar Technologies, State of Utah, USDA Farm Service Agency, Map data ©2020 100 ft



S

278 E 70 S

Lindon, UT 84042



Directions



Save



Nearby



Send to your phone



Share

87PR+H6 Lindon, Utah

Photos

As requested here are a few answers to your questions:

- **Quick Background on Brady Andersen**
 - I grew up in a small town working on my uncle's farm breeding, raising, cleaning and maintaining horses, cows, sheep and other animals. I have also worked on a number of turkey farms where temperatures are crucial to growth.
 - I have purchased the Jeremy Stone video on how to raise reptiles, etc. and most recently I have been mentored by him. I have also viewed other breeding operations and visited reptile shows.
 - I have been a Licensed Realtor for over 22 years, in addition I have rehabbed and managed hundreds of rehabs and new construction of homes and I currently own and maintain a number of rentals.
 - The building the snakes will be held in was specifically designed for reptiles and has ample security.
- **Number of Snakes that I will be keeping**
 - The number of snakes will vary and will range from 100-500.
 - These are common snakes and can be purchased at the local pet stores such as Animal Ark, Petco, or online.
- **Do I plan on breeding the snakes?**
 - Yes, at some point I plan to breed a few of the snakes.
- **Cleaning and Maintenance Plan**
 - Standard Reptile care will be given in secure, ample size bins that will have either paper or wood shavings common to reptile operations.
 - As reptiles require very little maintenance, either I, or an independent company, will clean the holding bins and display cages as needed.
 - Minimum maintenance usually requires every other day care and may change with the seasons.
- **Feeding Process**
 - Different reptiles require different types and size of food. Specialized Genetically Developed Mice and Rats of different sizes will be purchased for feed. These rodents are not able to cross breed or live with a common wild rodent and are not able to survive in the wild. During different phases of reptile life and properly provide the reptile with what is normal to their diet or habitat, they are fed live or frozen rodents. The majority of the feed purchased will be frozen then thawed. When it is best for the reptile and their diet, live feed is purchased. Mice or small to medium rats will be purchased live as needed.
 - In some cases, vendors like to make trades - reptiles for rodents, etc. as most rodent breeders also raise reptiles.
 - Depending on the reptiles, they may be fed one rodent weekly, twice a month, monthly or some only eat every two to six months.
- **Vendors that sell Reptile Food**
 - Feeder Warehouse in Spanish Fork - sells frozen and live rodents.
 - Charlie Burch Wholesaler - sells frozen feed.
 - Curtis Frei Wholesaler (sells to pets stores as well) - Sells frozen or live.
 - Many Pet Stores breed and sell their own live rodents locally.
 - Online there are multiple companies that will ship frozen. Here are just a few.
 - www.rodantpro.com
 - www.coldbloodedcafe.com
 - You can even buy rodents on Amazon

Brady Andersen
801-420-4456



Permit Number: A16382
Date Effective: 10/17/2019 Date Expires: 09/30/2020

Issuing Office:

Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Office of Law Enforcement
2800 Cottage Way, RM W2928
Sacramento, CA 95825
Tel: 916-414-6860
Email: permitsWestLE@fws.gov


**Digitally signed by
RUSTICO BIGALBAL
Date: 2019.10.17
12:51:10 -07'00'**
Legal Instruments Examiner

Permittee:

**ASR GENETIC ART
278 E 70 S
LINDON, UT 84042 US**

Principal Officer: **BRADY M ANDERSEN , MANAGER**

Authority - Statutes and Regulations: 16 USC 1538(d); 50 CFR 13; 50 CFR 14

Location where authorized activity may be conducted: Any Designated Port per 50 CFR 14 (unless further restricted below).

Reporting Requirements: Licensee is required to maintain records per 50 CFR 13 and 14. Acceptance of this license authorizes inspection of records per 50 CFR 13.

Item: 6 - Ordinance Amendment – R2 Overlay and Accessory Apartment Ordinance

Date: September 22, 2020

Applicant: Lindon City

Presenting Staff: Michael Florence

Type of Decision: Legislative

Council Action Required: Yes, the planning commission is the recommending body for this application.

Motion

I move to recommend (*approval, denial, to continue*) (of) ordinance amendment 2020-14-O (*as presented, or with changes*).

Overview:

At the planning commission meeting on September 8, 2020 the commission requested that City staff get a legal opinion on ordinance section 17.46.010 which states:

Neighborhood organizations, home owners associations, and/or private citizens shall not be permitted to restrict the placement and construction of R2 Overlay projects in specific neighborhoods and subdivisions through the use and implementation of Conditions, Covenants, and Restrictions and/or other types of restrictive legal documents. Such practices undermine Lindon City's ability to provide for the housing needs of its citizens and prohibit attainment of established zoning requirements and General Plan Goals. (Ord. 2005-6, amended, 2005; Ord. 2002-18, amended, 2002; Ord. 2000-13, amended, 2000; Ord. 98-13, amended, 2000)

Analysis

As City staff reviewed the legal requirements of this ordinance the direction that the City would like to proceed with is to remove section 17.46.010 from the city code.

Exhibits

September 8, 2020 staff report

Draft 17.46 Ordinance change

Current R2 Overlay Map

Proposed R2 Overlay Map and map showing vacant properties

Chapter 17.46

R2 OVERLAY ZONE **AND ACCESSORY APARTMENT ORDINANCES**

Sections:

17.46.010	Purpose.
17.46.015	Definitions.
17.46.020	Map and district establishment.
17.46.025	Underlying Zoning Applies.
17.46.030	District unit calculations.
17.46.040	Density, lot size, and required separation distance.
17.46.050	Application submittal requirements.
17.46.060	R2 Project design criteria.
17.46.100	Accessory Apartments.
17.46.110	Second Kitchen Requirements.

17.46.010 Purpose.

1. The purpose of the R2 Overlay Zone **and the Accessory Apartment Ordinances are** is to provide ‘moderate income housing’, as defined by the Utah State Code, and thereby achieve a reasonable opportunity for a variety of housing types, to meet the needs of people desiring to live and fully participate in all aspects of neighborhood and community life in Lindon. This Overlay zone establishes a place where, two (2) and three (3) family dwelling units can be constructed. It shall also be the purpose of this ordinance to establish a means whereby multi-family housing can be distributed throughout the City and throughout the individual R2 Overlay planning districts. Except for accessory apartments (either internal or detached), R2 Overlay projects and applications shall be considered a Conditional Use and regulated as such.

~~2. Neighborhood organizations, home owners associations, and/or private citizens shall not be permitted to restrict the placement and construction of R2 Overlay projects in specific neighborhoods and subdivisions through the use and implementation of Conditions, Covenants, and Restrictions and/or other types of restrictive legal documents. Such practices undermine Lindon City’s ability to provide for the housing needs of its citizens and prohibit attainment of established zoning requirements and General Plan Goals. (Ord. 2005-6, amended, 2005; Ord. 2002-18, amended, 2002; Ord. 2000-13, amended, 2000; Ord. 98-13, amended, 2000)~~

17.46.015 Definitions.

For the purposes of this chapter, the terms below shall have the following meanings:

“Accessory apartment” means a residential unit that is located on the same lot or parcel as a single-family dwelling unit, either internal to or attached to the single-family unit or in a detached structure on the same lot or parcel, and which is owned by an owner occupant of the property. The accessory apartment shall be a complete housekeeping unit with a separate entrance, kitchen, sleeping area, and bathroom facilities.

“Owner occupant” means:

1. An individual who:
 - a. Possesses, as shown by a recorded deed, fifty (50) percent or more ownership in a dwelling unit, and
 - b. Occupies the dwelling unit with a bona fide intent to make it his or her primary residence; or
2. An individual who:
 - a. Is a trustor of a family trust which:
 - i. Possesses fee title ownership to a dwelling unit;
 - ii. Was created for estate planning purposes by one (1) or more trustors of the trust; and
 - b. Occupies the dwelling unit owned by the trust with a bona fide intent to make it his or her primary residence.
3. An owner occupant as defined in section 1 or 2 of this definition shall continue to be defined as such even if said owner occupant temporarily resides elsewhere due to a disability, infirmity, military service, temporary job assignments, sabbaticals, or voluntary and ecclesiastical service which requires the owner to temporarily reside at another location not to exceed three (3) years. In such event, the dwelling unit shall be considered an occupied domicile by the owner occupant during the temporary absence.

“Owner occupied” means a residential dwelling unit that is occupied by an owner occupant. (Ord. 2012-2, amended, 2012)

17.46.020 Map and district establishment.

The Planning Department shall maintain on file a map and associated documents which divide the residential areas within the city into individual R2 Overlay districts and which includes such data as: total acreage of each district, total allowable units per district, etc. The R2 Overlay Zone includes all residential zones in their

entirety, and also all residential uses within non-residential zones that existed prior to April 1, 2011. (Ord. 2005-6, amended, 2005; Ord. 2002-18, amended, 2002; Ord. 98-13, amended, 2000)

17.46.025 Underlying Zoning Applies.

Unless specifically provided for otherwise in this chapter, R2 Overlay projects and accessory apartments are subject to the regulations of the underlying zoning district in which they are constructed. (Ord. 2012-2, amended, 2012)

17.46.030 District unit calculations.

The maximum number of units that are allowed by conditional use permitted within each R2 Overlay district identified on the R2 Overlay map shall be established as follows:

<u>District 1: 4 (+2)</u>	<u>District 7: 11 (+0)</u>	<u>District 13: 12 (+2)</u>
<u>District 2: 24 (+2)</u>	<u>District 8: 4 (+2)</u>	<u>District 14: 13 (+2)</u>
<u>District 3: 2 (+2)</u>	<u>District 9: 4 (+2)</u>	<u>District 15: 17 (+2)</u>
<u>District 4: 26 (+0)</u>	<u>District 10: 6 (+2)</u>	<u>District 16: 30 (+2)</u>
<u>District 5: 15 (+2)</u>	<u>District 11: 54 (+0)</u>	<u>District 17: 4 (+0)</u>
<u>District 6: 2 (+0)</u>	<u>District 12: 10 (+0)</u>	<u>District 18: 54 (+0)</u>

As per ordinance 17.41.150, the Anderson Farms Planned Development Zone is excluded from the R2 Overlay and R2 Overlay housing is not allowed within this zone.

~~The maximum number of units that are permitted within each R2 Overlay district identified on the R2 Overlay map shall be calculated by multiplying 4% of the total acreage within each district by six (6). Each dwelling unit approved as part of an R2 project, and each accessory apartment and its' associated single family dwelling unit, shall be counted towards the capacity of the units permitted in each district. At such time as a district reaches the maximum permitted capacity of units that district will be closed to any further R2 Overlay projects. However, owner occupied single family dwellings with accessory apartments shall continue to be permitted even if the district reaches its capacity.~~ (Ord. 2012-2, amended, 2012; Ord. 2008-1, amended, 2008; Ord. 2005-6, amended, 2005; Ord. 98-13, amended, 2000)

17.46.040 Density, lot size, and required separation distance.

Density: The maximum number of units allowed for any R2 Overlay project shall be four (4) units. Available multi-family projects include twin homes, condominiums, apartments, duplexes, triplexes, townhouses, or any

other multi-family housing unit that has two or three units per structure. Detached single-family dwellings (one unit only) and projects with four units (4-plexes) are prohibited.

Lot size: The maximum number of units on an approved building lot in the residential zone is two (2) units. In the event that the lots are larger than twenty thousand (20,000) square feet for the R1-20 zone and twelve thousand (12,000) square feet for the R1-12 zone, then the maximum density shall be calculated at four (4) units per net acre. Substandard legal non-conforming lots shall only be allowed a maximum number of units based on four (4) units per acre.

Separation Distance: Irrespective of R2 Overlay district boundaries, new R2 Overlay projects shall not be within seven hundred fifty (750) feet from any other approved R2 Overlay unit or other existing multi-family housing units, except for accessory apartments. (Ord. 2005-6, amended, 2005; Ord. 2000-13, amended, 2000; Ord. 98-13, amended, 2000)

17.46.050 Application submittal requirements.

1. Any applicant desiring to receive approval for an R2 Overlay Zone project as described in this ordinance ([17.46](#)) shall submit a Land Use Application and fee for a Conditional Use, including a completed site plan which includes all the project design criteria as established in this chapter and any submittal requirements as established in the Land Development Policies, Standard Specifications and Drawings Manual (Development Manual).
2. Any applicant for an R2 Overlay project shall provide documentation that each proposed dwelling unit will meet the “moderate income housing” definition as per Utah State Code. On a form approved by the City, a certification regarding the owner’s understanding of the moderate income housing requirements, and an agreement to abide by said requirements, shall be recorded against the property and shall run with the land and be binding on future successors of the property. A building permit will not be issued until said documentation is received by the Planning Department.
3. The provisions of subsection 2. above shall apply to any R2 Overlay project which was approved by Lindon City after January 17, 2012. (Ord. 2012-2, amended, 2012; Ord. 2005-6, amended, 2005; Ord. 2002-18, amended, 2002; Ord. 2000-13, amended, 2000; Ord. 98-13, amended, 2000)

17.46.060 R2 Project design criteria.

1. *Compliance with Lindon City Code.* Any proposal in the R2 Overlay Zone shall comply with the requirements of this Chapter and all other applicable Lindon City Code divisions and the conditions imposed by the Land Use Authority. The requirements and standards set forth herein shall apply to any R2 Overlay proposal.

2. *Structure Setbacks.* Building setbacks shall be the same as that required in the underlying residential zone in which the project is being constructed.
3. *Width to Depth Ratio.* No proposed lot utilized for an R2 Overlay project shall have a width to depth ratio that exceeds one (1) to three (3) unless the subject property is a platted subdivision lot previously approved by the City.
4. *Land Ownership Designation.* All land within a development shall be either common area, limited common area, dedicated to public use, privately owned as a buildable lot or a combination of the above.
5. *Utilities.* All dwelling units shall be served by the public sewer system and public water supply. Installation of these and other utilities shall conform to applicable building codes and city ordinances. All utilities shall be placed underground.
6. *Fences.* A six foot (6') high sight obscuring fence shall be erected on the perimeter, except the front yard setback, of all R2 projects. The Land Use Authority may waive or modify fencing requirements if it is necessary to preserve the character and aesthetic qualities of the development or surrounding areas. These fencing requirements may be waived or modified by the Land Use Authority only if the following criteria are met:
 - a. Removing or modifying the fence will still provide for an adequate buffer for the adjoining use.
 - b. The appearance or removing of the fence will not detract from the uses of neighboring property.
 - c. Removing or modifying the proposed fence will still provide some method of shielding for the neighboring use from noise, storage, traffic, or any other possible characteristics of an R2 overlay project.
 - d. Problems with care and maintenance of fences shall be dealt with in accordance with LCC [8.20](#) (Nuisances).
7. *Landscaping.*
 - a. Except for driveways, the required front setbacks, street-side yard setbacks, and all common areas shall be permanently landscaped with trees, shrubs, lawn, or other living ground cover and shall be maintained in accordance with good landscaping practices.
 - b. Landscaped areas within the front yard and street-side yard setbacks may not be used for parking.
 - c. Not less than forty percent (40%) of the net acreage of the entire development shall remain in permanently landscaped areas.
8. *Security Lighting.* All R2 proposals with attached housing units shall include a security lighting system which shall be designed in such a way as to give control of its operation to the homeowner's association or property owner of the project.

9. *Parking.* Dwelling units shall be provided with not less than two (2) off street parking spaces each. Required off-street parking spaces shall not be permitted within the front yard or street-side yard setbacks. Guest parking shall be located within seventy five feet (75') of the dwellings served. All parking spaces, parking areas, and driveways shall be hard surface and properly drained as per Lindon City Development Manual specifications. Drainage shall not be channeled or caused to flow across pedestrian walkways. All freestanding and unenclosed parking structures incorporated into an R2 Overlay project shall be to the rear of the main building. Free standing parking structures shall not be allowed in the front or side yard setback of any lot.

10. *Streets.*

- a. For the purposes of this division the following definitions apply:
 - i. Public Street shall mean a right-of-way owned and maintained by the City.
 - ii. Driveway shall mean a vehicular right-of-way owned and maintained privately that is no more than thirty four feet (34') in width and is no less than twenty feet (20') in width. After considering public safety and access issues the Land Use Authority shall designate the width of the drive access as per this requirement.
- b. Public streets shall adhere to design and construction standards found within the Development Manual and shall be properly dedicated to the city.
- c. A driveway shall be paved with either concrete or asphalt.
- d. No “hammerhead” turnarounds shall be permitted.
- e. All streets that are shown on the Lindon City Master Plan shall be developed as public streets according to the size and general location shown on the Lindon City Street Master Plan Map. The Land Use Authority has the authority to require streets in an R2 proposal to connect with other public streets outside the proposed project where such connection is necessary for good traffic circulation in the area.
- f. All streets in an R2 proposal shall be public streets. However, driveways may be permitted provided that:
 - i. They will not extend to provide service to another property or parcel not included in the project unless there is no reasonable way to access existing parcels contiguous to a private street. However, the Land Use Authority may consider limited connections of additional lot accesses to a driveway on a case-by-case basis to allow for reasonable development of surrounding properties that will compliment the R2-Overlay project and will not cause a burden or hazard from traffic flows on the private driveway. Any additional lots that are approved to access R-2 Overlay project driveways shall meet all standard lot and development requirements applicable to the zone in which the property is located, and could be accessed and served with utilities as a ‘stand alone’ lot. Shared

access shall only be permitted if it is determined to provide safer access for the additional lots in question and/or provides other reasonable benefits to the surrounding neighborhood and community.

ii. They will not provide access or travel between, or otherwise connect with two (2) or more public streets unless the street or driveway is designed to discourage through traffic.

iii. They are designed and constructed to City Standards and Specifications found within the Development Manual.

iv. They are designated on the final plat as perpetual right-of-way and public utility easements.

v. They shall not be longer than one hundred fifty (150) feet. Driveways longer than one hundred fifty (150) feet shall be dedicated public streets and comply with all City standards for public streets.

vi. Private driveways, private streets, and private utilities will not be maintained and/or serviced by the City.

11. *Common Areas.* Common areas of a development shall be developed according to the plan approved by the Land Use Authority and maintained in accordance with the provisions of this chapter.

12. *Storage Areas and Central Waste Receptacles.* Exterior storage areas available to multiple tenants for the keeping of boats, RVs, or other miscellaneous items, shall be enclosed with a 6' high site obscuring fence. Said storage areas shall only be permitted on the side or rear of the dwelling units. Central waste receptacles shall only be permitted within a trash enclosure which meets standards found in the Development Manual. Trash enclosures shall be located in the side or rear of the dwelling units and must be accessible for garbage trucks. All individual garbage containers shall have the ability to be serviced from a public street.

13. *Architectural Styles and Treatments.* The intent of the architectural styles and treatment requirements is to maintain the single-family residential appearance of R2 multi-family projects and to avoid obvious recognition that the structure is a duplex, twin home, or triplex. R2 project proposals shall be designed according to traditional residential styles which are compatible with other home in the immediate vicinity. The building colors shall be in earth tone(s) (refer to Commercial Design Guidelines for color palate). Unless otherwise existing, the building shall have no more than one front door and garage/carport entrance facing the street frontage or facing the same direction unless in the rear of the building. Corner lots shall have no more than one front door and garage/carport entrance facing each street or side-street frontage unless otherwise existing. (See Table 17.46 A) The applicant shall submit building elevations with details on exterior materials and colors addressing the requirements listed above. (Ord. 2008-12, amended, 2008; Ord. 2008-6, amended, 2008; Ord. 2008-1, amended, 2008; Ord. 2007-14, amended, 2007; Ord. 2005-6, amended, 2005; Ord. 2004-1, amended, 2004; Ord. 2002-18, amended, 2002; Ord. 2000-13, amended, 2000; Ord. 98, amended, 1983)

17.46.100 Accessory Apartments.

This section establishes requirements and regulations regarding accessory apartments.

1. *Purpose Statement.* It is the intent of ~~this section-the R2 overlay zone~~ to allow accessory apartments in conjunction with owner occupied single-family homes in residential zones, where such single-family homes were not approved as part of an R2 overlay project. The purpose of the accessory apartment provisions are to:

- a. Provide a mix of housing options that responds to changing family needs and smaller households;
- b. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;
- c. Provide a broader range of affordable housing;
- d. Create new housing units within existing residential zones while respecting the look and scale of single-family dwelling development within Lindon.

2. *General Requirements for All Accessory Apartments.*

- a. *Location.* Accessory apartments shall be allowed only in conjunction with owner occupied single-family dwellings, but shall not be approved in conjunction with other R2 overlay projects or the Anderson Farms Planned Development Zone at found in 17.14.150.
- b. *Number of Accessory Apartments.* A maximum number of one (1) accessory apartment shall be allowed in conjunction with each owner occupied single-family dwelling.
- c. *Parking.* A single-family dwelling with an accessory apartment shall provide at least four (4) total off-street parking stalls (two (2) for the single-family dwelling and two (2) for the accessory apartment). Parking stalls within a garage or carport utilized by the single-family dwelling shall not count toward the two (2) additional required parking stalls for the accessory apartment, or vice versa, unless the garage is sized for more than two (2) vehicles and an accessible route from the garage parking to the accessory apartment can be maintained. Not more than one of the designated accessory apartment parking stalls may be located within the front yard setback. ~~No required parking shall be within the front or street side yard setback.~~ Tandem (end-to-end) parking in a side yard may be acceptable for the required parking. Parking areas and driveways shall be provided with a dustless, hard surface material such as asphalt, concrete, compacted gravel, masonry, or concrete pavers. A ~~hard-surfaced~~ path, sidewalk, or walkway shall be provided from the accessory apartment entrance to the required accessory apartment off-street parking stalls.
- d. *Size Restrictions.* The size of an accessory apartment shall be at least three hundred (300) square feet and shall not contain more than three (3) bedrooms.

e. *Building Code.* All construction and remodeling shall comply with building codes in effect at the time of construction or remodeling.

f. *Building Entrances.* A single-family dwelling approved with an accessory apartment shall not have a separate entrance at the front of the building or side of the building facing the street where the sole purpose of the entrance is to provide access to the accessory apartment. Entrances to detached accessory apartments shall also not face a street unless the detached accessory apartment is placed behind the primary residence so that the entrance is not substantially visible from the street. The purpose of this requirement is to preserve the single-family residential appearance of the single-family dwelling and/or the detached accessory apartment.

g. New or existing garages and accessory buildings substantially attached to the main dwelling by covered walkways, covered breezeways, and covered porches may include an accessory apartment. In such instances, the garage/accessory building shall not be more than a distance of eighteen feet (18') from the main dwelling unit measured linearly between the foundation lines of the two (2) structures, and the apartment may not exceed sixty percent (60%) of the footprint of the primary residence livable floor area, but in no case shall it exceed one thousand two hundred (1,200) square feet of maximum livable floor area.

h. *Apartment Address.* The address of the accessory apartment shall be clearly posted so as to be seen from the public street.

i. *Ownership.* An accessory apartment shall not be sold separately, or subdivided from the principal dwelling unit, parcel, or lot.

3. *Additional Requirements for Detached Accessory Apartments.*

a. *Height Restrictions.* Detached accessory apartments are limited to two (2) stories above grade with a maximum height not to exceed the height of the primary residence or thirty feet (30') high, whichever is less. Building height is determined by averaging the measurements of the four (4) corners of the structure from finished grade to the highest point of the roof structure. The planning director and chief building official shall be responsible for designating and identifying the four (4) corners of a structure and determining building height.

b. *Setbacks.* A detached accessory apartment must meet the same setbacks as the primary residence for the underlying zone in which it is located, except that it shall be set back at least ten feet (10') further from a front-facing façade of the primary residence which faces a street. Detached accessory apartments on the street-side yard of corner lots are only required to be set back ten feet (10') further than the front-facing façade of the primary residence. No additional setback applies to street-side yard areas. See Table 17.46B. If a deck is constructed on the second story, the building setback will be measured from the deck.

c. *Size Limit.* The detached accessory apartment may be attached to or part of other accessory structures, but in no case shall the maximum livable floor area of the detached accessory apartment exceed one

thousand five hundred (1,500) square feet or forty percent (40%) of the primary residence, whichever is less. The total livable square footage is calculated for both stories and does not apply separately to each story. Stairways for access to the second story shall be constructed on the interior of the accessory apartment. No exterior staircases shall be constructed unless required by building code. If an accessory apartment is connected to or constructed above a garage, the apartment shall have a separate entrance from the garage area.

d. *Exterior Design.* Architectural features and roofline of the detached accessory apartment shall be designed and constructed to be compatible with the character and materials used on the exterior of the primary residence.

e. *Utilities.* Except for sewer service, all public and private utility services to the detached accessory apartment shall be provided through utility lines which service the primary residence. Additional utility meters, utility laterals, or secondary service hook-ups are not permitted except as approved by the chief building official and/or the public works director in cases where options to provide utilities through the primary residence service laterals are not feasible or cause significant hardship to the applicant.

4. *Accessory Apartment Permit.* Any person constructing or causing the construction of a residence that has an accessory apartment or any person remodeling or causing the remodeling of a residence for an accessory apartment, or any person desiring an accessory apartment shall obtain a building permit from the city. Before the permit is issued the applicant shall:

a. Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, and the location of parking stalls.

b. Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses and other criteria required by the chief building official.

5. The city shall evaluate the permit and shall approve or deny the application based on the criteria as outlined in this section. If the application meets all requirements, the city shall mail notice to owners of record within three hundred feet (300') of the subject property that approval has been given for the accessory apartment. The City shall list the address of the accessory apartment in the notice. This notice shall summarize the nature of the request, give the location of the apartment, list the approval criteria with an indication that the city intends to issue the permit, and inform the property owners that they may request that the accessory apartment application be reviewed by the planning commission if they feel that the application does not meet the approval criteria. Any interested party requesting planning commission review shall submit a written request to the planning commission within fourteen (14) days after the date of the notice received and shall state how the application does not meet the ordinance criteria. If no written request for planning commission review is received by the city within fourteen (14) days after the date of the notice, the permit for the accessory apartment can be issued.

~~6. Upon submittal to the planning department of a written request for planning commission review, the planning commission shall hear the item at their next regularly scheduled meeting and shall review the request to determine compliance with the approval criteria as found within this chapter. The planning commission shall then approve, continue, or deny the application.~~

7. Upon issuance of the accessory apartment building permit, the applicant shall pay fees in accordance with the currently adopted Lindon City fee schedule.

8. *Affidavit and Agreement Requirements.* The following affidavits and agreements shall be required prior to issuance or final approval of a building permit for an accessory apartment:

a. The owner of any single-family dwelling requesting an accessory apartment shall sign an affidavit therein stating that the primary dwelling and/or the accessory apartment on the lot or parcel will be owner occupied. This affidavit shall be recorded against the property and run with the land and be binding on future successors of the property; and

b. The owner shall provide documentation that the accessory apartment rental rates will meet the “moderate income housing” definition as per Utah State Code. On a form approved by the city, a certification regarding the owner’s understanding of the moderate income housing requirements and an agreement to abide by said requirements shall be signed by the owner and recorded against the property and shall run with the land and be binding on future successors of the property.

c. The provisions of subsection [\(8\)\(b\)](#) of this section shall apply to any accessory apartment which was approved by Lindon City after February 1, 2012. (Ord. 2019-6 §1, amended, 2019; Ord. 2012-2, amended, 2012; Ord. 2008-6, amended, 2008; Ord. 2008-1, amended, 2008; Ord. 2001-10, amended, 2001; Ord. 2000-13, amended, 2000; Ord. 99-22, amended, 2000; Ord. 98-13, amended, 2000)

17.46.110 Second Kitchen Requirements.

1. Single family homes with more than one kitchen shall not be considered to have an accessory apartment (unless specifically approved as such by issuance of a building permit) and shall comply with the following requirements:

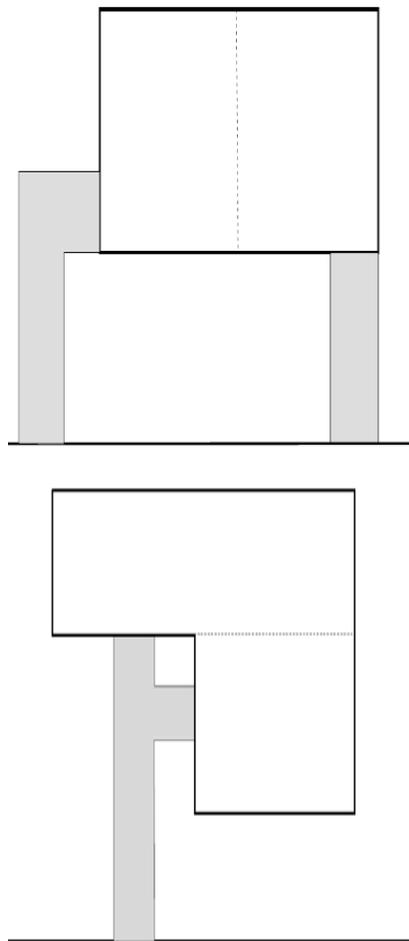
2. The home shall have only one address.

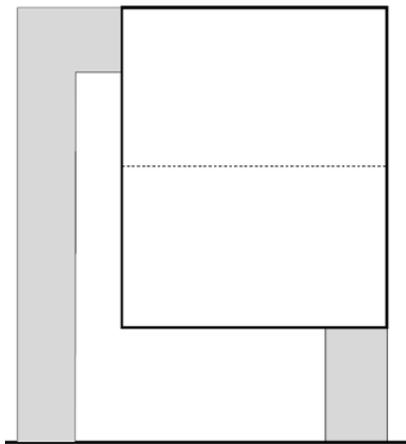
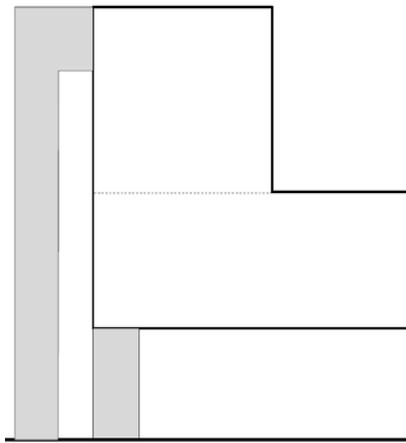
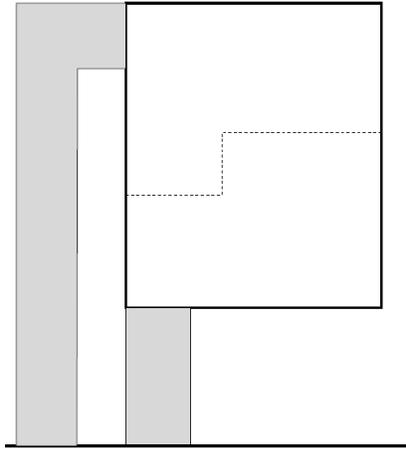
3. An interior access shall be maintained to all parts of the home. This requirement is to assure that an accessory apartment is not created. For example, doors between the second kitchen and the remainder of the home shall have no locks or deadbolt mechanisms which could restrict access. Other methods for limiting or restricting access from the second kitchen to the remainder of the home shall also not be permitted. Access to a second kitchen through a garage shall not be considered “interior access.”

4. The home shall have no more than one electrical meter.

5. A kitchen shall be defined as a place with permanent food preparation facilities which shall include a stove/range appliance.
6. The owner of any single-family dwelling requesting a second kitchen shall sign an affidavit on a form prepared by the City, therein stating that the second kitchen area in the dwelling will not be used as a duplex or accessory apartment. Presence of a second kitchen does not constitute approval of a multi-family unit. This affidavit shall be recorded against the property and run with the land and be binding on future successors of the property.

Table 17.46 A. (Sample layouts for R2 Projects in which only one entrance faces the street)





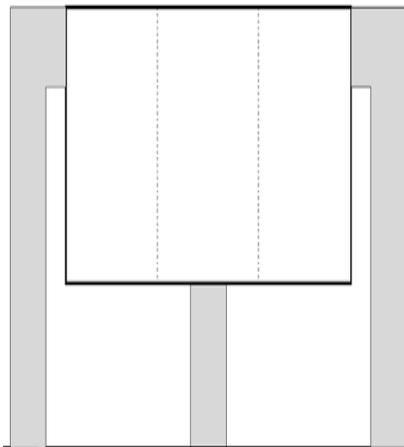
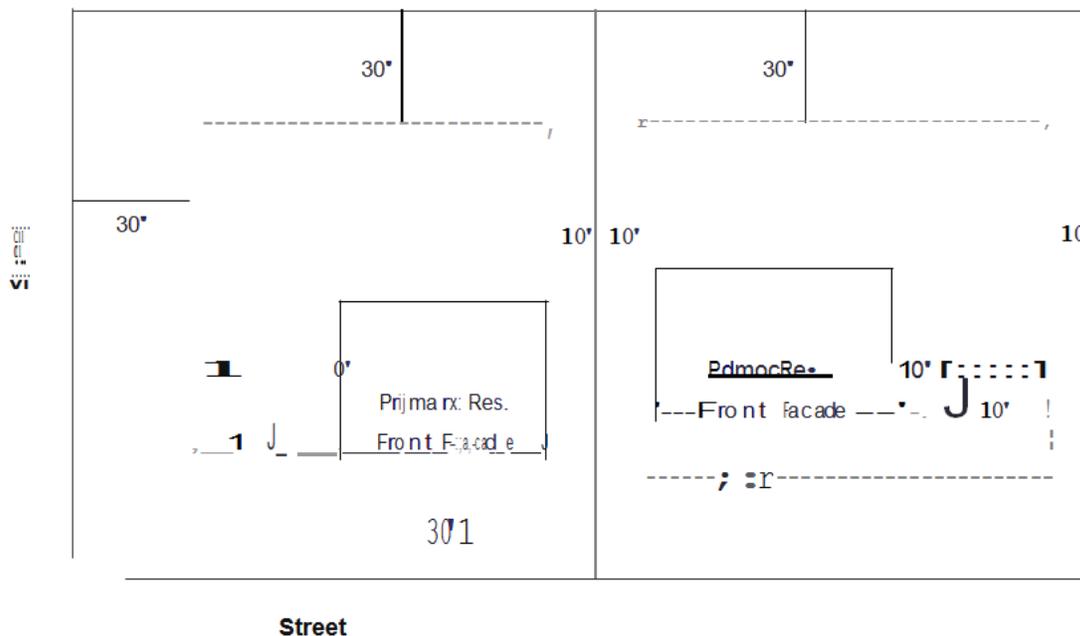


Table 17.46 B. (Typical setbacks for detached accessory apartments)



(Ord. 2012-2, amended, 2012; Ord. 2002-18, amended, 2002; Ord. 2001-10, adopted, 2001)

The Lindon City Code is current through Ordinance 2020-9, passed June 1, 2020.

Disclaimer: The city recorder's office has the official version of the Lindon City Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

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Item: 7 - Ordinance Amendment – R2 Overlay and Accessory Apartment Ordinance

Date: September 8, 2020

Applicant: Lindon City

Presenting Staff: Michael Florence

Type of Decision: Legislative

Council Action Required: Yes, the planning commission is the recommending body for this application.

Motion

I move to recommend (*approval, denial, to continue*) (of) ordinance amendment 2020-14-O (*as presented, or with changes*).

Overview:

At a joint planning commission and city council meeting on August 11, 2020 staff presented proposed changes to the R2 Overlay and accessory apartment ordinance.

Under the current ordinance, an accessory apartment is identified under the R2 Overlay Zone. City staff are proposing to divide the ordinance into two sections which will be the R2 Overlay and the Accessory Apartment sections.

Under the R2 Overlay zone, the city is divided into 18 districts. Each district, is allowed a specific number of R2 units depending on acreage and calculation per district. See attached map. The R2 Overlay Zone also counts accessory apartments towards the overall total unit count for each district. However, the number of accessory apartments can exceed the district unit count with no limits to the number of accessory apartments. Currently, all but five districts are full and don't allow additional R2 Overlay developments. For the most part, the districts are full due to the number of accessory apartments rather than R2 Overlay developments.

District	Total Acres	Max # of Units	Approved Units	# of Units that are not Accessory Apartments	Estimate of number of available lots in each district
1	123	29	48	2	3
2	245	59	70	0	3
3	151	36	20	0	5
4	114	27	44	26	2
5	160	38	41	13	6
6	64	15	38	2	0
7	75	18	29	11	0
8	84	20	12	2	1
9	65	15	22	2	1
10	99	23	14	4	4
11	165	39	84	54	5
12	68	16	34	10	1
13	109	26	42	10	2
14	70	16	33	11	1
15	196	47	67	10	3
16	176	43	42	28	3
17	265	63	4	8	3
18	55	13	54	54	0
Totals		543	698	247	43

Proposed R2 Overlay Changes

- Under sections 17.46.010 and 17.46.050 the ordinance calls out R2 Overlay projects as conditional use. Staff is proposing to change 17.46.030 from permitted to conditional to be consistent with other code sections.
- Staff is proposing to remove accessory apartments from the overall district calculation since there is no limit and accessory apartments can exceed the district limit.
- Staff is proposing to change how the number of units are calculated for each district. Staff evaluated the number of R2 Overlay developments in each district, the 750' required buffer between R2 Overlay units, and available parcels. The proposal is to set a number of allowed R2 Overlay unit per district. There are a few districts that staff are proposing to remain closed due to the number of existing R2 Overlay developments.

The way the below calculations works, for example, is District 1 currently has two units and the City would allow two additional units for a total of 4 in that district.

District 1: 4 (+2)	District 7: 11 (+0)	District 13: 12 (+2)
District 2: 24 (+2)	District 8: 4 (+2)	District 14: 13 (+2)
District 3: 2 (+2)	District 9: 4 (+2)	District 15: 17 (+2)
District 4: 26 (+0)	District 10: 6 (+2)	District 16: 30 (+2)
District 5: 15 (+2)	District 11: 54 (+0)	District 17: 4 (+0)
District 6: 2 (+0)	District 12: 10 (+0)	District 18: 54 (+0)

Proposed Accessory Apartment Changes

- To ensure the proper code reference are made throughout the code, staff has referenced section 17.14.150 which does not allow accessory apartments in the Anderson Farms Planned Development Zone. See 17.46.100(2)(a)
- Allows that one accessory parking stall be located within the front setback. See 17.46.100(2)(c)
- Removes the requirement that the path, sidewalk or walkway have to be hard surfaced 17.46.100(2)(c)
- Removes the noticing and appeal requirement prior to an accessory apartment being approved. Replaces the language with a requirement that the city will send a notice to surrounding property owners once the accessory apartment has been approved. See 17.46.100(5)

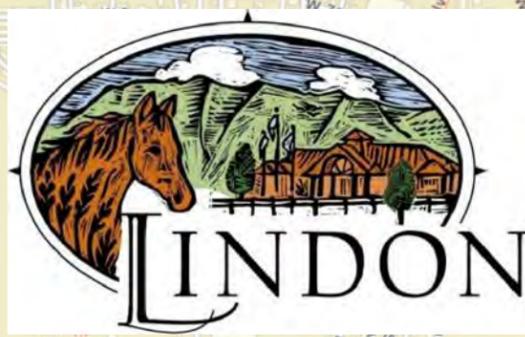
Analysis

City staff has tried to simplify both the R2 Overlay requirements for the district calculations as well as requirements for accessory apartments. Particularly, since the City does not have a limit on the number of accessory apartments, staff finds it better to clearly state how many R2 Overlay units are allowed per district. This will allow some additional units in districts that were otherwise closed due to accessory apartments.

The planning commission should evaluate the attached maps to ensure that they are comfortable with the number of units per district.

Exhibits

Draft 17.46 Ordinance change
Current R2 Overlay Map
Proposed R2 Overlay Map and map showing vacant properties

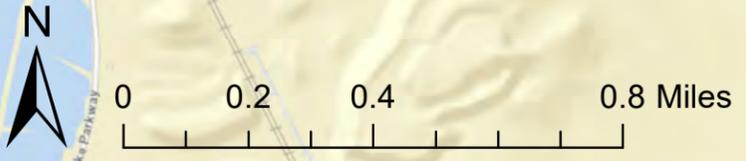
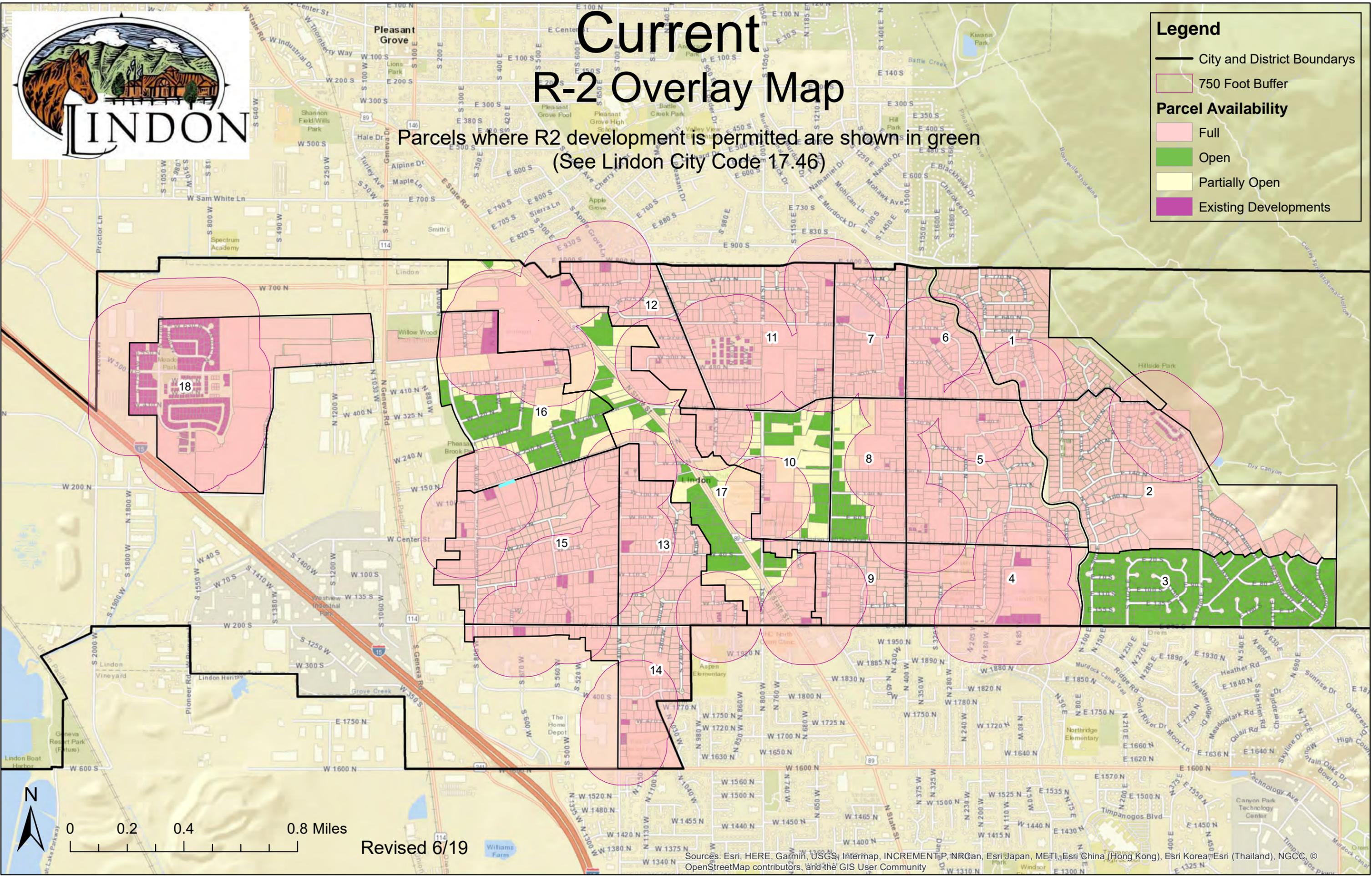


Current R-2 Overlay Map

Parcels where R2 development is permitted are shown in green
(See Lindon City Code 17.46)

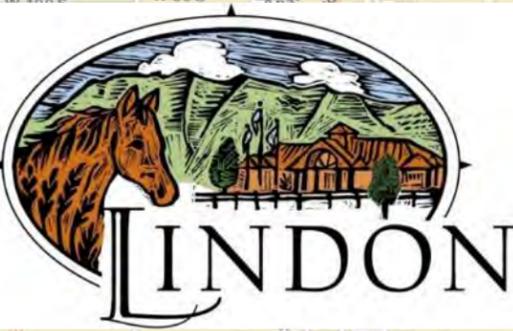
Legend

- City and District Boundaries
- 750 Foot Buffer
- Parcel Availability**
- Full
- Open
- Partially Open
- Existing Developments



Revised 6/19

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

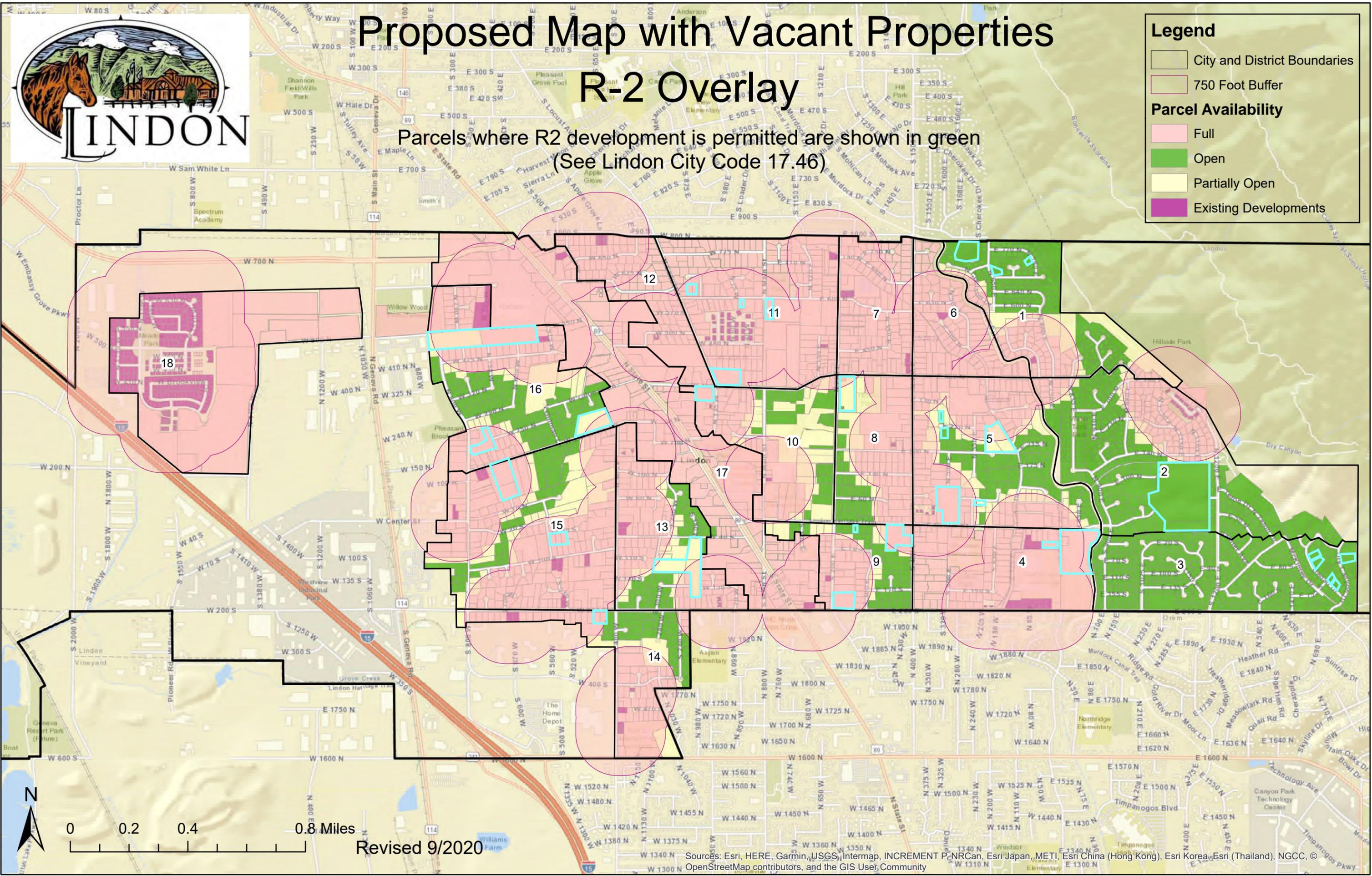


Proposed Map with Vacant Properties R-2 Overlay

Parcels where R2 development is permitted are shown in green
(See Lindon City Code 17.46)

Legend

- City and District Boundaries
- 750 Foot Buffer
- Parcel Availability**
- Full
- Open
- Partially Open
- Existing Developments



Revised 9/2020