

ORDINANCE NO 2023-22-O

AN ORDINANCE AMENDING CHAPTERS 17.02 DEFINITIONS, 17.08 CITY COUNCIL REVIEW, 17.09 LAND USE AUTHORITY AND APPEAL AUTHORITY TABLE #1, 17.32 SUBDIVISION-SPECIAL REQUIREMENTS, AND 17.33 AMENDING A RECORDED PLAT SO AS TO BRING THESE SECTION INTO CONFORMANCE WITH RECENT CHANGES IN STATE CODE.

WHEREAS, during the 2023 legislative session, the Utah legislature passed Senate Bill 174 and House Bill 406; and

WHEREAS, Senate Bill 174 enacts new processes for subdivision review and approval; and

WHEREAS, House Bill 406 establishes pavement widths for residential roadways within municipalities; and

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

WHEREAS, on November 28, 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 ordinances;

WHEREAS, the Council held a public hearing on _____, 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 Lindon City, Utah County, State of Utah, as follows:

PART ONE: AMENDMENTS OF THE LINDON CITY CODE.

Chapter 17.02 of the Lindon City Code, is hereby amended as follows:

"administrative land use authority" means an individual, board, or commission, appointed or employed by a municipality, including municipal staff or a municipal planning commission. "Administrative land use authority" does not include a municipal legislative body or a member of a municipal legislative body.

"Residential roadway" means a public local residential road that:

- (a) will serve primarily to provide access to adjacent primarily residential areas and property;
- (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
- (c) is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
- (d) has a posted speed limit of 25 miles per hour or less;

- (e) does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
- (f) cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
- (g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.

"Review cycle" means the occurrence of:

- (i) the applicant's submittal of a complete subdivision land use application;
- (ii) the municipality's review of that subdivision land use application;
- (iii) the municipality's response to that subdivision land use application, in accordance with this section;
- and
- (iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.

"Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

"Subdivision ordinance review" means review by a municipality to verify that a subdivision land use application meets the criteria of the municipality's subdivision ordinances.

"Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances and applicable standards and specifications.

Chapter 17.08 of the Lindon City Code, is hereby amended as follows:

~~The Lindon City Council, in giving authority to the Planning Commission to review and approve all types of land use applications, reserves the right to review such application in a regularly scheduled City Council meeting when found to be in the public interest. The Council shall designate an item for Council review before a development application is advertised on an agenda for a Planning Commission meeting. At such time as the City Council names an item for review, the Planning Commission shall make a recommendation to approve or deny an application to the City Council. The City Council shall then become the final land use authority for the development application.~~

Chapter 17.09 Table #1 of the Lindon City Code is hereby amended as follows:

Table #1.

Land Use Application	Land Use Authority	Appeal Authority
General Plan Amendment	City Council	None
Zone Change and Zoning Ordinance Amendments	City Council	None

Land Use Application	Land Use Authority	Appeal Authority
Major Subdivisions	City Council <u>Planning Commission</u> <u>(administrative land use authority)</u>	Board of Adjustment <u>Expert Panel – for public improvements or engineering standards (see 17.32)</u>
Minor Subdivisions*	Planning Commission <u>(administrative land use authority)</u>	City Council <u>Board of Adjustment</u> <u>Expert Panel – for public improvements or engineering standards (see 17.32)</u>
Plat Amendment*	Planning Commission <u>(administrative land use authority)</u>	City Council <u>Board of Adjustment</u>
Alteration of Nonconforming Use	City Council	Board of Adjustment
Reimbursement Agreement	City Council	Board of Adjustment
Property Line Adjustment*	City Staff	Planning Commission <u>Board of Adjustment</u>
Building Permit*	City Staff	Planning Commission <u>Board of Adjustment</u>
Temporary Site Plan*	City Staff	Planning Commission
1. Site Plan* 2. Site Plan in CF Zone	1. <u>Planning Commission</u> 2. Planning Commission – Preliminary; City Council – Final	1. City Council <u>Board of Adjustment</u> 2. Board of Adjustment

Land Use Application	Land Use Authority	Appeal Authority
1. Conditional Use Permit* 2. Conditional Use Permit in CF Zone	1. Planning Commission 2. Planning Commission—Preliminary; City Council—Final	1. City Council <u>Board of Adjustment</u> 2. Board of Adjustment
Temporary Conditional Use Permit*	Planning Commission	City Council <u>Board of Adjustment</u>
Variances	Board of Adjustment	None
Other Administrative Actions as Listed in Code or Performed through Department Policy*	City Staff, Planning Commission, City Council	Board of Adjustment
Other Legislative Actions	City Council	None

*In cases where the city council implements Section 17.08.090 and becomes the land use authority, the appeal authority becomes the board of adjustment.

17.32 of the Lindon City Code, is hereby amended as follows:

Chapter 17.32 SUBDIVISIONS—SPECIAL REQUIREMENTS

Sections:

- 17.32.010 Scope.
- 17.32.020 Intent and purpose.
- ~~17.32.030 Exemptions.~~
- 17.32.040 030 Final plat recordation.
- 17.32.050 040 Subdivision Approval Procedure.
- 17.32.060 050 Exemption from plat requirements.
- 17.32.070 060 Amending a recorded subdivision plat.
- 17.32.080 070 File of recorded subdivisions.
- 17.32.090 080 Design Standards – Generally.
- 17.32.100 090 General Standards.
- 17.32.110 100 Lots.
- 17.32.120 110 Streets.

17.32.130	<u>120</u>	Street numbers and names.
17.32.140	<u>130</u>	Subdivision construction standards.
17.32.150	<u>140</u>	Major street frontage.
17.32.160	<u>150</u>	Street Grades.
17.32.170	<u>160</u>	Pathways, sidewalks, curbs and gutters.
17.32.180	<u>170</u>	Blocks.
17.32.190	<u>180</u>	Pedestrian crosswalks.
17.32.200	<u>190</u>	Lot sizes.
17.32.210	<u>200</u>	Easements.
17.32.220	<u>210</u>	Utility undergrounding.
17.32.230	<u>220</u>	Alleys.
17.32.240	<u>230</u>	Sanitary sewage disposal—Generally.
17.32.250	<u>240</u>	Sanitary sewer mains, laterals and house connections.
17.32.260		Sanitary sewers—Test procedures.
17.32.270	<u>250</u>	Water – Subdivider obligation to provide sufficient quantity.
17.32.280	<u>260</u>	Water—Culinary system—Storage facility.
17.32.290	<u>270</u>	Irrigation System.
17.32.300		Conditional use permit—Required.
17.32.310	<u>280</u>	Storm drainage and flood plans.
17.32.320	<u>290</u>	Flag lots.
17.32.330	<u>300</u>	Subdivision application expiration.
17.32.340	<u>310</u>	Phased Subdivisions.
17.32.350	<u>320</u>	Public Utility Lots.
17.32.330		<u>Appeals</u>

17.32.010 Scope.

1. No person shall subdivide any tract of land which is located wholly or in part within Lindon City except in compliance with this division, and with the subdivision regulations adopted by the City Council. It shall be unlawful for any person to subdivide any tract of land or to sell, exchange or offer for sale, or purchase or offer to purchase any parcel of land which is any part of a subdivision or a larger tract of land where the transaction would result in the subdivision of land, unless such subdivision has been created pursuant to and in accordance with the provisions of this division, local, and state code regulations; provided, that this division shall not apply to any lot or lots forming a part of a subdivision created and recorded according to then applicable law prior to the effective date of the ordinance codified in this division, except as provided in Subsection (2) of this section. This division shall apply, however, to lots created prior to adoption of the ordinance codified in this division and not in compliance with then applicable law.

2. No lot within a subdivision created and recorded prior to the effective date of the ordinance codified in this division or approved by the Planning Commission ~~and City Council~~ and recorded in the county recorder's office under the provisions of this division shall be further divided, rearranged, added to or reduced in area, nor shall any boundaries of any lot be altered in any manner so as to create more lots than initially recorded, or any nonconforming lot, without first obtaining the approval of the Planning Commission ~~and the City Council~~. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(A))

17.32.020 Intent and purpose.

The purpose of this chapter and the intent of the local jurisdiction in adoption of the ordinance codified in this division is to promote the health, safety, convenience, and general welfare of the present and future inhabitants of Lindon City. This chapter will accomplish this purpose by:

1. Providing policies, standards, requirements, and procedures to regulate and control the design and improvement of all subdivisions;
2. Assisting in the implementation of the objectives, policies, and programs of the master plan by ensuring that all proposed subdivisions, together with provisions for their design and improvement, are consistent with the master plan and all applicable specific plans;
3. Preserving and protecting, to the maximum extent possible, unique and valuable natural resources and amenities, including topographic and geologic features, beaches and natural watercourses, fish and wildlife habitats, historical and cultural places, and scenic vistas and attractions; and improving the public's access to and enjoyment of such resources and amenities through the dedication or continuance of appropriate public easements thereto;
4. Preserving and protecting the special environmental quality and aesthetic character of all hillside and mountainous areas; preventing detrimental impacts on the soil mantle, vegetative cover, and other environmental factors; reducing the hazards to life and property from fire, flood, erosion, sedimentation and soil slippage; and relating the amount of grading within a subdivision to the slope of the natural terrain;
5. Consider the clustering (consideration of density as opposed to lot size) of housing developments where subdivisions are permitted in hillside and mountainous areas, minimizing grading, preserving the natural terrain, and enlarging the open space;
6. Relating land use intensity and population density to existing developments, street capacity and traffic access, the slope of the natural terrain, the availability and capacity of public facilities and utilities, and open spaces;

7. Providing lots of sufficient size and appropriate design for the purposes for which they are to be used;
8. Providing streets of adequate capacity and design for the traffic that will utilize them, and ensuring maximum safety for pedestrians and users of vehicles;
9. Ensuring adequate access to each building site;
10. Providing sidewalks, pedestrian walkways, and multi-use trails for the safety, convenience, and enjoyment of residents of new developments;
11. Providing adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting, and other utilities needed for public health, safety, and convenience;
12. Providing adequate sites for public facilities needed to serve residents of new developments;
13. Ensuring that costs of providing land for streets, alleys, pedestrian walkways, easements, and other rights-of-way and for the improvements therein needed to serve new developments are borne by the subdivider(s);
14. Preventing land which is actually or potentially dangerous by reason of flood hazard, inundation, inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, or hazardous geological conditions from being subdivided for any use or in any manner tending to create an increased detriment to the public health, safety, or welfare;
15. Ensuring that, insofar as possible, land is subdivided in a manner that will promote the public health, safety, convenience, and general welfare and the physical, social and economic development of the area in conformance with the master plan. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(B))

~~17.32.030 — Exemptions.~~

~~Any land divided for any purpose into three or more parts after the passage of the ordinance codified in this division shall be subject to the provisions and regulations herein, except the following, which are exempt therefrom:~~

- ~~1. Land divided into parcels, the smallest of which equals or exceeds one quarter (1/4) of a standard section, the boundaries of such parcels to coincide with standard boundaries for the division of sections, i.e., one quarter (1/4) sectional boundaries;~~
- ~~2. Land divisions which are bona fide divisions or partitions of agricultural land for agricultural purposes, and defined herein. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(C))~~

17.32.040 030 Final plat recordation.

The Planning Director, or his/her authorized agent, shall record the final plat with the county ~~clerk and~~ recorder after approval of the final plat by the Development Review Committee ~~or the Lindon City Council, whichever is required.~~ The subdivider shall pay the expense of such recording. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(D))

17.32.050 040 Subdivision Approval Procedure.

1. All subdivision applications shall provide documentation, reports and plats as found in the Lindon City Land Development, Standard Specifications and Drawings Manual.

~~12.~~ A person may not submit a plat of a subdivision ~~to the County Recorder's Office to be recorded with the county recorder's office for filing or recording~~ unless preliminary plat approval ~~a recommendation~~ has been received from the Planning Commission, as an administrative land use authority, and the plat has been received final approval ~~approved~~ by the ~~City Council or other City Officers as designated by the City Council~~ Development Review Committee.

~~23.~~ Subdivision requests and applications shall follow application requirements as established in Lindon City Code Section 17.12.- Document Submission and Review and the Lindon City Land Development Policies, Standard Specifications and Drawings Manual. (Ord. 2001-8, amended, 2001)

17.32.060 050 Exemption from plat requirements.

~~In subdivisions of less than 3 lots, land may be sold by metes and bounds, without the necessity of recording a plat if:~~

- ~~1. A recommendation has been received from the Planning Commission;~~
- ~~2. The deed contains a stamp or other mark indicating that the subdivision has been approved by the City Council or other City Officers as designated by the City Council;~~
- ~~3. The subdivision is not traversed by mapped lines of a proposed street as shown in the Lindon City general plan and does not required the dedication of any land for street or other public purposes;~~
- ~~4. The subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance or has been granted a variance from those requirements by the Board of Adjustment. (Ord. 2001-8, amended, 2001)~~

1. A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 10-9a-603 if the lot or parcel:

- a. qualifies as land in agricultural use under Utah Code Section 59-2-502;
- b. meets the minimum size requirement of applicable land use ordinances; and
- c. is not used and will not be used for any nonagricultural purpose.
- d. The boundaries of each lot or parcel exempted under this section shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under Utah Code Section 10-9a-604, shall be recorded with the county recorder.
- e. If a lot or parcel exempted under Subsection (1)(a) is used for a nonagricultural purpose, the city shall require the lot or parcel to comply with the plat requirements as found in this code.

17.32.~~070~~ 060 Amending a recorded subdivision plat.

Applications to amend, vacate or change a subdivision plat shall follow procedure as established in Title ~~10-9-808~~ 608 of the Utah State Code as amended and Lindon City Code 17.33. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(F))

17.32.~~080~~ 070 File of recorded subdivisions.

Lindon City shall maintain a filing system of all subdivisions, which includes copies of all maps, data, and official subdivision action; ~~also master location map (or maps) referenced to the filing system,~~ for public use and examination. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(G))

17.32.~~090~~ 080 Design Standards – Generally.

1. All subdivisions shall comply with the following standards unless a variance from one or more provisions ~~of this section~~ is approved by the ~~City Council Board of Adjustment~~ in accordance with the variance procedure of this ~~division~~ Title. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H))
2. Where there is an infrastructure conflict, a better usability design, reduction to neighborhood impacts, or creation of more consistent infrastructure with surrounding areas the development review committee may recommend modifications to the specific design standards when in the best interest of the general public.

17.32.~~100~~ 090 General Standards.

1. The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees.

2. Land subject to hazardous conditions such as slides, mud-flows, rock-falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or nonpotable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans. As applicable, proposed subdivisions shall follow required technical studies, reports and recommendations as found in the following chapters:

a. 17.56. SA-Sensitive Area District

b. 17.57. HP-Hillside Protection District

c. 17.62. Flood Damage Prevention

3. No lot containing five acres or less shall be created which is more than three times as long as it is wide. The Planning Commission ~~and City Council~~ may approve up to a 20% increase in the depth of a lot if they determine that the proposed development is the best use of the property and in the best interest to the City and surrounding properties. (Ord. 2007-2, amended, 2007; Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(I))

17.32. ~~110~~ 100 Lots.

1. No single lot shall be divided by a municipal or county boundary line.
2. A lot shall not be divided by a road, alley, or other lot.
3. No wedge-shaped lot shall be less than thirty feet in width at the front property line, or the lot frontage required in the zoning district, whichever is larger.
4. Side lot lines shall be at right angles or radial to street lines, except where justified by the subdivider and approved by the Planning Commission ~~and/or City Council~~.
5. *Double Frontage Lots.* All residential lots in subdivisions shall front on a public street. Required frontage shall not be considered to be provided if vehicular access across the street line is prohibited. Frontage on lots having a front lot line on more than one (1) street, shall be measured on one (1) street only. Double frontage lots are prohibited unless approved by the planning commission for any of the following reasons:
 - a. Topography.
 - b. Residential lots in subdivisions or existing parcels where the rear yard abuts arterial or collector streets as identified on the Lindon City Street Master Plan Map. Such double frontage lots shall be accessed from internal local streets only as identified on the Lindon City Street Master Plan Map. Concrete, curbing, landscaping or landscape rock shall be installed at the base of the fence and extend to

the sidewalk to prevent weeds from growing and protruding under the fence and into the public right-of-way. All clear-view requirements shall be met for fencing.

c. Combining of two (2) residential lots or parcels and where the property would be accessed from two (2) local streets as identified on the Lindon City Street Master Plan Map. As part of the approval, a wall or view obstructing fence is allowed when the fence is set back ten (10) feet from the sidewalk, meets clear-view requirements, the setback is landscaped, and a gate is installed for landscape maintenance and snow removal. When a non-view obstructing fence is placed on the rear property line, concrete, curbing, landscaping or landscape rock shall be installed at the base of the fence and shall extend to the sidewalk to prevent weeds from growing and protruding under the fence and into the public right-of-way. Building structures shall be set back thirty (30) feet from the rear property line. Vehicle access to the rear yard is allowed when the requirements of this section are met.

d. For double frontage lots zoned commercial or industrial, access shall be from arterial or collector streets only. Emergency access to a local street, as identified on the Lindon City Street Master Plan Map, may be considered by the land use authority when required for emergency access.

The city shall designate both front and rear yards for double frontage lots. Typically, the front yard shall follow the prevailing orientation of designated front yards of other buildings on the street.

Where the double frontage lot is also a corner lot (three (3) frontages) the required fence clear view across corner property shall follow Section [17.04.310](#) at street intersections at both the front and rear of the lot.

The street frontage abutting the rear of any approved double frontage lot shall be improved in accordance with the standards set forth in the Lindon City Development Manual and city ordinances. (Ord. 2021-8 §1, amended, 2021; Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(2))

17.32.120 110 Streets.

1. The street layout shall conform to the Lindon City general plan and official Lindon City street master plan map adopted by the planning commission and city council.

~~a. Upon the finding of a compelling public purpose, the land use authority may approve a subdivision plan with a street layout that varies from the street master plan map; provided, that there is an existing roadway which provides adequate traffic flow and street connectivity to and from the proposed subdivision and maintaining the street master plan map's current configuration serves the public purpose of identifying the location and alignment of the right-of-way of future arterials and major collectors.~~

~~a. The planning commission may approve a street alignment that varies from the general plan and street master plan map but still accomplishes the street connectivity requirements. To remove an identified~~

street from a subdivision, an amendment to the general plan and street masterplan map shall be applied for and approved by the city council with a recommendation from the planning commission.

b. A land use application which does not require a subdivision approval, but which still requires approval of a street design and/or construction as part of the application process under Chapter 17.17, shall likewise have a street layout that conforms to the Lindon City general plan and official Lindon City street master plan map, subject to the provisions of layout that conforms to the Lindon City general plan and official Lindon City street master plan map, subject to the provisions of Subsection (1)(a) of this section.

2. ~~Minor~~ Local streets shall be laid out to discourage through traffic.

3. Stub streets shall be provided where needed to connect to adjacent undeveloped land and new streets must be provided where needed to connect to existing stub streets in adjacent subdivisions.

4. Intersections of ~~minor~~ Local streets with ~~major~~ Arterial streets shall be kept to a minimum.

5. Minimum right-of-way widths for public streets shall be ~~determined by resolution adopted by of the~~ city council for various categories of streets, but shall in no case be less than the following:

~~a. Use street category minimum right of way width (in feet);~~

~~b a.~~ Major Arterial street, eighty-two feet (82');

~~e b.~~ Collector and Local Commercial street, sixty-six feet (66');

~~d c.~~ Minor Local Residential street, fifty feet (50').

6. Public streets shall have pavement roadway widths as approved by the city council, but shall in no case be less than those adopted in the Lindon City Land Development Policies, Standard Specifications and Drawings Manual. ~~the following and meet the following requirements~~

~~a. Major Arterial~~ street, fifty-six feet (56');

~~b. Collector~~ street, forty-four to forty-eight feet (44'). See ;

~~e. Minor street or frontage road,~~ twenty-eight feet (28').

~~d. Minimum roadway widths for private streets shall be determined by use, and shall meet public street standards.~~

e. The Lindon City standard street cross sections ~~and utility locations (Drawing 2a—Lindon City Policies, Standard Specifications and Drawings Manual) and street and trail cross sections and utility locations (Drawing 2b—~~ (per the Lindon City Policies, Standard Specifications and Drawings Manual)

may be amended, changed, altered, and/or revised by the Lindon City Council after a public hearing and adoption. ~~for new development and/or reconstruction of existing improvements when deemed in the best interest of the general public to resolve or assist in resolving present or anticipated future conflicts with storm drainage improvements, trail and/or pathway access, aesthetics of the community, public safety, and/or other reasons when clearly identified by the city council.~~ Before such time as the city council amends, revises, alters, or changes the above-mentioned cross sections, they shall receive a recommendation from the development review committee (DRC). ~~and if deemed necessary by the DRC and/or the city council, the planning commission shall also make a recommendation.~~

f. No partial width streets are permitted, except if required to complete a partial width street already existing or unless the city council, after review by the planning commission, determines a partial width street is necessary to resolve problems with future road alignments of streets and/or intersections, or future development.

g. Stub streets shall be permitted or required by the planning commission ~~and city council~~ only to provide future road access to adjoining property where such access would serve as a future second access. The planning commission and city council shall determine if stubbed streets, existing or proposed, have through access to planned future or existing public streets before such streets shall be extended or approved for construction.

7. Permanent cul-de-sac streets serving no more than fourteen (14) lots, and not more than six hundred fifty feet (650') long, whichever is more restrictive, may be permitted and shall be provided with a right-of-way at the turnaround of fifty feet (50') radius or more.

8. No more than four (4) streets shall enter an intersection.

9. Streets shall intersect at ninety (90) degrees, except where otherwise approved as necessary by the planning commission.

10. The centerline of two (2) subordinate streets meeting a through street from opposite sides shall extend as a continuous line, or the centerline shall be offset at least one hundred fifty feet (150').

a. The city engineer may grant a variance to the above standards upon findings that such a variance will not be contrary to the safety of vehicular or other forms of transportation. For instance, if the centerline offset is less than one hundred fifty feet (150') and will not result in increased conflict zones for left-turning vehicles from the major street onto the subordinate streets, a variance may be granted.

Notwithstanding this paragraph, a continuous centerline or offset of one hundred fifty feet (150') are the preferred standards. (Ord. 2019-10 §1, amended, 2019; Ord. 2016-24 §1, amended, 2016; Ord. 2002-8, amended, 2002; Ord. 2001-8, amended, 2001; Ord. 2000-11, amended, 2000; Ord. 99-18, amended, 2000; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(3))

17.32.130 120 Street numbers and names.

Street numbers shall always be preferred over street names. Streets shall have the numbers and/or names of existing streets which are in alignment. There shall be no duplication of street numbers and/or names within the area. Street numbers and names shall be indicated on the subdivision plat. ~~All street numbers and/or names must be approved by the Planning Commission, and opportunity shall be given the local recorder for review and recommendations prior to the approval of street names by the Planning Commission.~~ (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(4))

17.32.140 130 Subdivision construction standards.

Public improvements associated with any subdivision shall be constructed according to provisions established in the Lindon City Land Development Policies, Standard Specifications and Drawings Manual. (Ord. 2001-8, amended, 2001)

17.32.150 140 Major Arterial street frontage.

Where a residential subdivision abuts a ~~major~~ Arterial street, frontage roads may be required. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(6))

17.32.160 150 Street Grades.

All street grades shall be designed as follows:

1. Major Arterial and collector streets shall be limited to a maximum grade of ten percent (10%). Sustained grades (600 feet or more) shall be limited to seven percent (7%).
2. Minor Local Residential streets shall be limited to maximum grade of twelve percent (12%). Sustained grades (600 feet or more) shall be limited to nine percent (9%).
3. Cul-de-sacs with a negative grade progressing toward the turnaround shall be limited to a maximum grade of six percent (6%). The cul-de-sac shall terminate with a grade not to exceed three percent (3%) for the last one hundred (100) feet of traveled surface. The cul-de-sac shall be limited to a maximum length of six hundred fifty (650) feet and have adequate easement for drainage.
4. Street intersections shall have a vertical alignment such that the centerline grade shall not exceed three percent (3%) for a minimum distance of fifty (50) feet each way from the centerline of the intersection.

5. Maximum grades shall be approved only when accompanied by changes to a lesser grade, and where length of that portion of that road at maximum grade is less than six hundred (600) feet.
6. All changes in vertical alignment shall be made by vertical curves with minimum length of one hundred (100) feet for minor streets and three hundred (300) feet for major streets. Actual vertical curve length shall be a function of design speed.
7. Streets in mountainous terrain shall be designed at less than maximum allowable grade in order that they can be safely negotiated and that snow can be removed during winter.

The ~~City Council~~ Planning Commission shall have the authority to make minor modifications to street grade requirements when a recommendation has been given by the Development Review Committee and the Planning Commission and one or more of the following conditions apply:

1. To facilitate the construction of essential and vital public infrastructure;
2. To facilitate the development of private property when street grade requirements would render the property undevelopable because of topographic conditions, and conditions are present or measures are proposed that would acceptably mitigate the negative effects of the steeper grades.

Street grade modifications shall be limited to single instances. Multiple street grade modification requests to allow the development of large private development projects shall not meet the purpose and intent of this section. Financial hardships associated with private development requests shall not be justification for a street grade modification. (Ord. 2001-9, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(8))

17.32.170 160 Pathways, sidewalks, curbs and gutters.

Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public, except as provided for in 17.32.120(6)(e) and in industrial subdivisions west of Geneva Road where solely curb and gutter shall be required. Right-of-ways ~~identified as part of the Lindon City Pathways and Trails System~~ shall be improved with sidewalks, pathways, planter strips, multi-use trails, equestrian pathways, and trails as per ~~the Parks, Pathways and Trails Element of the Lindon City general plan and Chapter 17.74. Pathways and Trails of the Lindon City Code~~ General Plan, Parks, Trails and Recreation Master Plan, and Bicycle and Pedestrian Master Plan. Sidewalks, curbs and gutters may be required by the City Council Planning Commission on existing streets ~~bordering~~ abutting the subdivision. (Ord. 2001-9, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7 (H)(9))

17.32.~~180~~ 170 Blocks.

Block lengths shall be reasonable as approved by the Planning Commission, and in total design shall provide for convenient access and circulation for emergency vehicles. (Ord. 2001-9, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(10))

17.32.~~190~~ 180 Pedestrian crosswalks.

Where blocks exceed one thousand (1000) feet in length, pedestrian rights-of-way of not less than ten (10) feet in width may be required by the Planning Commission through blocks where needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five feet in width shall be placed within the rights-of-way, when required by the Planning Commission. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(11))

17.32.~~200~~ 190 Lot sizes.

~~Where no zoning regulations are in effect, density standards or minimum lot size requirements may be specified by the Planning Commission, based on interpretations made from the Lindon City general plan, and other available information. All lots shall conform to area requirements of any existing zoning ordinance. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(12))~~

Lot shall meet the minimum lot size requirements of the respective zone.

17.32.~~210~~ 200 Easements.

1. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of ten feet (10'), apportioned equally in abutting properties.
2. Where front-line easements are required, a minimum of ten feet (10') shall be allocated as a utility easement. Perimeter easements shall be not less than ten feet (10') in width, extending throughout the peripheral area of the development, if required by the city engineer.
3. All easements shall be designed so as to provide efficient installation of utilities or street planting. Special guying easements at corners may be required if any utilities are to be overhead. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations. (Ord. 2022-9 §1, amended, 2022; Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(13))

17.32.220 210 Utility undergrounding.

Unless the Planning Commission ~~and City Council~~ determines, upon application by the subdivider, supported by recommendations of the City Engineer, that it is not feasible to do so, all power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the subdivider. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(14))

17.32.230 220 Alleys.

The Planning Commission may approve service access to the interior of blocks where deemed to be in the public interest, in which case such alleys must be indicated in the preliminary design plans and on the final plat. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(15))

17.32.240 230 Sanitary sewage disposal—Generally.

1. Except as otherwise provided in this section, the subdivider shall provide, or have provided, a piped sanitary sewerage system to the property line of every lot in the subdivision. The sewerage system shall meet the minimum standards and requirements of the local health officer, the State Division of Environmental Health, and this division.
2. Septic tanks and/or sealed vaults will be approved only when an existing sanitary sewer system is more than one-half (½) mile from boundary of the subdivision and shall be disapproved in any case unless approved in writing by the local health officer and the State Division of Health. In order to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, an interpretive map based on the National Cooperative Soil Survey showing the suitability of the soil for septic tank fields or pits shall be submitted, along with the results of percolation tests. The results of this data will be reviewed by the local health officer and the State Division of Health, in addition to any other information available to them, for recommendation to the Planning Commission. The following requirements shall be met:
 - a. Land made, altered, or filled with non-earth materials within the last ten (10) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.
 - b. Each subdivided lot to be served by an on-site soil absorption sewage disposal system shall contain an adequate site for such system. An adequate site requires a minimum depth of eight (8) feet from the surface of the ground to impermeable bedrock, and a minimum depth of six (6) feet from the surface of the ground to the groundwater surface (based on annual high water level). Each site must also be at least one thousand five hundred (1500) feet from any shallow water supply well and one hundred (100) feet

from any stream or water course, and at least two hundred (200) feet from any major live stream; and at least ten (10) feet from any dwelling or property line.

c. Soils having a percolation rate slower than or faster than standards allowed by the local health officer or the State Division of Environmental Health shall not be divided into building sites to be served by soil absorption sewage disposal systems.

d. Land rated as having severe limitations for septic tank absorption fields as defined by the county soil survey, US Department of Agriculture, Soil Conservation Service shall not be divided into building sites to be serviced by soil absorption sewage disposal systems unless each such building site contains not less than twenty thousand (20,000) square feet of other soils rated suitable for building construction and installation of an on-site soils absorption sewage disposal system.

3. An applicant desiring to install soil absorption sewage disposal facilities on the soils having severe limitations, as determined in the preliminary plan review, shall: have additional on-site investigations made, including percolation tests; obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed soil absorption sewage disposal system; and meet local health officer and Utah State Division of Health standards and regulations. In addition, the local health officer shall find that the proposed corrective measures have overcome or will overcome the severe soil limitations.

4. Other applicable standards adopted by the City Council and local and state health departments. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(16))

17.32.250 ~~240~~ Sanitary sewer mains, laterals and house connections.

Where local, county and regional master plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Planning Commission may require the installation and capping of sanitary sewer mains and house connections by the subdivider, in addition to the installation of temporary individual on-lot sanitary sewage disposal systems by the subdivider or lot purchaser. Whenever individual on-lot sanitary sewage disposal systems are proposed, the subdivider shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time the principal building is constructed, and no building permit shall be issued until such installation is assured. In all other cases, sanitary disposal facilities for sewage shall be provided for every lot or parcel by a complete community or public sanitary system. All sewer mains shall be a minimum of eight inches in diameter. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(17))

17.32.260 Sanitary sewers ~~Test procedures.~~

~~Tests of sanitary sewer mains, laterals, and house connections shall be conducted in accordance with US Public Health Service Publication No. 526, 1963 Edition, and with other local and state health requirements. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(18))~~

17.32.~~270~~ 250 Water – Subdivider obligation to provide sufficient quantity.

The procurement of water shall be the responsibility of the subdivider; and water shall be provided for the exclusive use of Lindon City according to LCC Section [17.66](#). In residential zones one share of North Union Water or its equivalent per net acre shall be submitted ~~9~~ and rounded to the nearest 1/10th share per acre) and in non-residential zone one half (½) share of North Union water or its equivalent per net acre shall be submitted (rounded to the ~~4~~ nearest 1/10~~th~~th share per acre). Water shares other than North Union shall be accepted as per the Lindon City Fee Schedule and LCC Section [17.66](#). (Ord. 2007-8, amended, 2007; Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(19))

17.32.~~280~~ 260 Water–Culinary system– ~~Storage facility.~~

The culinary water system ~~storage facility~~ shall extend to the property line of every lot and shall be capable of delivering ~~the minimum~~ flows requirements ~~required by the Uniform Fire Code~~ as adopted by Lindon City. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(21))

17.32.~~290~~ 270 Irrigation System.

1. Where an existing irrigation system consisting of open ditches is located on ~~or adjacent to or within one hundred (100) feet of~~ a proposed subdivision, complete plans for relocation or covering or other safety precautions shall be submitted with an application for preliminary approval of a plat.
2. All pressure irrigation systems in or within one hundred (100) feet of a proposed subdivision shall be identified and otherwise color-coded as to pipe and valve color to meet state standards and regulations. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(22))

~~17.32.300~~ — ~~Conditional use permit Required.~~

~~A conditional use permit shall be required for the development of any subdivision. Final plat approval shall constitute such conditional use permit for any subdivision. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(H)(23))~~

17.32.310 280 Storm drainage and flood plans.

1. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the state and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified. If the final plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section, and appropriate development stages for the drainage system for each section indicated.
2. The drainage and flood plan systems shall be designed to:
 - a. Permit the unimpeded flow of natural water courses;
 - b. Ensure adequate drainage of all low points;
 - c. ~~Ensure applications of the following regulations regarding development in designated flood plains:~~
Meet the requirements as established in 17.62 – Flood Damage Prevention.
 - ~~i. Construction of buildings shall not be permitted in a designated flood way with a return frequency more often than a one hundred year storm;~~
 - ~~ii. Building construction may occur in that portion of the designated flood way where the return frequency is between a one hundred year and a maximum probable storm, provided all usable floor space is constructed above the designated maximum probable flood level;~~
 - ~~iii. Where flood way velocities are generally determined to be under five feet per second and maximum flood depth will not exceed three feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted;~~
 - ~~iv. Any use of land is prohibited where flooding would create a public health hazard or problem. This includes shallow wells, encased deep wells, sanitary landfills, septic tank and on lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation;~~
 - d. Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on stream flow determined before such encroachment is undertaken. Any construction, dumping, and

filling operations in a designated flood-way constitute an encroachment and must be approved by the Planning Commission before accomplishment,

- e. No lot one acre or less in area shall include flood-lands. All lots more than one acre shall contain not less than forty thousand square feet of land which is at an elevation at least two feet above the elevation of the one-hundred-year recurrence interval flood, or, where such data is not available, five feet above the elevation of the maximum flood record;
- f. Consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and “upstream” from the subdivision itself, as well as its effects on lands downstream;
- g. All proposed surface drainage structures shall be indicated on the plans;
- h. All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans. (Ord. 2001-8, amended, 2001; Ord. 111 §1, amended, 1985; Prior code §12-107-7(I))

17.32.320 290 Flag lots.

1. *Purpose.* Flag lots are intended to allow reasonable utilization of property that has sufficient acreage for development, but lacks the required street frontage. Flag lots may be considered on parcels where the extension of public streets cannot or should not be extended due to the disruption of sensitive lands and natural features, or potential of significant impacts to the surrounding neighborhood that would be caused by a public street. Although standard frontage requirements and public roadways are encouraged, the intent of this ordinance is to allow flag lots if the development is the most harmonious to the existing subdivision layout and/or is the least disruptive configuration for the neighborhood. Additionally, flag lots may be considered for properties that have topographic constraints, off lot configuration, constraints caused by the built environment, etc. for which access by a public road is not feasible. It is not the intent of this ordinance to promote flat lots in order to merely ‘maximize’ the number of potential lots within a subdivision or to alleviate subdividing hardships that are self-imposed.

2. Flag lots are only permitted when one of the following two circumstances exists:

- a. At the time of application, development using standard public streets is not possible. The property has specific constraints that limit access, public street frontage, and/or construction of a standard public roadway. These abnormal constraints may be restrictive topography, constraints caused by built environment, irregular lot configuration, ownership limitations, environmental constraints such as wetlands, springs, ditches, or canals, etc.
- b. Development using standard public streets is possible, but not in the best interest of the public.

3. In order to demonstrate that this circumstance exists, the applicant shall provide ~~conceptual~~ preliminary development plans showing the development with and without the proposed flag lot that demonstrate that each of the following characteristics is present:
- a. The design of the flag lot is harmonious and compatible with the configuration of the overall subdivision and/or neighborhood and will not adversely affect the living environment of the surrounding area.
 - b. Standard public street construction would cause disruption to the neighborhood in a significant physical or aesthetic manner, therefore making the flag lot access preferable to a public street.
 - c. Development of the flag lot will decrease public infrastructure while still providing in-fill development and efficient use of the land that is compatible with Lindon City development standards.
4. Assuming an application meets the criteria in #2 above, no more than one flag lot shall be permitted at the time of an initial subdivision application unless, at their sole discretion, the Planning Commission and City Council determine that additional flag lots within a development provide for the most compatible overall design within a neighborhood. As stated in the 'purpose' of this ordinance, it is not the intent of the City to promote flag lots in order for developers to merely 'maximize' the number of potential lots within a subdivision.
5. A flag lot must be a minimum of 20,000 square feet, and the remaining parcel from which the flag was created must meet or exceed the minimum lot area requirements of the zone in which it is located. The square footage calculation of such lots shall not include the area of any driveway access (flag pole) for the flag lot.
6. Frontage, driveway and development procedures apply as follows:
- a. The lot shall have at least twenty-five (25) feet of frontage on a dedicated public street, which frontage serves as access only to the subject lot. The 25 foot width shall be maintained for the full length of the 'flag pole' portion of the platted lot.
 - b. Prior to recording the subdivision plat, the developer shall post a bond with the City to cover installation of the driveway and utilities to the end of the 'flag pole' portion of the lot.
 - c. Prior to issuance of a building permit for a dwelling on the flag lot, installation of road base for the driveway and utilities shall be installed to at least the end of the 'flag pole' portion of the lot.
 - d. The driveway serving the flag lot must have a surface traversable by a fire truck that is at least twenty (20) feet wide, of which 16 feet must be paved with a hard surface prior to the issuance of a Certificate of Occupancy for the proposed dwelling. Where a fire hydrant is located along the 'flag pole' portion of the lot the width of the lot adjacent to the fire hydrant must be thirty-one (31) feet wide (rather than 25 feet

wide), and the surface traversable by a fire truck must be at least 26 feet wide (rather than twenty (20) feet wide).

e. Prior to issuance of a Certificate of Occupancy for a dwelling on a flag lot, the edges of the driveway area (flag pole) that are not paved shall be landscaped and properly maintained. Such landscaping shall not hinder emergency vehicle access to the property.

f. An adequate emergency vehicle turn-around at the end of the driveway shall be constructed as approve by the Fire Chief. An accessible fire hydrant shall be located within 200 feet of any dwelling on the flag lot. Possible adverse impacts of excessive driveway lengths shall be considered by the Planning Commission, City Council, and emergency services.

g. No parking or storage of any kind shall be allowed on the designated driveway.

h. A flag lot driveway shall not serve more than one lot, and shall have no more than one dwelling unit and an accessory apartment per lot. Other than accessory apartments, R2 Overlay projects are not permitted on flag lots.

i. Adjoining lots shall not be permitted to have access from a flag lot driveway.

7. Construction of residences and accessory buildings on flag lots shall be limited to a maximum building height of 35 feet from finished grade. Building height restrictions shall be noted on the subdivision plat.

8. In order to further regulate the height of proposed structures, fill at the perimeter of buildings on the flag lot shall be limited to no more than 4 feet above the street grade from which the property has access. Properties that have a pre-existing grade that is higher than 4 feet above the street level are exempted from this fill limitation. The Planning Director and City Engineer may waive or modify the four 4 foot 'fill limitation' in specific instances where the fill limitation is found to be overly burdensome to the property owner (ex., the limited fill would prohibit utility connections to the dwelling, or the limited fill creates drainage problems that can't be reasonably mitigated, etc.).

9. The address of the dwelling on the flag lot shall be clearly displayed and visible from the public road and shall be maintained in a way to differentiate the flag lot from any adjacent properties.

10. Setbacks for the residence on the flag lot shall be defined as follows: Front yard setback shall be 30 feet, rear yard setback shall be 30 feet, and side yard setbacks shall be 15 feet on each side yard of the dwelling unit. Minimum setbacks shall be noted on the subdivision plat.

11. For purposes of determining the setbacks of the flag lot, the front property line shall be the nearest line that is most parallel with the street from which the driveway accesses. Orientation of the dwelling is not regulated.

12. Accessory structures for flag lots may be permitted in accordance with applicable section of the Lindon City Code, but shall be limited to 25' maximum height. No accessory buildings shall be permitted on the 'flag pole' portion of the driveway of the flag lot.

13. Flag lots shall only be permitted in the R1-12 and R1-20 zones.

14. Unless otherwise approved by the Planning Commission ~~and City Council~~, all flag lot driveway access points on a public road must have at least two legal parcels located between any other flag lot driveway on the same side of the street. Flag lots may only be adjacent to each other if the flag lots are accessed from different roadways or at least two legal parcels are located between any other flag lot driveway on the same side of the street.

15. In addition to the minimum requirements above, the Planning Commission ~~and City Council~~ may impose additional conditions on flag lots including, but not limited to, the following;

- a. Fencing and screening requirements.
- b. Installation of one or more fire hydrants or other safety related items.
- c. Installation of curb and/or gutter along private drives.
- d. Other conditions that increase the compatibility of the proposed project with existing conditions and surroundings.

16. Due to the typical nature of flag lots being created from long, deep parcels, flag lots are exempted from any width-to-depth ratio requirements. (Ord. 2015-01, amended, 2015; Ord. 2008-2, amended, 2008; Ord. 2007-10, amended, 2007; Ord. 2006-8, amended, 2006; Ord. 2002-12, amended, 2002; Ord. 2001-8, amended, 2001; Ord. 99-14, amended, 2000)

17.32.~~330~~ 300 Subdivision application expiration.

Subdivision applications shall not be considered for processing and/or approval after such time as no new submittals are received by Lindon City for a period of six (6) months. Resubmitted subdivision applications related to an expired application shall conform to current zoning and subdivision standards at the time of resubmittal. (Ord. 2001-8, amended, 2001)

17.32.~~340~~ 310 Phased Subdivisions.

1. *Purpose.* The intent of this section is to allow for incremental recordation of final plats and posting of public improvement bonds. By allowing these steps in the subdividing process to be phased, Lindon City can approve a subdivision's master plan while relieving the applicant of the requirement of coming before

the Land Use Authority for each proposed phase. This also reduces application processing time, resulting in cost savings for the city. Additionally, phasing may grant opportunity for traditional up-front costs of subdividing to be spread out over time, thus granting an applicant a greater ability to see a project through to completion.

2. This section provides the steps required for phased subdivisions but is not intended to contain a comprehensive listing of all requirements of the Lindon City Code.

3. If the applicant is proposing phasing a subdivision into two or more sections for purposes of recording final plats, such information must be included as a part of the preliminary plat submission.

a. A phasing plan describing each phase, anticipated number of lots and associated improvements of each phase, the order of phasing and the projected time for recording and development of each phase shall be submitted.

b. The entire project, with all phases, shall be represented on the Preliminary Plat and be subject to the application submittal requirements for preliminary subdivision plans as outlined in the Land Development Policies, Standard Specifications and Drawings Manual.

4. Upon preliminary approval and starting with phase one (1), final improvement and plat drawings for each phase may be submitted independently, according to the original project-phasing plan. Submittals shall be subject to the application submittal requirements for final plat and final improvement drawings as outlined in the Land Development Policies, Standard Specifications and Drawings Manual.

a. Phase one (1) final plat and final improvement drawings must be submitted within one (1) year of preliminary approval.

b. Subsequent phases must submit final plat and final improvement drawings within one (1) year of recording the previous phase plat.

c. The Design Review Committee (DRC) shall have final approval authority in determining which infrastructure improvements are required in each phase.

d. Failure to reach submittal deadlines as outlined in a. and b. above shall result in the expiration of the preliminary plan approval and a new application shall be required.

5. Bonding requirements as found in LCC [17.38](#) shall apply to phased subdivisions. However, bonding for public improvements may be posted with Lindon City phase by phase with specific details regarding the improvements requiring bonding to be finalized by the Design Review Committee.

6. Additional fees according to the Lindon City Fee Schedule may be required for bond reviews, final plat reviews, and final improvement drawing reviews associated with phased subdivisions. (Ord. 2013-1, adopted, 2013)

17.32.350 320 Public Utility Lots.

1. Public Utility Lot is defined as a lot or parcel used for public utility facilities, including but not limited to Lindon City facilities, and may contain facilities or uses such as natural gas pressure regulating stations, power substations, communications antennae, power or telecommunication pedestals, water wells, water reservoirs/tanks, storm drainage facilities, pump stations, trails or pedestrian ways and related support facilities, and other similar uses. Public Utility Lots shall not be considered buildable lots for the purpose of constructing habitable buildings or structures intended for occupancy. Construction of non-habitable structures for the purpose of housing utility equipment or other similar uses is permitted.
2. Public Utility Lots shall be exempt from the following:
 - a. Minimum lot size requirements.
 - b. Minimum lot frontage requirements provided easement documents are recorded ensuring perpetual access to the lot.
3. Notwithstanding section [2](#) above, all other standards of the underlying zone may be imposed, subject to review and consideration by the Planning Commission of whether or not the standard or condition is necessary in order to protect the public health, safety, welfare, and aesthetics of the area, or is otherwise in the public interest.
4. Regulation of uses shall apply as listed in the Standard Land Use Table (LCC, [Appendix A](#)). This chapter is not intended to allow uses otherwise identified in the Standard Land Use Table as not being permitted within a specific zone.
5. Site plans for installation of public utility facilities are subject to Planning Commission approval as a Conditional Use. (Ord. 2013-11, adopted, 2013)

17.32.330 Appeals

1. For disputes arising from the subdivision ordinance review related to public improvements or engineering standards, the city shall advise the applicant, in writing, of the deficiency in the application and of the right to appeal and within ten (10) business days after the day on which the request is received:
 - a. for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans;
or
 - b. for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.
 - c. for a dispute arising from the subdivision improvement plans a panel of experts shall include:

- i. One licensed engineer designated by the municipality;
- ii. One licensed engineer designated by the land use applicant; and
- iii. One licensed engineer, agreed upon, and designated by the two designated engineers.
- iv. Members appointed to the panel may not have an interest in the application in question. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%. The panel's decision is final unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.

17.33.010 and 17.33.050 of the Lindon City Code, is hereby amended as follows:

17.33.010 Purpose.

A plat amendment is a change or alteration to a recorded plat that does not create any new parcels or lots, not including the adjustment of boundaries between adjacent lots. (~~The A change may be requiring a plat amendment includes:~~ the relocation of multiple property lines, the elimination of a property line within the plat, a change in notations or lot numbers on the plat, a change of the title or name of the plat, etc.) A plat amendment is an alternative to having to go through a subdivision application process in order to amend a recorded plat when no new parcels or lots will be created. These regulations will ensure that:

1. A plat amendment does not result in properties that violate the requirements of this Title or other currently adopted zoning and development standards of Lindon City; and
2. A plat amendment does not alter the coverage or availability of existing utility services to existing lots or parcels.

17.33.050 Adjustment of boundaries between adjacent lots (Lot Line Adjustment).

1. The owners of record of adjacent lots in a recorded plat may exchange title to portions of those lots through a Lot Line Adjustment (LLA) if the exchange of title is approved by the Land Use Authority as provided in this subsection.
 - a. Applicants requesting an LLA shall not be required to follow the submittal requirements listed in the Land Development Policies, Standard Specifications and Drawings Manual (Development Manual), but shall submit such documents and information requested by Staff to determine the effects of the adjustment and the resulting lots.
2. A request for an LLA shall be reviewed by Staff. The City Engineer and the Lindon City Planning Director shall constitute the Land Use Authority for approving such requests.

- a. The Land Use Authority may approve a request for an LLA if the resulting lots meet the requirements of this Title.
- b. The Land Use Authority shall deny a request for an LLA if it is determined that the application fails to meet Lindon City Code requirements.
- ~~c. If the Planning Director and the City Engineer, in their sole discretion, determine that an LLA request presents a difficult question or would create a unique or unanticipated result, they may refer the request to the Planning Commission for final decision.~~
 - ~~i. Upon referral of an LLA request, the Planning Commission shall become the Land Use Authority.~~
- d. If the Land Use Authority denies an LLA request, the applicant may file an appeal pursuant to LCC [17.09](#).
 - i. The ~~Planning Commission~~ Board of Adjustment shall be the Appeal Authority on Lot Line Adjustment requests.
 - ~~A. If the original request was referred by Staff to the Planning Commission the City Council shall act as the Appeal Authority on appeal.~~

PART TWO: 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.

PART THREE: Effective Date.


Ordinance No. 2023-22-0 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 4 day of December 2023.


CAROLYN LUNDBERG
Lindon City Mayor



ATTEST:


Kathryn Moosman
City Recorder

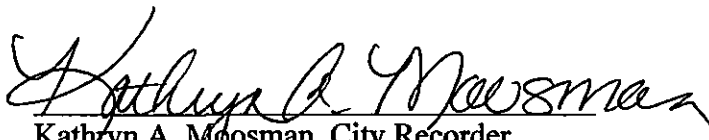
CERTIFICATE OF PASSAGE

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 4th day of December 2023 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH AMENDING CHAPTERS 17.02 DEFINITIONS, 17.08 CITY COUNCIL REVIEW, 17.09 LAND USE AUTHORITY AND APPEAL AUTHORITY TABLE #1, 17.32 SUBDIVISION SPECIAL REQUIREMENTS, AND 17.33 AMENDING A RECORDED PLAT SO AS TO BRING THESE SECTIONS INTO CONFORMANCE WITH RECENT CHANGES IN STATE CODE 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 4th day of December, 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 5th day of December 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, City Recorder

The foregoing instrument was acknowledged before me this 5th day of Dec., 2023 by Kathryn A. Moosman.

My Commission expires: January 7, 2025 
Notary Public

Residing at: Utah County

