

ORDINANCE NO. 2022-16-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLE 17.46 ACCESSORY APARTMENT ZONING ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the proposed amendment is consistent with the goal of the General Plan that a variety of housing types should be provided where appropriate, and innovative development patterns and building methods that will result in more affordable housing being encouraged; 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 adopted the attached ordinance; and

WHEREAS, the City Council held a public hearing on November 7, 2022, to consider the recommendation and the City 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 I: Amendment. Amend Lindon City Code Section 17.46 as follows:

17.46.100 Accessory apartments.

This section establishes requirements and regulations regarding accessory apartments.

1. *Purpose Statement.* It is the intent of this section to allow accessory apartments in conjunction with owner occupied single-family homes in primarily residential zones. The purpose of the accessory apartment provisions is to:

- a. Provide a mix of housing options that responds to changing family needs and smaller households;
- b. Offer a means for residents, 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.

2. *General Requirements for All Accessory Apartments.*

- a. *Location.* Accessory apartments shall be allowed only in conjunction with an owner occupied primary single-family dwelling and where such single-family dwelling was not approved as part of an R2 overlay project. The city prohibits accessory apartments for lots six thousand (6,000) square feet or less and in the areas adopted on the Lindon City Accessory Apartment Map. The prohibited areas identified in the Lindon City Accessory Apartment Map are adopted and incorporated into this section and the map may be amended by ordinance and are equal to less than the twenty-five percent (25%) of primarily residential areas as allowed by Utah Code 10-9a-530 or as

may be amended.

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.*

i. *Parking for Internal Accessory Apartments.* An internal accessory apartment shall provide one (1) off-street parking stall (two (2) for the single-family dwelling and one (1) for the accessory apartment). Parking stalls within a garage or carport utilized by the single-family dwelling shall not count toward the one (1) additional required parking stall 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. Parking for an internal accessory apartment shall not be located in the front setback. Parking areas and driveways shall be provided with a dustless, hard surface material such as asphalt, concrete, compacted gravel, masonry, or concrete pavers. A path, sidewalk, or walkway shall be provided from the accessory apartment entrance to the required accessory apartment off-street parking stalls. Any parking spaces contained within a garage or carport shall be replaced if an internal accessory dwelling unit is created with the garage or carport.

ii. *Parking for Detached and Substantially Attached Accessory Apartments.* A single-family dwelling with a detached 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 (1) of the designated accessory apartment parking stalls may be located within the front 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 path, sidewalk, or walkway shall be provided from the accessory apartment entrance to the required accessory apartment off-street parking stalls.

d. *Size Restrictions.* Internal accessory apartments shall not have a size restriction. The size of a detached accessory apartment shall be at least three hundred (300) square feet and shall not contain more than three (3) bedrooms.

e. *Building, Fire, and Health Codes.* All construction and remodeling shall comply with building, fire and health codes in effect at the time of construction or remodeling, with the exception of requirements as found Utah Code [15a-3](#) or as may be amended. Upon issuance of the accessory apartment building permit, the applicant shall pay fees in accordance with the currently adopted Lindon City fee schedule. Before the permit is issued the applicant shall:

i. 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.

ii. 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.

f. *Accessory Apartment Design.*

i. *Detached Accessory Apartment Building Entrances.* Entrances to detached accessory apartments shall also not face a street unless the detached accessory apartment is placed behind the primary residence single-family dwelling so that the entrance is not substantially visible from the street. However, where a property qualifies to have an accessory dwelling unit in the front yard as per section (3)(b)(ii) of this code, the accessory dwelling unit may have an entrance that faces a street. The purpose of this requirement is to preserve the single-family residential appearance of the primary single-family dwelling and/or the detached accessory apartment.

ii. *Internal Accessory Apartment.* The units shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.

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 single-family dwelling 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 single-family dwelling or thirty feet (30') high. 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.*

i. *Accessory Dwelling Unit Rear and Corner Side Setbacks:* A detached accessory apartment must meet the same setbacks as the primary residence single-family dwelling 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 single-family dwelling 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 single-family dwelling. 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.

ii. Front Accessory Dwelling Unit Setbacks for Lots with more than Two Hundred and fifty (250) Feet of Depth. Lots that have a depth greater than two hundred and fifty (250) feet may be allowed to have an accessory apartment located in the front yard. If the detached accessory dwelling unit is located in front of the primary single-family dwelling, then the front, rear and side yard setbacks are the same as those required for primary single-family dwellings in the zoning district. The accessory apartment shall be separated from the

primary single-family dwelling by sixty (60) feet.

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~~ single-family dwelling, 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~~ single-family dwelling.

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~~ single-family dwelling. 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~~ single-family dwelling service laterals are not feasible or cause significant hardship to the applicant.

4. *Notice.* The city may record a notice, as described in Utah Code [10-9a-530](#) or as may be amended, when an accessory apartment is approved.

5. *Enforcement.* In addition to any other legal or equitable remedies available to Lindon City, the city may hold a lien against a property that contains an internal accessory dwelling unit as provided for in Utah Code [10-9a-530](#) or as may be amended.

6. *Accessory Apartment Map.* The below map is adopted as part of this code and is also on file with Lindon City.

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

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

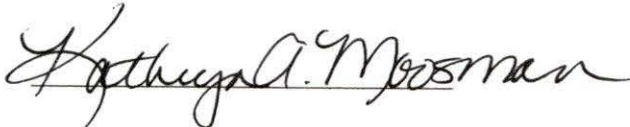
SECTION IV: This ordinance shall take effect immediately upon its passage and posting as provide by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this 7 day of November, 2022.



Carolyn Lundberg, Mayor

ATTEST:



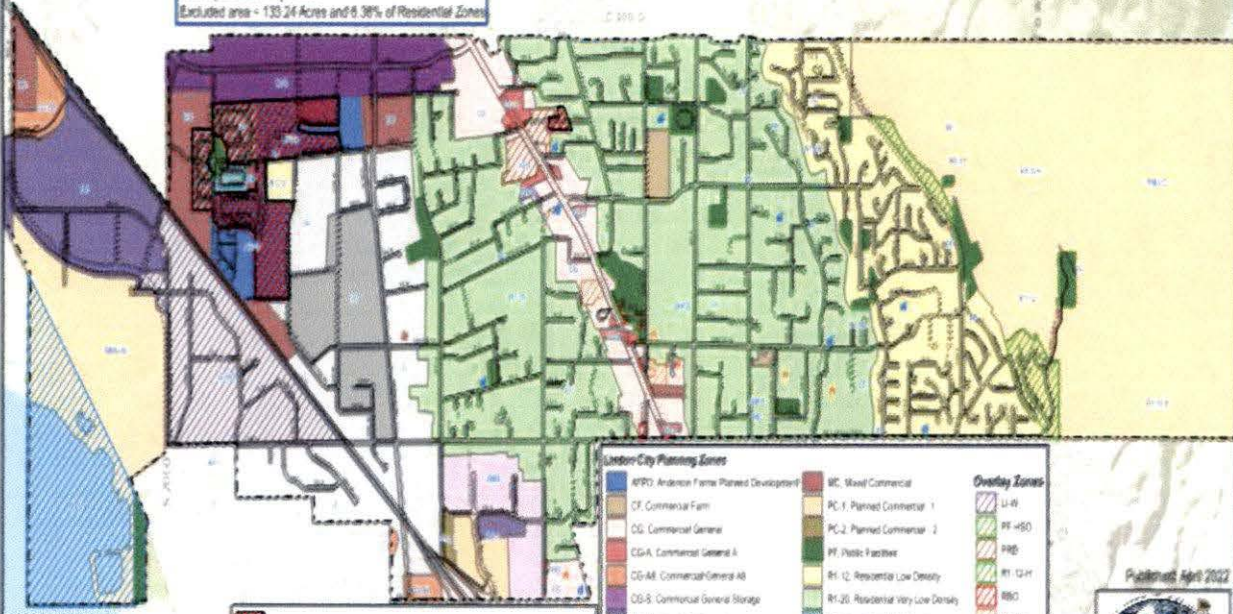
Kathryn A. Moosman,

Lindon City Recorder



Lindon City Accessory Apartment Map

Total Residential Area = 2,095,018 Acres
 75% of Residential Area = 523,754 Acres
 Accessory Apartments in Single-Family Homes are excluded in the AFPD, R3, and Planned Residential Development Overlay Zones
 Excluded area = 133.24 Acres and 6.36% of Residential Zones



Lindon City Planning Zones		
APFD Anderson Farm Planned Development	MC Mixed Commercial	Overlay Zones LI-48 PF-HSO PRB RI-12H SPOD SPOC
CF Commercial Farm	PC-1 Planned Commercial 1	
CG Commercial General	PC-2 Planned Commercial 2	
CG-A Commercial General A	PF Public Facility	
CG-M Commercial General M	R1-12 Residential Low Density	
CG-S Commercial General Storage	R1-20 Residential Very Low Density	
WC Regional Commercial	R3 Residential High Density	
WI Light Industrial	R8 Research and Business	
LI Light Industrial	RMD-E Recreational Mixed Use - East	
LVC Lindon Village Commercial	RMD-W Recreational Mixed Use - West	

Single-family homes where accessory apartments are excluded



Source: Esri, HERE, DeLorme, Intermap, iPlanet, INCREMENT P, Inc., GEBCO, USGS, FAO, NPS, NRCAN, GEBCO, IGN, Esri, Swisstopo, Swisstopo, Survey, Esri, Japan, METI, Esri, China, Swisstopo, Swisstopo, contributors, and the GIS User Community

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 8th day of ~~March~~ NOV. 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 8 day of November, 2022 by Kathryn A. Moosman.

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

Residing at: Utah County



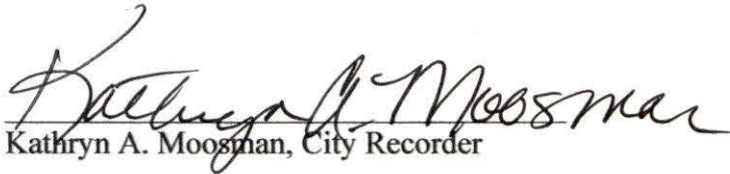
CERTIFICATE OF PASSAGE

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 7th day of November, 2022 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH AMENDING TITLE 17.76 ACCESSORY APARTMENT ZONING 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 7th day of November, 2022.


Kathryn A. Moosman, City Recorder

