

LINDON CITY CODE

Chapter 17.32

SUBDIVISIONS--SPECIAL REQUIREMENTS

Sections:

- 17.32.010 Scope.
17.32.020 Intent and purpose.
17.32.030 Exemptions.
17.32.040 Final plat recordation.
17.32.050 Subdivision approval procedure.
17.32.060 Exemptions from plat requirement.
17.32.070 Amending a recorded subdivision plat.
17.32.080 File of recorded subdivision.
17.32.090 Design standards - Generally.
17.32.100 General standards.
17.32.110 Lots.
17.32.120 Streets.
17.32.130 Street names and numbers.
17.32.140 Subdivision construction standards.
17.32.150 Major street frontage.
17.32.160 Street grades.
17.32.170 Pathways, sidewalks, curbs and gutters.
17.32.180 Blocks.
17.32.190 Pedestrian crosswalks.
17.32.200 Lot sizes.
17.32.210 Easements.
17.32.220 Utility undergrounding.
17.32.230 Alleys.
17.32.240 Sanitary sewage disposal--Generally.
17.32.250 Sanitary sewer mains, laterals and house connections.
17.32.260 Sanitary sewers--Test procedures.
17.32.270 Water--Subdivider obligation to provide sufficient quantity.
17.32.280 Water--Culinary system--Storage facility.
17.32.290 Irrigation system..
17.32.300 Conditional use permit - Required.
17.32.310 Storm drainage and flood plains.
17.32.320 Deep lots.
17.32.330 Subdivision application expiration.

Section 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. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(A).)

Section 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

## LINDON CITY CODE

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- 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. No. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(B).)

### Section 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 of a standard section, the boundaries of such parcels to coincide with standard boundaries for the division of sections, i.e., one-quarter sectional boundaries;
2. Land divisions which are bona fide divisions or partitions of agricultural land for agricultural purposes, and defined herein. (Ord No. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(C).)

## LINDON CITY CODE

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### Section 17.32.040 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. No. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(D).)

### Section 17.32.050 Subdivision Approval Procedure.

1. A person may not submit a plat of a subdivision to the County Recorder's Office for filing or recording unless a recommendation has been received from the Planning Commission and the plat has been approved by the City Council or other City Officers as designated by the City Council.

2. Subdivision requests and applications shall follow application requirements as established in Lindon City Code Section 17.12.- Document Submission and Review. (Ord. No. 2001-8, 2001)

### Section 17.32.060 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 require 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. No. 2001-8, 2001)

### Section 17.32.070 Amending a recorded subdivision plat.

Applications to amend, vacate or change a subdivision plat shall follow procedure as established in Title 10-9-808 of the Utah State Code. (Ord. No. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(F).)

### Section 17.32.080 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. No. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(G).)

### Section 17.32.090 Design Standards—Generally.

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 in accordance with the variance procedure of this division. (Ord. No. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(part).)

### Section 17.32.100 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.
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

## LINDON CITY CODE

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 02/06/2007, Ord. no. 2001-8, 2001: No. 111 §1(part), 1985; prior code §12-107-7(H)(1).)

### Section 17.32.110 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. 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. Double frontage lots are prohibited unless approved by the Planning Commission for reasons of topography.

(Ord. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(2).)

### Section 17.32.120 Streets.

1. The street layout shall conform to the master plan and official map adopted by the Planning Commission and City Council.
2. Minor 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 streets with major streets shall be kept to a minimum.

5. Minimum right-of-way widths for public streets shall be determined by resolution 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. Major street -- 82'
- c. Collector street -- 66'
- d. Minor street -- 50'

6. Public streets shall have roadway widths as approved by the City Council, but shall in no case be less than the following and meet the following requirements:

- a. Major street, fifty-six feet (56');
- b. Collector street, forty-four feet (44');
- c. 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 & Trail Cross Sections and Utility Locations* (Drawing 2b - Lindon City Policies, Standard Specifications and Drawings Manual) may be amended, changed, altered, and/or revised by the Lindon City Council 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

## LINDON CITY CODE

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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 (650) feet long, whichever is more restrictive, may be permitted and shall be provided with a right-of-way at the turnaround of fifty (50) feet 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 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 (150) feet.

(Ord. No. 2002-8, 4/16/2002; Ord. No. 2001-8, 2001; No. 2000-11, 2000; No. 99-18, 1999; No. 111 §1(part), 1985; prior code §12-107-7(H)(3))

### Section 17.32.130 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. 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. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(4).)

### Section 17.32.140 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. No. 2001-8, 2001)

### Section 17.32.150 Major street frontage.

Where a residential subdivision abuts a major street, frontage roads may be required. (Ord. No. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H) (6).)

### Section 17.32.160 Street Grades.

All street grades shall be designed as follows:

- 1. Major 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 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 feet (100') of traveled surface. The cul-de-sac shall be limited to a maximum length of six hundred fifty feet (650') and have adequate easement for drainage.
- 4. Street intersections shall have a vertical alignment such that the centerline grade shall

## LINDON CITY CODE

not exceed three percent (3%) for a minimum distance of fifty feet (50') 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 feet (600').
6. All changes in vertical alignment shall be made by vertical curves with minimum length of one hundred feet (100') for minor streets and three hundred feet (300') 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 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. no. 2001-9, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(8).)

Section 17.32.170 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. Sidewalks, curbs and gutters may be required by the City Council on existing streets bordering the subdivision. (Ord. no. 2001-9, 2001; No. 111 §1(part), 1985; prior code §12-107-7 (H)(9).)

Section 17.32.180 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. no. 2001-9, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(10).)

Section 17.32.190 Pedestrian crosswalks.

Where blocks exceed one thousand feet (1000') in length, pedestrian rights-of-way of not less than ten feet (10') 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. no. 2001-8, 2001; No. 111 §1 (part), 1985; prior code §12-107-7(H)(11).)

Section 17.32.200 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. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(12).)

## LINDON CITY CODE

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### Section 17.32.210 Easements.

1. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of fifteen feet (15"), apportioned equally in abutting properties.
2. Where front-line easements are required, a minimum of seven feet and one-half feet (7 ½') shall be allocated as a utility easement. Perimeter easements shall be not less than fifteen feet (15') in width, extending throughout the peripheral area of the development, if required by the Planning Commission.
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. no. 2001-8, 2001; No. 111 §1 (part), 1985; prior code §12-107-7(H)(13).)

### Section 17.32.220 Utility undergrounding.

Unless the Planning Commission and City Council determine, 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. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(14).)

### Section 17.32.230 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. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(15).)

### Section 17.32.240 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 feet (8') from the surface of the ground to impermeable bedrock, and a minimum depth of six feet (6') 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 feet (1500') from any shallow water supply well and one hundred feet (100') from any

LINDON CITY CODE

stream or water course, and at least two hundred feet (200') from any major live stream; and at least ten feet (10') 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. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(16).)

Section 17.32.250 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. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(17).)

Section 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. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(18).)

Section 17.32.270 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 (rounded to the nearest 1/10th share per acre) and in non-residential zone one half (1/2) share for North Union water or its equivalent per net acre

## LINDON CITY CODE

shall be submitted (rounded to the nearest 10<sup>th</sup> 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 06/19/2007, Ord. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(19).)

### Section 17.32.280 Water--Culinary system--Storage facility.

The culinary water storage facility shall extend to the property line of every lot and shall be capable of delivering the flows required by the Uniform Fire Code as adopted by Lindon City. (Ord. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(21).)

### Section 17.32.290 Irrigation System.

1. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within one hundred feet (100') 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 feet (100') of a proposed subdivision shall be identified and otherwise color-coded as to pipe and valve color to meet state standards and regulations.

(Ord. no. 2001-8. 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(22).)

### Section 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. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(H)(23).)

### Section 17.32.310 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:
    - 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

## LINDON CITY CODE

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- 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. no. 2001-8, 2001; No. 111 §1(part), 1985; prior code §12-107-7(I).)

### Section 17.32.320 Deep 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 exist:
  - 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.

In order to demonstrate that this circumstance exists, the applicant shall provide conceptual development plans showing the development with and without the proposed flag lot that demonstrates 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;

## LINDON CITY CODE

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- 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.
3. 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.
  4. 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.
  5. Frontage, driveway and development procedures apply as follows:
    - a. The lot shall have at least 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 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 adjacent to the fire hydrant must be 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 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.
6. Construction of residences and accessory buildings on flag lots shall be limited to a maximum building height of 25 feet from finished grade. Building height restrictions shall be noted on the subdivision plat.
  7. In order to further regulate the height of

## LINDON CITY CODE

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- 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 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.).
8. 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.
  9. 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 50 feet, and side yard setbacks shall be 20 feet on each side yard of the dwelling unit. Minimum setbacks shall be noted on the subdivision plat.
  10. 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.
  11. 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.
  12. Flag lots shall only be permitted in the R1-12 and R1-20 zones.
  13. 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 were 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.
  14. In addition to the minimum requirements above, the Planning Commission and City Council may impose additional conditions on flag lots include, 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.
  15. 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 2008-2, amended 02/21/2008, (Ord 2007-10, amended 10.02/2007, Ordinance 2006-8, adopted 10/05/2006, Ord. 2002-12, 05/07/2002; Ord. 2001-8, 2001; Prior No. 99-14, 2000)
- 17.32.330 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. No. 2001-8, 2001)