

# LINDON CITY CODE

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## Chapter 17.17

### SITE PLAN DEVELOPMENT

#### Sections

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#### Section 17.17.100 Purpose

The purpose of the Site Plan Development section is to:

1. Provide proper administrative review procedures to ensure that site development is accomplished through adherence to the Lindon City Land Development Policies, Standard Specifications and Drawings manual (Development Manual) and the Lindon City Code.
2. Ensure that site plan developments are compatible with the surrounding land uses and zoning, and have been reviewed to address the adequacy of the site in regards to transportation and circulation, utility services, storm water drainage, environmental concerns, landscaping, and safety considerations.
3. Ensure compliance of architectural building design and site development standards as found in the Lindon City Commercial Design Guidelines.

#### Section 17.17.110 Site Plan when required.

1. A site plan shall be submitted to the Planning Department for staff and engineering review and approval by the appropriate Land Use Authority for any of the following:
  - a) Any development within a non-residential zone;
  - b) Non-residential development within a residential zone (i.e., churches, bed & breakfast inns, schools, etc.);
  - c) Conditional Uses in which new building construction and/or development is proposed as outlined in section a. and b. above;
  - d) Multiple unit developments (residential or commercial) - excepting R2-Overlay projects that do not require parking lots, on-site storm water detention, or lacking other site plan items typically reviewed by the City Engineer.
  - e) Other uses, construction, and/or development which the Planning Director determines would require a site plan in order to review storm drainage, vehicular circulation and parking, landscaping, site design, adequacy of providing utility services; or other issues found prudent to protect the health, safety, and welfare of the area;
  - f) Any development required to submit a site plan as listed in other sections of Lindon City Code.
2. Exceptions. As determined by the Planning Director, in non-residential zones, single-family residential structures, residential accessory structures, non-commercial agricultural buildings, residential additions and remodels, or similar structures do not require site plan application and review as listed in this chapter.

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### Section 17.17.115 Land Use Application Submittal Requirements.

Land use application submittal requirements shall be followed as listed in the Land Development Policies, Standard Specifications and Drawings Manual (Development Manual). In addition, site plan submittals must be supplemented with color renderings of the proposed exterior of the building or any new additions. A materials board or color photos of building materials is encouraged for review by the Land Use Authority.

### Section 17.17.118 Site Plan – Approval Criteria

1. A site plan shall be reviewed by the Land Use Authority as listed in LCC 17.09, Table #1. The Land Use Authority shall ensure that the site plan meets all specific zoning requirements as found in Lindon City Code, the Lindon City Commercial Design Guidelines, the Lindon City General Plan, and other applicable codes, plans, policies and manuals as may be currently adopted and applicable.
2. The Land Use Authority has the authority to approve, continue, or deny a site plan application. A denial is justified if the site plan does not meet the codes, ordinances, or requirements of the City. The Land Use Authority may also approve with conditions if the imposed conditions are necessary to meet the intent of a City code or ordinance and said conditions are necessary to further the protection of the public's health, safety, and welfare.

### Section 17.17.120 Completion and Maintenance of a Site.

1. Except for circumstances listed in number 2 below, every site shall conform to the approved site plan or amended site plan. No structures or improvements may be added to a site that is not included on the approved site plan.
2. The City understands that in the field, during construction, minor alterations and deviations from the approved site plan may become necessary. Such minor alterations to the approved plan may be authorized by the Planning Director and the Public Works inspector without requiring a formal amendment to the approved plan. In no case shall such amendments be in violation of Lindon City Codes and/or ordinances. Significant deviations to the approved plan shall require a formal re-submittal of site plans for official engineering review and approval prior to continued construction. The Planning Director has discretion to determine if the significant deviation warrants an additional review by the Land Use Authority to ensure compliance with City Code.
3. All improvements shown on the approved site plan or amended site plan shall be inspected and finalized by appropriate public works, zoning, fire, and building officials prior to issuance of a final certificate of occupancy.
4. Each site shall be maintained in a clean, safe, and orderly manner. Required landscaping shall be regularly maintained and kept in a living state.
5. Failure to complete or maintain a site in accordance with this Chapter and with the approved site plan shall be a violation of the terms of Lindon City Code. The City may initiate criminal and/or civil legal proceedings against any person, firm or corporation, whether acting as principal, agent, property owner, lessee, employee or otherwise, for failure to complete or maintain a site in accordance with this City Code and with the approved site plan.

### Section 17.17.125 Site Plan-Phased development

The City understands that due to financial constraints, some developments will be required to be constructed in multiple phases. As such, Lindon City is willing to make some accommodations to allow phased developments for site plans. Phased development must be clearly distinguished during application submittal

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and approved by the Land Use Authority. Application approval will be subject to the site plan expiration timeline as indicated in LCC 17.12. Each successive phase must be completed within 24 months of the previous phase with all phases of the site plan being completed within six years. Applications for new approvals shall be submitted for any phased development that exceeds six years.

### Section 17.17.130 Amended site plans.

1. Amended site plans shall be submitted when changes to the site and/or building are proposed. Changes that require amended site plans to be approved by the Land Use Authority and brought into substantial compliance with current city codes are triggered by the following:
  - a) A change in intensity of land use of the property, defined as a change between agricultural, residential, commercial/ industrial, or public assembly uses (i.e., school or church changes to a retail business);
  - b) New buildings or structures are being added to the property with the following exceptions:
    - i. At the discretion of the Planning Director, accessory buildings on thousand (1,000) square feet or less may be administratively approved without requiring Land Use Authority review when, upon the Planning Director's findings, the amended site plan meets the standards listed in paragraph 4 of this section; or
  - c) Exterior changes are proposed to the dimensions of any existing building or structure as follows:
    - i. 0 – 9% increase in building square footage. The new addition shall meet current architectural design standards for the zone, but except for parking standards necessary to accommodate the increased square footage, no additional site or building improvements are required. At the discretion of the Planning Director this level of change may be approved by Staff without requiring Land Use Authority review – when the alteration meets the standards listed in Section 17.17.130(4).
    - ii. 10 – 19% increase in building square footage. The new addition, including the entire existing building being added to shall meet current architectural design standards for the zone in which it is located. The Land Use Authority may work with the applicant to prioritize architectural features that are determined to have the greatest impact on appearance of the structure in meeting zone standards. Parking standards shall also be complied with.
    - iii. 20 – 30% increase in building square footage. The new addition and existing building shall meet current architectural and parking standards, as referenced in 17.17.130(c)(ii). In addition, any landscaping requirements shall be met.
    - iv. Over 30% increase in building square footage: The site shall be brought into substantial compliance with all current city codes and ordinances – specifically as listed in Section 17.17.130(3).
    - v. Any action which, when combined with one or more previous expansions that have occurred over a period of time, causes the aggregate area of expansion to fall within one of the percentage categories listed above.
  - d) Cosmetic changes to the exterior of a building or structure (paint, windows, roof covering, etc.) are permitted without any approvals from the Land Use Authority. Any cosmetic changes shall meet current codes and/or shall bring the facilities closer to conformance with current codes and ordinances, including the Lindon City Commercial Design Guidelines.
2. Approval. The procedure for approval of an amended site plan shall be the same as the procedure of approval of an original site plan unless a waiver is granted according to 17.17.130(4).

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3. Required Improvements. When a site plan is required to be brought into substantial compliance with all current city codes and ordinances the following issues shall receive specific review.
    - a) Landscaping;
    - b) Storage and exterior displays;
    - c) Off-Street parking;
    - d) Vehicular access and circulation;
    - e) Off-street loading and unloading;
    - f) On-site surface water drainage. (Other methods of surface water drainage may be approved for amended site plans if approved by the City Engineer);
    - g) Off-site curb, gutter and sidewalk;
    - h) Piping of irrigation ditches;
    - i) Solid waste containers (trash enclosures);
    - j) Street lights;
    - k) Fencing and/or screening;
    - l) Architectural standards applicable to the zone in which the site is located; and
    - m) Any other areas required under the submittal requirements as referenced in 17.17.115.
  4. Waiver. The Planning Director shall have the authority to waive the requirements of Section 17-17-130(1)(c)(i), and shall have the authority to approve amended site plans, new accessory buildings one thousand (1,000) square feet or less, and/or building permits without further review by the Land Use Authority if he or she makes the following findings:
    - a. The proposed amended site plan complies with all current City ordinances; and
    - b. The original site plan has not been materially altered, and has not changed in a way that detracts from the overall safety or aesthetics of the site; and
    - c. The proposed amendments to the site plan will not have a material detrimental effect on other properties in the area.

Application fees for Staff approved amended site plans shall follow the Lindon City Fee Schedule established at the time of the application. Any decision of the Planning Director to waive the requirements of Section 17.17.130(2) will require notice of intent to approve the proposal to all surrounding property owners within three hundred feet (300') of the subject property. The decision may be appealed to the Appeal Authority within ten (10) days of the date of the mailed notice. If no appeal is received within the 10 day appeal period, the application and/or permit may be approved.

5. Modification of Requirements on amended site plans. The Land Use Authority may modify or adjust the requirements of subsection 17.17.130 if any of the following conditions are met:
  - a. Strict compliance with the requirements of subsection 17.17.130 would cause an unusual and unnecessary hardship to the applicant and/or would create detrimental impacts upon the property (i.e., requiring landscaping would eliminate parking).
  - b. The amended site plan provides for additions, deletions or improvements to the subject property that are beneficial to the public, that improve the appearance of the site, bring the site closer to conformance with City code, or that increase the safety or convenience of the site to the public.

The maximum allowable modification or adjustment shall be the exception rather than the rule, and shall include all other variances previously granted on the site.

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6. **Additional Standards.** In granting any of the changes set forth in subsection 17.17.130(5), the Land Use Authority may impose additional standards or requirements that will substantially serve the objectives of the standards or requirements that are waived, adjusted or modified. Any authorized changes or additional requirements shall be entered in the minutes of the Land Use Authority with the circumstances justifying the changes or requirements. (Ord. 98-3, Amended, 10/03/2000) (Ord. 2014-2-0, Amended 1.21.14)

### Section 17.17.140 Temporary site plans.

1. **Purpose –** This section is enacted to accommodate certain uses which are temporary or seasonal in nature and in which typical permanent infrastructure and site plan improvements required by the Code would not be considered reasonable for the limited duration of the temporary use. No person shall construct or use a temporary site or building without first obtaining approval as set forth in this section.
2. All temporary sites shall be restricted to the non-residential zones, excluding seasonal agricultural or horticultural sales, which are permitted in all zones.
3. All submittal requirements for temporary site plans shall be followed as listed in the Land Development Policies, Standard Specifications and Drawings manual (Development Manual).
4. The applicant shall pay a fee as established in the Lindon City Fee Schedule.
5. An application for a temporary site plan may be made by any property owner, lessee, contract purchaser, official, department, board or bureau of any government. If the property owner has not signed the application, a contract purchaser or lessee must file, with the application, a copy of the contract or some form of written statement which indicates the endorsement of the application by the property owner.
6. The Development Review Committee (DRC), or their appointed designee, shall be the land use authority for all proposed temporary site plans. The DRC shall have authority to approve, conditionally approve or deny any temporary site plan application accessible for the public enter therein.
  - a. The DRC shall evaluate the impact of each temporary site and will assure that the site plan is compatible with the zone in which it is to be located.
  - b. Any temporary site plan permitted by the DRC which complies with the specific requirements of this Chapter and any conditions and restrictions which may be imposed by the DRC shall be deemed to be a permitted temporary site on the lot on which it is thus permitted. Once a temporary site plan is permitted, however, the use shall not be enlarged, extended, changed, increased in intensity, or relocated unless an application is made for a new or revised temporary site plan.
  - c. Non-permitted or unlisted uses deemed beneficial to or furthering the public interest may be considered for temporary site plan approval. Such uses may consist of public works projects, public utility construction activities, or other governmental activities.
7. All temporary site plans shall satisfy the following general standards:
  - a. The proposed temporary use will be located, operated and maintained in a manner generally consistent with the policies of the General Plan and the provisions of the Code.
  - b. Adequate parking to accommodate vehicular traffic to be generated by such use will be available on-site and/or meet parking regulations in LCC Chapter 17.18.
  - c. The proposed use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
  - d. No motor vehicle, mobile home, shipping container, or trailer *from which sales are transacted*

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- or product is displayed* shall be accessible for the public enter therein.
- e. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or adversely impair the value thereof.
  - f. Signs shall be regulated by the provisions of the Sign Ordinance found in LCC Chapter 18.
  - g. The temporary use regulation of this Section does not exempt the applicant or operator from any other required permits, such as business licenses or health department permits.
8. The applicant shall comply with any condition imposed by the DRC. Conditions may include additional off-street parking, on-site landscaping, or any other physical improvements. In determining whether such improvements should be required, and in determining whether the temporary site plan shall be approved, denied or approved with conditions, the DRC shall consider the following:
- a. Harmony of the request with the general objectives of the General Plan, City ordinances, and the particular zone in which the request is located.
  - b. Harmony of the request with existing uses in the neighborhood.
  - c. Development or lack of development adjacent to the site.
  - d. Whether or not the request may be injurious to potential development in the vicinity.
  - e. Present and future requirements for transportation, traffic, water, sewer, and other utilities.
  - f. Suitability of the specific property for the proposed use.
  - g. Economic impact of the proposed use on the neighborhood.
  - h. Aesthetic impact of the proposed use on the neighborhood.
  - i. Attempts by the applicant to minimize other adverse effects on people and property in the area.
  - j. Impact of the proposed use on health, safety and welfare of the City and persons owning property in the area.
  - k. The anticipated parking needs for the site.
9. Regulations for Specific Uses:
- a. Christmas tree sales lots: Allowed in all commercial and industrial zones. Display of Christmas trees need not comply with setback requirements of the zone, however, no display shall be located in any clear vision area. The temporary use permit shall be valid for a maximum 45- day consecutive time period.
  - b. Firework sales: Allowed in any commercial or industrial zone from temporary stands. In addition, applicants must acquire all required permits and licensing prior to approval. Firework sales are also subject to the requirements of LCC Chapter 8.28.
  - c. Fast food huts for the retail sale of food items such as shaved ice, snow cones, hot dogs, tacos, soft drinks. Allowed in any zone food eating establishments are permitted. Such uses may last up to a maximum (120) one hundred twenty consecutive days.
  - d. Outdoor sales/traveling retail sales or services (such as sales of tools, housewares, rugs, toys, or other manufactured goods), or service businesses (such as windshield repair): May be allowed in all commercial and industrial zones. Such events may last up to a maximum of (30) thirty consecutive days.
  - e. Seasonal agricultural or horticultural produce sales: Allowed in all zones. The temporary use permit for such uses shall be valid from May 1<sup>st</sup> through November 30<sup>th</sup>.
10. Except for uses listed in 9(e) of this section, the applicant shall remove within fourteen (14) days of the expiration of the approval, any structure or materials used for the temporary site such as tents, poles,

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display bins, etc. The applicant shall restore the site to the approved original site plan. If no original site plan exists, the applicant shall restore the site to its original condition. If deemed appropriate by the DRC, a bond in the amount determined by the DRC shall be posted with the City to guarantee the removal of temporary structures and/or restoration of the original site conditions.

11. After expiration of the time limit on a temporary site plan approval, the use must cease and shall not be relocated on the same parcel for 180 consecutive days. The only exceptions to this requirement are listed in paragraphs 9(e), 12 and 13 of this section.
12. The Development Review Committee may grant approval of a temporary site for up to one (1) year if any of the following conditions are met:
  - a. The applicant has received site plan approval to build on a new site or expand a current site within the City.
  - b. The applicant has begun construction and shall be making progress toward completion of the new or expanded site.
  - c. The temporary site will be used to house the business moving into the new or expanded site.
13. The Development Review Committee may, if the applicant shows good cause, grant up to one (1) six (6) month extension for temporary site plans approved pursuant to paragraph 12. (ord. 98-3, Amended, 10/03/2000) (Ordinance 2010-1-O, adopted entire section March 2, 2010)

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

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

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