

LINDON CITY CODE

Chapter 17.55 UTAH LAKE SHORELINE PROTECTION OVERLAY ZONE

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Section 17.55.010 — Purpose and Intent

Utah Lake provides critical recreational opportunities, wildlife habitat, and cultural value to Lindon City. As a member city of the Utah Lake Commission, Lindon City finds it vital to develop land use policies that promote and protect Utah Lake and its resources. In conformance with the Utah Lake Master Plan, adopted by the Utah Lake Commission on June 26, 2009, this shoreline protection ordinance is adopted to achieve the purposes of acquiring and protecting the shoreline of Utah Lake and its natural resources. The purposes and intent of this ordinance include:

1. Protecting the shoreline of Utah Lake;
2. Protecting natural and cultural resources and features adjacent to the lake;
3. Providing for and protecting public ownership and access to the lake;
4. Providing a corridor for a non-motorized trail around Utah Lake; and
5. Preserving and improving the use and water quality of Utah Lake.

This ordinance creates a buffer between the lake shore and adjacent development for recreational

access, safety, flood protection, invasive species management, and resource protection.

Section 17.55.015 — Applicability

The Utah Lake Shoreline Protection Overlay Zone applies to all lands within the city limits lying west of the Utah Transit Authority commuter rail lines which generally run north and south along the western most boundary of Lindon (see Zoning Map). The Overlay Zone buffer area extends fifty (50) feet beyond the settlement boundary line.

Section 17.55.020 — Relationship to Other Regulations

The requirements of this Overlay Zone shall apply in addition to the applicable regulations for each underlying zoning district. In the event that regulations imposed by this ordinance conflict with regulations of an underlying zoning district, the most restrictive regulations shall apply. All development within the Shoreline Protection Overlay Zone shall also comply with all applicable state and federal regulations. Documentation of compliance with applicable state and federal regulations shall be required prior to any development approvals or issuance

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of building permits.

Section 17.55.030 — Permitted Uses

The permitted uses are those uses allowed by the underlying zoning district. All uses within the shoreline protection overlay zone shall also comply with the standards set forth in this section.

Section 17.55.040 — Definitions

- A. Cultural and Historical Resources – Human artifacts and remains older than fifty years that are identified by the State Historic Preservation Office (SHPO) as cultural and historic resources under State law.
- B. Habitat – the place or environment where a plant or animal naturally or normally lives and grows.
- C. Overlay Zone Buffer – A strip of land at least fifty (50) feet in width between Utah Lake and adjacent development, measured from the settlement boundary line to the edge of a lot or development parcel of property. The buffer area may not be included within any yard or setback of a lot or other development parcel of property.
- D. Riparian Area – An area adjacent to surface water bodies such as streams and lakes that is characterized by periodic inundation and hydrophilic (water-loving) vegetative types.
- E. Settlement Boundary – The Utah Division of Forestry, Fire, and State Lands boundary between sovereign lands and adjoining property. Also referred to as the “lakeshore” in this ordinance.
- F. Wetland – Land that has been determined by the Army Corps of Engineers to be regulated or jurisdictional wetlands under the federal Clean Water Act.

Section 17.55.050 — Lake Buffer

Within the Shoreline Protection Overlay Zone, all developments that abut on the sovereign lands of Utah Lake must provide a buffer, a minimum of fifty (50) feet in width, between the settlement boundary or compromise elevation, whichever is higher above sea level, and the property lines of the nearest lots and development parcels. No permanent structures are allowed in the buffer area except recreational, flood control, and lake-related facilities. Ownership and management of the buffer area shall be determined on a case-by-case basis, but all required buffer areas shall be open for public access.

Section 17.55.060 — Site Features Map Required
Concurrent with the submission of any land use development application or building permit, the applicant shall prepare and submit a site features map. The purpose of the site features map is to identify and locate site features to facilitate creation of a site development design that mitigates impacts to the natural and cultural features of the development area, and reduces risks associated with flooding, high groundwater, unstable soils, wave, and lake ice action. The site features map shall identify and locate the following features in and immediately adjacent to the development area:

- A. Property boundaries;
- B. Compromise elevation and settlement boundary;
- C. Streams, rivers, lakes, tributaries, wetlands, and other hydrologic features;
- D. Riparian areas;
- E. Known habitat of endangered, threatened, or State sensitive species;
- F. Topographic contours at 5 feet or closer intervals;
- G. Limits of all floodplains;
- H. Water supply source protection areas;
- I. General vegetation characteristics, including significant stands of trees;
- J. General soil types;

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- K. Existing and planned public and recreational access and uses;
- L. Cultural and historical resources;
- M. Existing roads and structures; and,
- N. Potential connections with existing trails and public open space areas.

Section 17.55.070 —Development Design Approach & Site Plan Standards

- A. Development on the subject parcel shall be configured so as to avoid undue impacts to site features identified in the site features map, including riparian areas, known habitat of threatened, endangered, and sensitive species, the 100-year floodplain, wetlands, public access locations, existing or planned trails and trail corridors, significant stands of trees or significant individual trees, cultural and historic resources, high groundwater areas, secondary stream corridors, and water supply protection areas.
- B. Applicants shall demonstrate that their site plan is consistent with the following approach and principles for designing a development project in sensitive areas:
 - 1. Identify Site Features. Identify those areas of the development parcel containing or supporting important natural resources, features, and functions as described above.
 - 2. Locate Building Envelopes. To the maximum extent feasible, building envelopes shall be located to protect important site features. The location of building envelopes shall also reflect the design objectives identified herein.
 - 3. Align Streets and Trails. The minimum length and network of

streets necessary to access each lot shall be identified with consideration given to conforming the street to the natural landscape. Proposed trails shall be identified where access to designated public trails and open space is appropriate, to provide for pedestrian circulation within the development, and to provide for pedestrian access to areas outside the development.

- 4. Identify Lot Lines. Lot lines for building parcels shall be identified. The placement of the lot lines shall give consideration to the important site features, and shall conform to the natural features of the landscape to the greatest extent possible, e.g., lines of boundary trees, streams, habitat areas, etc. The delineation of lots shall also consider opportunity for future owners to reasonably expand the structures on the lot.
- 5. Contiguous Open Spaces. To the extent practical, the boundaries of site features should be contiguous within the parcel and adjacent to existing undeveloped land on adjoining parcels to form a continuous, integrated natural system. Particular attention shall be paid to maintaining and expanding existing or planned natural resource areas and trail networks.
- 6. Natural Corridors. Significant trees, boundary trees, wetlands, streams, and other important site features should be incorporated along the edges of individual lots or

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along a path or roadway, rather than transected by lot lines or a roadway.

- 7. Additional Setbacks. The Planning Commission may require additional setbacks from the edge of the designated natural features depending on the type of natural resource and its characteristics.
- 8. Fencing and Screening. The Planning Commission shall determine if fencing or other screening is necessary to protect the functions and values of the site features.

Section 17.55.080 —Phasing Plan

- A. When a development will not utilize the entire parcel and there is potential for future development of the parcel or any of the lots being created, the land use application shall include a phasing plan showing the potential future utilization and interim management plans for the balance of the parcel not being developed.
- B. The phasing plan shall demonstrate that the current development proposal will not compromise important conservation values or the long term development of the parcel.
- C. This phasing plan shall show the relationship of the proposed development area to the balance of the parcel and to adjacent land. This plan shall analyze the conservation and development potential of the remaining area of the parcel and shall show, in general terms, the potential street network, open space areas, and development areas in a manner that demonstrates that both the proposed

development and the future development can occur so that it conforms to the requirements herein and preserves the significant natural resource values of the entire parcel.

Section 17.55.090 —Design Standards

The following design standards are intended to improve the character and aesthetic qualities of developments in the Shoreline Protection Overlay Zone, and to minimize impacts on important natural and other site features. Variations from these standards may be granted by the Planning Commission provided that the overall intent of this section is achieved by the alternative design.

A. Lots/Building Envelopes

- 1. The location and orientation of individual lots, building envelopes, and building sites shall be designed to maintain the natural topography and drainage patterns, to preserve important natural features in their natural condition, to minimize disturbance of natural vegetated cover, and to minimize grading, cut-and-fill, and soil removal to minimize negative impacts on the natural resources of the site as identified by the site features map and/or site inventory.
- 2. All building construction must comply with floodplain regulations as adopted by the City.
- 3. Building envelopes on individual or common lots should be set back as far as possible from significant site features, consistent with other design parameters of this section, to augment and protect the integrity of natural site features.

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- 4. Where practicable, multiple lots and/or buildings should be grouped into clusters, which should be located to minimize negative impacts on the natural resources of the site and conflicts between incompatible uses.
- 5. Individual lot lines and building envelopes shall, to the extent possible, conform to the natural contours of the site and be delineated to minimize negative impacts on the natural resources of the site, as identified by the site features map and/or site inventory.

Section 17.55.100 —Ownership of Open Lands

The ownership and responsibility for maintenance of the required buffer areas and other areas left undeveloped to protect natural resources and avoid hazards should be decided on a case-by-case basis. In general, areas planned to be open for use by the general public should be in public ownership, but other arrangements may be appropriate. Options for ownership and maintenance include:

- A. Public Ownership – Lindon City may, but is not required to, accept any portion or portions of a buffer or open land, provided that:
 - 1. The land shall be freely accessible to the public;
 - 2. Lindon City agrees to and has access to maintain such lands;
 - 3. The land is in an acceptable condition to the City at the time of transfer with regard to size, shape, location, and improvement.
- B. Undivided Ownership. Unless otherwise approved by Lindon City, the underlying fee ownership of the land may remain in single ownership and may be owned and

maintained by one of the following entities: homeowners’ association, land trust, conservation organization, governmental entity, or private individual.

- C. Owners’ Association. Land may be held in common ownership by a homeowners’ or other acceptable owners’ association, subject to all of the provisions for owners’ associations set forth in State regulations and Lindon City’s subdivision regulations. In addition, the following requirements shall be met:

- 1. A description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for natural resource land, including restrictive covenants for the Subdivision, shall be submitted by the developer with the subdivision application.
- 2. The proposed association shall be established and operating (with financial subsidization, if necessary) prior to or concurrent with the recording of the plat for the Subdivision.
- 3. Membership in the association shall be mandatory for all purchasers of property within the Subdivision and their successors in title.
- 4. The association shall be responsible for maintenance and insurance of the natural resource land.
- 5. The bylaws of the association and restrictive covenants for the

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Subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted.

- 6. Written notice of any proposed transfer of natural resource land by the association or the assumption of maintenance for the natural resource land must be given to all members of the association and to Lindon City no less than thirty (30) days prior to such event.
- 7. The association shall have adequate staff to administer, maintain, and operate such natural resource land.
- 8. At the discretion of the Lindon City, an applicant may be required to prepare a brochure detailing the location and use restrictions of the designated open space, and provided to all purchasers of property within the subdivision.

Section 17.55.110 —Maintenance of Open Lands

In general, the responsibility for maintenance of required buffer areas and lands left open to protect natural resources and avoid hazards should lie with the owner(s) of the land. Maintenance plans for privately owned properties may be required by the City.

Section 17.55.120 —Trail Corridor

- A. The Utah Lake Master Plan identifies development and maintenance of the Utah Lake Trail as a high priority goal. The trail would provide a non-motorized route that circumnavigates Utah Lake,

and provides access to lakeshore recreation facilities as well as connectivity among the communities that abut the lake.

- B. Lindon City has identified the Utah Lake Trail as a component of its General Plan, and has identified a preferred alignment for the trail on its Parks & Trails Master Plan Map. The preferred location of the trail is as close to the lakeshore as possible, however the exact location of the Utah Lake trail through Lindon is flexible, and its ultimate location will depend on such factors as topography, natural features, the location of recreational features, and land ownership.

Section 17.55.130 —Trail construction, dedication, and standards

- A. The location of the Utah Lake Trail and responsibility for the construction of the trail will be determined as a part of the review process as applications for development are submitted to the City. In the alternative, Lindon City may independently decide to acquire land for construction and maintenance of the Utah Lake Trail in advance of receiving development applications.
- B. Whether constructed by a developer or by the City, it is preferred that the Utah Lake Trail be in the ownership of the City as a public facility. Maintenance of the Utah Lake Trail shall be performed by Lindon City or pursuant to other contract or development agreement.
- C. As development occurs in the vicinity of existing trail segments, the trail should be brought up to current standards.

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D. Lindon City will work with Utah County and Mountainland Association of Governments (MAG) in coordinating trail design and construction standards	consistent with other areas around the lake. <u>(Ord. 2012-5, adopted 2/21/12)</u>
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