

## ORDINANCE NO 2023-14-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLE 17.04.220 AND TITLE 17.44, 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, staff has recognized an issue with smaller lots and the current projections into yards notice, and is now proposing to fix the issue; and

WHEREAS, the current single-family residential code chapter does not include the smaller single family residential lots, which have been comparatively recent additions to Lindon City; and

WHEREAS, the proposed amendment is consistent with the goal of the Lindon City General Plan to preserve and protect neighborhoods as diverse and attractive places; and

WHEREAS, the Lindon City Council finds that it is in the best interest of the City to restrict projections into side yards for smaller single-family residential properties with reduced side yard setbacks, and modify the lot coverage requirements for the AFPD and PRD zones; and

WHEREAS, on August 22, 2023, 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 **10-2-23**, 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 I: Amend Lindon City Code 17.04.220 as follows:**

17.04.220 Yards to be unobstructed – Exceptions.

Every part of a required yard shall be open to the sky, unobstructed except for permitted accessory buildings in a rear yard, the ordinary architectural projections of skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features, ~~as which project into a yard not more than two and one-half feet,~~ and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers ~~projecting into a yard not more than five feet. as found in 17.44.090.~~

### **SECTION II: Amend Lindon City Code 17.44 as follows:**

#### **17.44.010 Purposes and Objectives.**

The Single Family Residential Zones (~~R4~~ R1-12, R1-20, Anderson Farms Planned Development, R3-Overlay, Planned Residential Development Overlay) are established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of one (1) family detached dwellings on individual lots that are separate and sheltered from non-residential uses found to be

inconsistent with traditional residential lifestyles customarily found within Lindon City's single-family neighborhoods.

**17.44.020 Lot Area.**

The minimum area of any lot or parcel of land in the R1 zone shall be as indicated by the subzone used in conjunction with the R1 zone designation. Subzones are designated by adding a suffix number to the R1 zoning symbol. Such suffix number shall be the minimum lot area for the subzone, stated in thousands of square feet. For example, a subzone of the R1 zone requiring lots or parcels to be a minimum of twenty thousand (20,000) square feet would be designated on the zoning map as R1-20. The minimum area of any lot or parcel of land in the R1 zone shall be as indicated below for the subzone in which the lot or parcel is situated:

R1-12. twelve thousand (12,000) square feet

R1-20. twenty thousand (20,000) square feet.

*Anderson Farms Planned Development. See recorded development agreement.*

*R3-Overlay. See individual recorded project development agreements, if applicable.*

*Planned Residential Development Overlay. See 17.76.030.*

**17.44.030 Lot Width.**

1. Each lot or parcel of land in the R1 zone shall have a width of not less than the following for the zone in which said lot or parcel is situated:

R1-12. one hundred (100) feet (measured at front yard setback)

R1-20. one hundred (100) feet (measured at front yard setback)

*Anderson Farms Planned Development. See recorded development agreement.*

*R3-Overlay. See 17.45.050 and individual recorded project development agreements, if applicable.*

*Planned Residential Development Overlay. See 17.76.030.*

Width-to-depth ratio shall be within the limits established under LCC 17.32.100(3).

**17.44.040 Lot Depth.**

Each lot or parcel of land in the R1 zone shall have a minimum lot depth as indicated below for the subzone in which the lot or parcel is situated:

R1-12. one hundred (100) feet

R1-20. one hundred (100) feet

*Anderson Farms Planned Development. See recorded development agreement.*

*R3-Overlay. See 17.45.050 and individual recorded project development agreements, if applicable.*

*Planned Residential Development Overlay. Only overall development depth required.*

**17.44.050 Lot Frontage.**



1. Except for legal non-conforming lots, flag lots, or lots accessing an approved hammerhead turnaround, each **single-family housing** lot or parcel of land in the **R1 and Planned Residential Development Overlay** zones shall abut and have frontage along a public street for a minimum distance of fifty (50) feet, on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to City standards.
  - a. **Anderson Farms Planned Development. No requirement.**
  - b. **R3-Overlay. See 17.45.050 and individual recorded project development agreements, if applicable.**
2. Approved flag lots shall have twenty-five (25) feet of frontage along a public street on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to City standards.
3. Lots or parcels of land with access from an approved hammerhead turn-around shall have twenty-five (25) feet of frontage along a public street on a line parallel to the centerline of the street or along the perimeter of the hammerhead turn-around improved to City Standards.
4. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

#### **17.44.070 Number of Dwellings Per Lot.**

Not more than one (1) single-family dwelling and one accessory apartment may be placed on a lot or parcel of land in the R1 zones unless a greater number of units are approved as part of an R2 Overlay Project.

**In the R-3 Overlay, Planned Residential Development Overlay, and Anderson Farms Planned Development, not more than one (1) single-family dwelling may be placed on a lot, subject to the requirements in 17.46.100.**

#### **17.44.080 Yard Setback Requirements.**

The following minimum yard requirements shall apply in the **R1-12 and R1-20** zones: (Note: All setbacks are measured from the property line, or for property lines adjacent to a street the setback shall be measured from the street right-of-way line.)

1. Front yard setback: thirty (30) feet

Rear yard setback: thirty (30) feet

Side yard setback: ten (10) feet

2. Side yard - Corner Lots: On corner lots within **R1-12 and R1-20 zones**, the side yard contiguous to the street shall not be less than thirty (30) feet and shall not be used for vehicle parking, except such portion as is devoted to driveway use for access to a garage or carport. Of the remaining rear and side yards on a corner lot, one rear yard setback of thirty (30) feet and one side yard setback of ten (10) feet shall be required on the remaining non-street facing sides of the lot.

**Anderson Farms Planned Development. See 17.41.110 and recorded development agreement.**

**R3-Overlay. See 17.45.040 and individual recorded project development agreements, if applicable.**

**Planned Residential Development Overlay. See 17.76.080**

#### **17.44.090 Projections into Yards.**

1. The following structures may be erected on or project into any required yard setback:
  - a. Fences and walls in conformance with the Lindon City Code and other city codes or ordinances;
  - b. Necessary appurtenances for utility service.
2. Depending on the size of the yard area and setback, the structures listed below may project into a minimum front, side, or rear yard not more than the following distances:
  - a. The following may project into a minimum front, side or rear yard not more than twenty-four (24") inches: cornices, eaves, belt courses, sills, buttresses, or other similar architectural features; fireplace structures and bays (provided, that they are not wider than eight feet (8'), measured generally parallel to the wall of which they are a part), awnings and planting boxes or masonry planters.
  - b. The structures listed below may project into a rear yard not more than twelve feet (12'): a shade structure or uncovered deck (which does not support a roof structure, including associated stairs and landings) extending from the first story of a building, provided such structure is open on at least three (3) sides, except for necessary supporting columns and customary architectural features.
    - i. Within zones where the minimum rear yard setback is less than 20 ft, structures listed above must maintain a ten (10) ft setback from the rear property line;
  - c. The following may project into a front, side or rear yard (above or below grade) not more than four feet (4') as long as they are uncovered (not supporting a roof structure): unenclosed stairways, balconies, landings, and fire escapes.
    - i. Within zones where the minimum front and rear yards are less than 30 ft, structures listed above may project not more than four feet if uncovered.
    - ii. Within zones where the minimum side yard setback is less than ten (10) feet, the above listed items may project into the side yard if a four (4) foot setback from the projection to the side property line remains and there is no projection into the public utility easement.
  - d. Properties with a corner street side yard setback of at least thirty feet (30'): an uncovered deck located at and accessible from the first story or below the first story, inclusive of stairs, may project not more than twelve feet (12') into a required corner street side yard setback.

#### **17.44.100 Building Height.**

No lot or parcel of land in the ~~R1-zone~~ R1-20 and R1-12 zones shall have a building or structure used for dwelling which exceeds a maximum average height of thirty-five (35) feet, measuring 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 corners of a structure. The height of churches in some cases may exceed thirty-five (35) feet and shall be reviewed and may be approved by the Planning Commission if the Planning Commission finds that no neighboring property owner will be substantially damaged by the approval of such. No dwelling shall be erected to a height less than one (1) story above grade.

Anderson Farms Planned Development. See recorded development agreement.

R3-Overlay. See 17.45.040 and individual recorded project development agreements, if applicable.

Planned Residential Development Overlay. See 17.76.080.



**17.44.110 Distance Between Buildings.**

The separation distance between any accessory buildings and a dwelling, or the distance between multiple detached accessory buildings, shall not be less than ten (10) feet.

**17.44.120 Permissible Lot Coverage.**

1. In ~~an R1-zone~~ **R1-20 and R1-12 zones**, all buildings, including accessory buildings and structures, shall not cover more than forty (40) percent of the area of the lot or parcel of land.
2. At least forty (40) percent of the area of any lot shall be maintained in landscaping. On any lot, concrete, asphaltic, or other driveway surfaces shall not cover more than fifty (50) percent of a front yard.
3. In **AFPD and PRD zones**, all buildings, including accessory buildings and structures, shall not cover more than forty-five (45) percent of the area of the lot or parcel of land.
4. **R3-Overlay. See 17.45.050 and individual recorded project development agreements, if applicable.**

**17.44.130 Parking.**

1. Each use in the ~~R1-zone~~ **R1-20 and R1-12 zones**, shall have, on the same lot, off-street parking sufficient to comply with Chapter 17.18, of the Lindon City Code.
2. **Anderson Farms Planned Development. See recorded development agreement.**
3. **R3-Overlay. See 17.45.070 and individual recorded project development agreements, if applicable.**
4. **Planned Residential Development Overlay. See 17.76.080**
5. Parking spaces in residential zones shall be provided with a dustless, hard surface material such as compacted gravel, asphalt, cement, or concrete and shall be provided with a similar hard surfaced access from a public street.
6. No required parking spaces shall be within ~~thirty (30) feet of a front property line~~ **the required front setback.**

**17.44.140 Accessory Buildings.**

1. Accessory Building within the Buildable Area. Accessory buildings meeting all setback requirements (within the buildable area) for the main dwelling are permitted when in compliance with the following requirements:
  - a. Have a building height not taller than thirty-five (35) feet. Height to be calculated as per § 17.44.100.
  - b. Comply with all lot coverage requirements.
2. Accessory Building Outside the Buildable Area. Accessory buildings that do not meet the setback requirements (outside the buildable area) for the main dwelling shall comply with lot coverage requirements and meet the conditions following:
  - a. Be set back a minimum of (30) feet from the front property line and five (5) feet from any other property line.
  - b. Be set back a minimum of ten (10) feet from property line when located between the main dwelling and the side property line.
  - c. Not be located within a recorded public utility easement, unless a release can be secured from all public utilities.
  - d. Have an average building height of no more than twenty (20) feet in height measured at the four corners of the structure from finished grade to the highest point of the roof structure.
  - e. Comply with distance between buildings requirements.

3. Setback Exception for Accessory Buildings on Corner Lots.
  - a. This subsection applies to lots of which at least 52% (rounded to the nearest hundredth) of the total combined lot line length abuts a public street or right-of-way.
  - b. On lots described in 3a. above, and pursuant to a validly issued Setback Exception Permit, an accessory building may be situated within twenty (20) feet of a front lot line when the accessory building complies with the following dimensional and situational requirements:
    - i. The building does not exceed two hundred (200) square feet in area;
    - ii. The building does not exceed twelve (12) feet in height; and
    - iii. The building is situated behind the primary dwelling in the area that would customarily be considered the back yard of the dwelling.
  - c. The Planning Director and City Engineer may approve the location of an accessory building that meets the requirements in subsection (3)(b) above upon reviewing a Setback Exception Permit application and determining that the proposed height and setback will not cause a public or traffic safety hazard, or will not significantly affect the aesthetics of the area.
  - d. If the Planning Director and City Engineer determine that the proposed height and/or the proposed setback does not satisfy the criteria in 3c. above, they may deny the Setback Exception Permit application or approve the permit with a modified height and/or modified setback that sufficiently mitigates any detrimental impacts.
4. Accessory buildings larger than two hundred (200) square feet shall be required to obtain a building permit.
5. Construction of an accessory building may precede the construction of the primary residence, providing that the setback and coverage requirements for the primary residence will not be affected.
6. No accessory building or group of accessory buildings in any residential district shall cover more than 25% of the rear yard.

**17.44.150 Other Requirements.**

1. Sport Courts. Outdoor sport courts are permitted when in compliance with the following conditions:
  - a. Lighting of sport courts shall be contained within the sport court boundaries and shall not be directed onto another's property.
  - b. Sport court fencing shall not be taller than twelve (12) feet.
  - c. Sport court fencing when taller than seven (7) feet shall maintain a minimum ten (10) foot setback from rear and side yard property lines. Any sight obscuring materials used on such fencing shall be maintained and kept in good repair. Sport court fencing shall not be allowed in the required thirty (30) foot front yard setback.
  - d. The Planning Commission may modify the height of sport court fencing to be taller than twelve (12) feet and the setback requirement to be less than ten (10) feet when the following findings are made:
    - i. The proposed height and/or setback modification is necessary to provide privacy and protection of private property interests.
    - ii. The appearance and/or setback of the fence will not detract or cause aesthetic damage to neighboring property owners.
    - iii. The proposed height and/or setback modification will not cause a public safety hazard.
    - iv. The proposed additional height is necessary to provide an adequate buffer for the adjoining land owners' use.

**SECTION III: Amend Lindon City Code Appendix A: Standard Land Use Table as follows:**

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial*								Industrial			R&B
		(R1-12, R1-20, R3', AFPD)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	LI-W		
RESIDENTIAL																
N/A	Single-Family	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N
1111	Accessory Apartments	See Chapter	N	N	N	N	N	N	N	N	N	N	N	N	N	N
1111	Condominium	17.46 R2	N	N	N	N	N	N	N	N	N	N	N	N	N	N
1111	Apartments	Overlay or 17.41 AFPD	N	N	N	N	N	N	N	N	N	N	N	N	N	N
1200	Rooming & Boarding Houses	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
1233	Fraternity & Sorority Houses	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
1500	Membership Lodging	N	N	N	N	N	C	C	C	C	N	N	N	N	N	N
1233	Student Housing	See Chapter 17.46 – R2 Overlay														
1241	Youth Rehabilitation	See Chapters 17.70 – Group Homes and 17.72 – Care Facilities Overlay														
1241	Assisted Living Facilities – small	See Chapters 17.70 – Group Homes and 17.72 – Care Facilities Overlay														
1241	Assisted Living Facilities – large	See Chapters 17.70 – Group Homes and 17.72 – Care Facilities Overlay														
1200	Transitional Treatment Home – small	See Chapters 17.70 – Group Homes and 17.72 – Care Facilities Overlay														
1200	Transitional Treatment Home – large	See Chapters 17.70 – Group Homes and 17.72 – Care Facilities Overlay														
1400	Subdivided Manufactured Mobile Homes Parks	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
1300	Extended Stay Hotels and Motels	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
1300	Hotels, Tourist Courts, Bed & Breakfast and Motels	N	N	N	P	P	P	P	P	P	P	N	N	N	N	P
N/A	Caretaker Facilities – accessory to main uses only	N	N	N	C	C	C	C	C	C	C	C	C	N	C	C

**SECTION IV:** 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 V:** 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 VI:** 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 2<sup>nd</sup> day of October, 2023.

*Carolyn Lundberg*  
Carolyn Lundberg, Mayor

ATTEST:

*Kathryn A. Moosman*  
Kathryn A. Moosman,  
Lindon City Recorder

SEAL





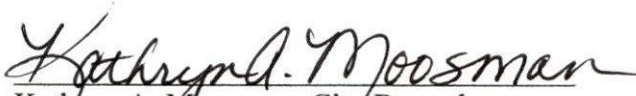
CERTIFICATE OF PASSAGE

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 2<sup>nd</sup> day of October 2023 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH  
AMENDING TITLE 17.04.220 AND TITLE 17.44 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 2<sup>nd</sup> day of October, 2023.

  
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 2<sup>nd</sup> day of October 2023.

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 2 day of October, 2023 by Kathryn A. Moosman.

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

Residing at: Utah County

