

## ORDINANCE NO. 2023-05-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLES 17.02, 17.51 AND APPENDIX A STANDARD LAND USE TABLE AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the proposed amendment is consistent with the goal of the Lindon City General Plan to carefully limit negative impact of commercial facilities on neighboring land-use areas, particularly residential development; and

WHEREAS, on May 23, 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 June 19, 2023, 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 sections as follows:

### 17.02 Definitions

Bed and Breakfast Dwelling means a building of residential design, in which the property owner lives in the facility as their primary residence, where one or more guestrooms, but not more than three (3) rooms are rented out by the day, with a maximum building occupancy of ten (10) individuals and offers breakfast to overnight guests within an internally incorporated dining area.

Bed and Breakfast Farm Retreat Dwelling means the providing of limited commercial lodging accommodations within the Commercial Farm zone. Where one or more guestroom units, but not more than four (4) guestrooms units that meet the requirements of 17.51.075 and are rented out by the day. For such lodging accommodations, the property owner shall live on-site as their primary residence and provide breakfast to guests within a centrally incorporated dining area.

### **17.51 Commercial Farm Zone**

#### **17.51.010 Purpose and objectives.**

Commercial farm zones (CF) are established to provide encouragement of agricultural production and associated commercial activities that are compatible with and/or promote agricultural uses within the city. Objectives of the zone include promoting and preserving agricultural production, promoting agricultural open space throughout the city, and allowing associated commercial activities which could be used as additional revenue sources to help sustain and support agricultural industry within Lindon. Although the intent of the zone is to promote agricultural uses within the city, the zone may be utilized as a “holding zone” to allow reasonable options for income from agricultural and/or commercial uses for a period of time before developing the land in conformance with the general plan land use map. (Ord. 2017-16 §1, amended, 2017)

#### **17.51.012 Permitted uses.**

The following is a list of permitted, conditional, and nonpermitted uses in the CF zone:

1. Permitted Uses. Single-family dwelling; accessory buildings to a single-family dwelling; agricultural production and related accessory buildings; other permitted uses in the R1 residential zones.
2. Conditional Uses. Caretaker's or farm-help accessory dwelling unit; commercial horse stables; farmers' market; greenhouses; plant or garden nursery; garden center; bed and breakfast ~~facility~~ guestroom units; educational programs and associated facilities; ~~amphitheater~~; reception center; conference center; boutique; cafe; restaurant; veterinary clinic; and food manufacturing (not to exceed two thousand (2,000) square feet of processing and production area). (Ord. 2017-16 §1, amended, 2017)

#### **17.51.014 Owner residency required.**

Each commercial farm project shall have a legal on-site residence that is owner occupied. (Ord. 2017-16 §1, adopted, 2017)

#### **17.51.015 Agricultural production required.**

1. At least forty percent (40%) of the property must be maintained in active agricultural production and be managed in such a way that there is a reasonable expectation of profit. Land used in connection with a farmhouse, such as landscaping, driveways, etc., cannot be included in the area calculation for agricultural production eligibility.
2. For the purposes of this chapter, "agricultural production" shall be defined as the production of food for human or animal consumption through the raising of crops and/or breeding and raising of domestic animals and fowl (except household pets) in such a manner that there is a reasonable expectation of profit. (Ord. 2017-16 §1, amended, 2017)

#### **17.51.020 Lot area.**

The minimum area of any lot or parcel of land in the CF zone shall be five (5) acres. Multiple parcels that total five (5) acres or more may qualify as meeting the minimum lot area without combining the parcels only when they are under identical legal ownership and are contiguous. ~~A deed restriction prohibiting the separation of parcels may be required in order to maintain the minimum five (5) contiguous acres.~~ The minimum required development area shall be consolidated into one parcel or lot. (Ord. 2017-16 §1, amended, 2017)

#### **17.51.030 Lot width.**

Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section 17.51.020, shall have a width of not less one hundred feet (100') (measured at front yard setback). (Ord. 2017-16 §1, amended, 2017)

#### **17.51.040 Lot depth.**

Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section 17.51.020, shall have a minimum lot depth of one hundred feet (100'). (Ord. 2017-16 §1, amended, 2017)

#### **17.51.050 Lot frontage.**



Each lot or parcel of land in the CF zone, or conglomeration of parcels as defined in Section 17.51.020, shall abut a public street for a minimum distance of fifty feet (50'), on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to city standards. 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. (Ord. 2017-16 §1, amended, 2017)

#### **17.51.070 Number of dwellings per ~~lot~~ Commercial Farm Development**

Not more than one (1) single-family dwelling with an accessory apartment, and one (1) caretaker's or farm-help dwelling, may be placed on a lot or parcel of land in the CF zone (or conglomeration of parcels necessary to meet minimum acreage requirements). The total number of residential dwellings, accessory, caretaker's or farm-help apartments or bed and breakfast guestroom units combined shall not exceed six (6). The combined total number of residential dwellings, accessory apartment, and bed and breakfast guestroom units include the guestroom units per acre requirements allowed for bed and breakfast uses.

In no case may the caretakers, ~~or~~ farm-help dwelling, accessory apartment, or bed and breakfast guestroom units ~~use~~ be sold as a separate, subdivided lot ~~or parcel~~ unless it meets all requirements of the underlying zone the property is rezoned to allow such use and meet development standards of the Single-family R1-20 zone. Owner occupancy of a primary residence on the property is required to maintain a caretaker's or farm-help dwelling unit. (Ord. 2017-16 §1, amended, 2017)

#### **17.51.075 Bed and Breakfast**

A bed and breakfast use may be approved following conditional use permit standards of Title 17 and meet the follow requirements:

1. Contain a total maximum number of four (4) guestroom units based on the calculations below.

a. The number of guestroom units is based off acres within the Commercial Farm Zone. The property may have one (1) guestroom unit per four (4) acres of property.

b. Guestroom units may be located in one building facility or separate detached buildings but shall not exceed the number of allowed guestroom units.

c. The property owner shall live on-site as their primary residence.

d. Development standards, setbacks, and frontage of the Commercial Farm zone shall be met whether the bed and breakfast guestroom units are incorporated into one building facility or separate detached buildings.

e. The property owner shall be responsible to meet the sanitation requirements for public lodging facilities as described by Utah Administrative Rules 392-502 or as amended; and

f. Guestroom units shall comply with all building and fire code requirements.

#### **17.51.080 Noncommercial building yard setback requirements.**

The following minimum yard requirements shall apply to noncommercial buildings in the CF zone: (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 feet (30').

2. Rear yard setback: thirty feet (30').
3. Side yard setback: ten feet (10').
4. Street Side Yard – Corner Lots. On corner lots, the side yard contiguous to the street shall not be less than thirty feet (30') and shall not be used for vehicle parking, except such portion as is devoted to driveway use. Of the remaining rear and side yards on a corner lot, one (1) rear yard setback of thirty feet (30') and one (1) side yard setback of ten feet (10') shall be required on the remaining non-street-facing sides of the lot. (Ord. 2017-16 §1, amended, 2017)

#### **17.51.085 Commercial building yard setback requirements.**

The following minimum yard requirements shall apply to the following commercial buildings/structures in the CF zone: amphitheater, reception center, conference center, boutique, cafe, restaurant, veterinary clinic, and food manufacturing.

(Note: Unless otherwise noted, 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: fifty feet (50').
2. Rear yard setback: twenty feet (20') to property line minimum and at least one hundred feet (100') from any neighboring primary residence.
3. Side yard setback: twenty feet (20') to property line minimum and at least one hundred feet (100') from any neighboring primary residence.
4. Street Side Yard – Corner Lots. On corner lots, the side yard contiguous to the street shall not be less than fifty feet (50'). (Ord. 2017-16 §1, adopted, 2017)

#### **17.51.090 Projections into yards.**

1. The following structures may be erected on or project into any required yard setback:
  - a. Fences and retaining walls in conformance with the Lindon City Code and other city codes or ordinances.
  - b. Necessary appurtenances for utility service.
2. 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 inches (24"): 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 main-floor level and/or ground level of a building, provided such structure is open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

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. (Ord. 2017-16 §1, amended, 2017)

#### **17.51.100 Building height.**

No lot or parcel of land in the CF zone shall have a building or structure which exceeds a maximum average height of thirty-five feet (35'), measuring the four (4) corners of the structure from finished grade to the highest point of the roof structure. In all zones, the planning director and chief building official shall be responsible for designating and identifying the four (4) corners of a structure. Nonhabitable architectural features or structures not wider than ten feet (10') such as silos, steeples, cupolas, or other similar structures may exceed the building height up to forty-five feet (45'). No dwelling shall be erected to a height less than one (1) story above grade. (Ord. 2017-16 §1, amended, 2017)

#### **17.51.110 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 feet (10'). (Ord. 2017-16 §1, amended, 2017)

#### **17.51.120 Permissible lot coverage.**

1. In a CF zone, all buildings, including accessory buildings and structures, shall not cover more than forty percent (40%) of the area of the lot or parcel of land, or the conglomeration of parcels as defined in Section 17.51.020.
2. At least forty percent (40%) of the front yard setback area of any lot shall be landscaped. On any lot, concrete, asphaltic, gravel, or other driveway surfaces shall not cover more than fifty percent (50%) of a front yard. (Ord. 2017-16 §1, amended, 2017)

#### **17.51.125 Screening and fencing.**

1. The following screening and fencing requirements are required in the CF zone:
  - a. A six-foot (6') high site obscuring fence shall be constructed and maintained along any property line between a residential use or residential zone and a commercial building in the CF zone when the commercial building is closer than thirty feet (30') from the property line. The fence shall be placed along the property line at an area parallel to the commercial building and shall extend a minimum of fifty feet (50') along the property line from both directions from the ends of the building.
  - b. Any commercial structure closer than thirty feet (30') to a residential use or residential zone shall provide a minimum ten-foot (10') wide tree-lined buffer from the commercial building to the adjacent residential use or zone. Trees shall be planted at least every ten feet (10') along the buffer area adjacent to the residential use or residential zone. Trees must be a minimum of two-inch (2") caliper measured one (1) foot off the ground and at least six feet (6') tall when planted. In addition to any required fencing, trees shall be of a variety that will mature to a height of at least twenty feet (20') tall in order to provide an increased visual barrier between the commercial use and the residential use.

2. For purposes of this chapter, residential dwelling units and agricultural accessory buildings in the CF zone are not considered commercial structures.
3. The planning commission may waive or modify the fencing and/or landscape screening requirement upon findings that the fence and/or landscaping is not needed to protect adjacent residential uses from adverse impacts, or that such impacts can be mitigated in another appropriate manner. (Ord. 2017-16 §1, amended, 2017)

#### **17.51.130 Parking.**

1. Each use in the CF zone shall have, on the same lot or conglomeration of parcels as defined in Section 17.51.020, off-street parking sufficient to comply with the number of spaces required by Chapter 17.18.
2. Parking spaces in a CF zone are exempted from the surfacing, striping, and interior landscaping requirements as found in Chapter 17.18, but shall be provided with a dustless, hard surface material such as compacted gravel, asphalt, or concrete and shall be provided with a similar hard surfaced access from a public street.
3. Notwithstanding subsection (2) of this section, any off-street parking lot adjacent to a residential use or residential zone shall provide a minimum ten-foot (10') landscaped buffer from the parking lot to the adjacent residential use or zone. Trees shall be planted at least every ten feet (10') along the landscaped strip. Trees must be a minimum of two-inch (2") caliper measured one (1) foot off the ground and at least six feet (6') tall when planted. Trees shall be of a variety that will mature to a height of at least twenty feet (20') tall in order to provide a visual barrier between the parking lot and the residential use/zone.
4. No required parking spaces shall be within thirty feet (30') of a front property line or street side property line unless approved by the land use authority. The land use authority may reduce this requirement where an alternative plan is proposed that meets the design intent of the commercial farm zone while also maintaining appropriate setbacks and buffers compatible with surrounding properties. There shall be no overall net loss of landscape percentage for the site.
5. All required ADA parking stalls shall be provided with smooth, hard surface asphalt or concrete paving with a similar surface provided as an ADA accessible pedestrian route between the parking spaces and any public buildings being accessed from the spaces. (Ord. 2019-9 §1, amended, 2019; Ord. 2017-16 §1, amended, 2017)

#### **17.51.140 Residential and agricultural accessory buildings.**

1. Accessory Building within the Buildable Area (Noncommercial). 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 feet (35'). Height to be calculated as per Section 17.51.100.
  - b. Comply with all lot coverage requirements.
2. Accessory Building outside the Buildable Area (Noncommercial). 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 following:
  - a. Be set back a minimum of thirty feet (30') from the front property line and five feet (5') from any other property line.

- b. Be set back a minimum of ten feet (10') 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 feet (20') in height measured at the four (4) corners of the structure from finished grade to the highest point of the roof structure.
  - e. Comply with distance between buildings requirements.
3. Accessory buildings larger than two hundred (200) square feet shall be required to obtain a building permit.
4. Construction of an accessory building may precede the construction of the primary residence. (Ord. 2017-16 §1, amended, 2017)

**17.51.145 Noise limits.**

1. Noise levels, as measured in decibels, from any commercial event/activity shall be limited to the following levels:
- a. Eighty-five (85) dBA between 7:00 a.m. and 10:00 p.m.
  - b. Fifty-five (55) dBA between 10:00 p.m. and 7:00 a.m.
2. Devices used to measure noise levels shall:
- a. Be set to the "A" frequency weighting and "slow" response characteristic; and
  - b. Be placed at any point on the property line.
3. Any noise level greater than the approved levels above may be allowed through the issuance of a special event permit as approved by Lindon City. (Ord. 2017-16 §1, adopted, 2017)

**17.51.150 Other requirements.**

1. Except as otherwise stated within this chapter regarding animal uses in the CF zone, all applicable sections of Title 6 (Animal Regulations) pertain to the CF zone, including setbacks to agricultural buildings and corrals.
2. Signage. Signs allowed within the CF zone are limited to monument signs, wall signs, banner signs, flags, directional signs, and temporary display signs (balloons, banners, and pennant flags) as more fully described in Title 18. (Ord. 2017-16 §1, amended, 2017; Ord. 2011-6, amended, 2011)

## Appendix A Standard Land Use Table

Lindon City

### STANDARD LAND USE TABLE BY ZONE

## Appendix A

Parking Group	Permitted Primary Uses	Residential (R1-12, R1-20, R3)	Mixed Rec. RMU-W RMU-E	Commercial* PC-1 PC-2 CG CG-A CG-B CG-S MC	Industrial HI LI U-W	R&B
<b>RESIDENTIAL</b>						
1300	Hotels, Tourist Courts, Bed & Breakfast and Motels	N	N N	P P P P P P P	N N N	P
<del>1300</del>	<del>Residential Bed &amp; Breakfast Facility - 3 rooms or less</del>	<del>N</del>	<del>N N</del>	<del>N N N N N N N</del>	<del>N N N</del>	<del>N</del>

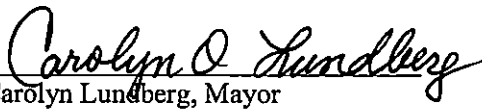


**SECTION II:** The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected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

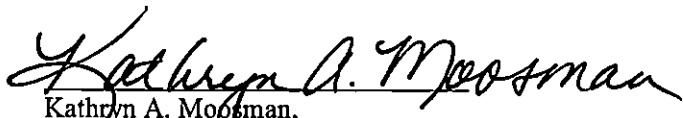
**SECTION III:** Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

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

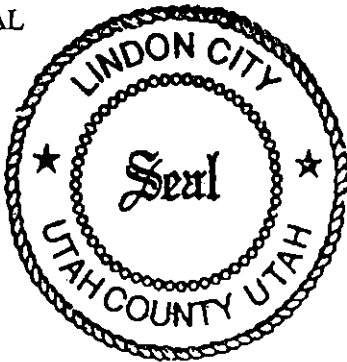
PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this 19 day of June, 2023.

  
Carolyn Lundberg, Mayor

ATTEST:

  
Kathryn A. Moosman,  
Lindon City Recorder

SEAL



CERTIFICATE OF PASSAGE

STATE OF UTAH                }  
                                      }  
COUNTY OF UTAH        } ss.  
                                      }

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 19<sup>th</sup> day of June, 2023 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH  
AMENDING TITLES 17.02, 17.51 AND APPENDIX A STANDARD LAND USE  
TABLE 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 19<sup>th</sup> day of June, 2023.

  
Kathryn A. Moosman, City Recorder

(SEAL)



AFFIDAVIT OF POSTING

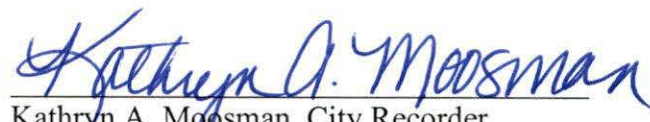
STATE OF UTAH                    }  
  } ss.  
COUNTY OF UTAH                }

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 20<sup>th</sup> day of June 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 21<sup>st</sup> day of June, 2023 by Kathryn A. Moosman.

My Commission expires: Jan 7, 2025

  
Notary Public

Residing at:   Utah County

