

ORDINANCE NO. 2022-15-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLE 17.04.400 TO ADD REGULATIONS FOR ANIMAL ASSISTED THERAPY SESSIONS IN THE HOME OCCUPATION ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the proposed amendment will allow animal assisted therapy businesses only on large lots, which will preserve the existing community and introduce a new and innovative type of business in Lindon; and

WHEREAS, on October 11, 2022, the Planning Commission held a properly noticed public hearing to hear testimony regarding the ordinance amendment; and

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

WHEREAS, the Council held a public hearing on October 17th, 2022, to consider the recommendation and the Council received and considered all public comments that were made therein.

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

SECTION ONE: AMENDMENT OF TITLE 17.04.400

1. The purpose and intent of this section of the Lindon City Code 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.
2. No home occupation shall be conducted without first obtaining a home occupation permit pursuant to this chapter and a business license pursuant to this chapter and the Lindon City Code chapter regulating businesses.
3. The Planning Director may grant a home occupation permit in the residential zones, provided the use applied for meets all of the standards set forth in this section.
4. A home occupation permit shall be obtained from the planning director before such home occupation is established. The permit shall have a fee as established per the Lindon City Fee Schedule.
5. As a matter of public policy, the city believes that commercial and industrial activities should be conducted in zones where such activities are specifically permitted. However, limited business activities may be conducted within residences located in any zone in the city if the business activity strictly complies with all of the following requirements:
 - a. 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.
 - b. Be carried on entirely within the dwelling unit or accessory structure solely by one (1) or more of the residents of the immediate family who reside in the dwelling unit or employees as permitted in Subsection (5)(c) of this section. For the purposes of this section, a carport, patio, or breezeway is not considered to be part of the dwelling unit. (This provision shall not prohibit the Utah State requirement for outside use by licensed day care/preschool facilities.)

- c. Except as provided for in Subsection (c)(i) below, home occupations may have up to one (1) employee or part-time equivalent to one (1) employee who does not live in the dwelling unit work at the home. Only one (1) nonresident employee shall work from the home at any given time. Such employee working at the home or coming to the home and moving to another job site associated with the home occupation shall be provided an off-street parking stall on the home occupation owner's property. This employee shall be provided and required to use such parking on the business owner's property and off of a public street.
- i. A home occupation for massage therapy, as approved pursuant to Section 5.30.020, may not have any employees or part-time equivalent employees. All massage therapy services provided in the home occupation use must be provided only by the home occupation permit holder. For purposes of this section, "massage therapy" has the same meaning as set forth in Section 5.30.010, as may be amended.
- d. 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. It shall not be permitted to conduct any activity outside the dwelling unit or to store materials or products outside the dwelling unit unless it is within an accessory structure approved as part of the home occupation.
- e. For any home occupation that is not summer physical education lessons **or animal assisted therapy business** as described in Subsection (6) **or (7)** of this section, 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. The six (6) vehicles specified above shall include the vehicles owned or operated by the residents, visitors or any other person using or visiting the home. Exceptions to this requirement may be granted by the planning director provided the applicant can clearly demonstrate that additional vehicles can be parked legally, either in normal parking places on the lot occupied by the residence containing the home occupation or by the curb directly in front of the residence without parking in front of any other property. In addition to the foregoing, the home occupation must not generate more than five (5) vehicles of traffic to the residence during any hour. The home occupation shall not generate any traffic before 7:30 a.m. or after 6:00 p.m. nor shall any vehicle weighing in excess of twenty-four thousand (24,000) pounds, gross weight, travel to the residence for the purpose of servicing the home occupation.
- f. Not emit noise, odor, dust, fumes, vibration, smoke, electrical interference or other interference with the residential use of adjacent properties.
- g. Comply with all city building and fire codes.
- h. Obtain a home occupation permit and a business license from the city.
- i. Shall have no more than one (1) sign, not larger than two and one-half (2.5) square feet, attached to the main dwelling unit. The sign shall be aesthetically pleasing and made of similar materials and colors as the building to which it is attached. The sign shall not be directly lit.
- j. Home occupation owners shall be good neighbors and mindful of possible impacts their activities have on the residential character of the neighborhood. All home occupation permits are reviewable upon written complaint to the planning commission. The planning commission, in reviewing such complaints, shall have the authority to attach conditions to a home occupation to make it compatible with the surrounding neighborhood. If the planning commission makes a finding that the home occupation is

not compatible with the surrounding neighborhood, they shall have the authority to revoke such permit.

6. Summer Physical Education Lessons.

- a. Shall only operate on a seasonal basis between June 1st and August 30th; and
- b. May have up to fourteen (14) individuals on site for a lesson inclusive of staff and students (e.g., one (1) employee and thirteen (13) students); and
- c. Shall only conduct one (1) lesson per hour; and
- d. Shall not begin before 7:30 a.m. nor terminate after 6:00 p.m.; and
- e. May generate up to thirteen (13) vehicles of traffic to the residence per lesson (a vehicle dropping off at the beginning of a lesson and picking up at the end of a lesson counts as one (1) vehicle); and
- f. May have up to fourteen (14) motorized nonfarm vehicles parked at the residence; provided, that additional vehicles can be parked legally, either in normal parking places on the lot occupied by the residence containing the home occupation or directly adjacent to the property without parking in front of any other property. Any parking plan, along with traffic flow, must be approved by city staff.
- g. If lessons are conducted outside the seasonal dates outlined in Subsection (6)(a) of this section, the business must comply with Subsection (5)(e) of this section with regards to parking and vehicles of traffic per hour.

7. Animal Assisted Therapy Business

- a. Any animal assisted therapy business shall be conducted on a lot with a minimum of three (3) acres.
- b. The animal assisted therapy business shall not operate in view of a public road and must operate exclusively in the rear yard area of a property.
- c. Animal assisted therapy sessions shall be by appointment only.
- d. The business may have up to six (6) motorized nonfarm vehicles parked at the residence at any one time, provided the additional vehicles can be parked legally in an off-street parking area behind the front setback. The parking area must be approved by city staff.
- e. Only animals permitted in Title 6.32 shall be used for the animal assisted therapy businesses.
 - i. The business owner shall not exceed the number of allowable animals as per Title 6.32.010.
 - ii. Wild or exotic animals are not permitted as per Lindon City Code.
 - iii. Animals must be appropriately housed in enclosures that meet the regulations found in 6.32.010, 6.32.040 and 6.32.050.
 - iv. All animals must be humanely treated, and all animal enclosures must be maintained in a reasonable state. The animals must not disturb neighbors.

SECTION THREE: Severability.

Severability is intended throughout and within the provisions of this ordinance. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION FOUR: Amendment of Corresponding Ordinances and Provisions.

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 FIVE: Effective Date.


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

PASSED AND APPROVED AND MADE EFFECTIVE by the City Council of Lindon City,

Utah, this 17 day of October 2022.


CAROLYN LUNDBERG
Lindon City Mayor

ATTEST:


Kathryn Moosman
City Recorder



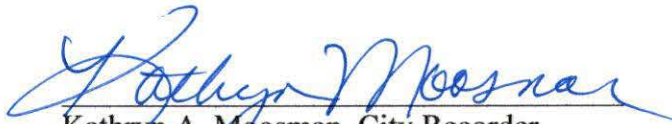
CERTIFICATE OF PASSAGE

STATE OF UTAH }
 }ss.
COUNTY OF UTAH }

I, Kathryn A. Moosman, City Recorder of Lindon City, Utah do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed and adopted by the City Council of Lindon City, Utah on the 17th day of October, 2022 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH AMENDING TITLE 17.04.400 TO ADD REGULATIONS FOR ANIMAL ASSISTED THERAPY SESSIONS IN THE HOME OCCUPATION ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Lindon City, Utah, this 17th day of October, 2022.


Kathryn A. Moosman, City Recorder



AFFIDAVIT OF POSTING

STATE OF UTAH }
 } ss.
COUNTY OF UTAH }

I, Kathryn A. Moosman, City Recorder of Lindon City, Utah do hereby certify and declare that I posted the attached ordinance in three public places on the 18th day of October 2022.

The three public places are as follows:

- 1. Lindon City Police Department
- 2. Lindon City Community Development Office
- 3. Lindon City Center

I further certify that the agenda of the meeting of the City Council containing notice of public hearing was published and posted according to law, and that copies of the ordinance so posted were true and correct copies of the original.

Kathryn A. Moosman
Kathryn A. Moosman, City Recorder

The foregoing instrument was acknowledged before me this 24 day of October, 2022 by Kathryn A. Moosman.

My Commission expires: January 7, 2025 *Britni Laidler*
Notary Public

Residing at: Utah County

