

LINDON CITY CODE

Chapter 17.04 GENERAL AND SUPPLEMENTAL PROVISIONS

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Section 17.04.010 Short title.

This division shall be known as the "uniform land development code," or Chapter 17 of the Lindon City Code, and may be so cited and pleaded.
(Ord. no. 111 §1(part), 1985; prior code §121 01-1.)

Section 17.04.020 Purpose.

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1. This division is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the Lindon City; providing for, among other things, less congestion in the streets, better building and development practices, adequate light and air, a logical classification of land uses and distribution of land development and utilization, protection of the tax base, economy in governmental expenditures, encouragement of agricultural and industrial pursuits in appropriate locations, and the protection of existing urban development.
2. This division accomplishes these purposes by zoning the area lying within Lindon City and by regulating the location, height, bulk and size of buildings and other structures; the percentage of lot which may be occupied, the size of yards, courts and open spaces; the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes; and the uses of land for trade, industry, residence, recreation or other purposes; and regulates the subdivision of land within the City. (Ord. no. 2003-3, Amended, 03/04/2003; Ord. no. 111§1(part), 1985; prior code §12-101-2.)

Section 17.04.030 Applicability.

The regulations set forth in Chapter 17 qualify or supplement, as the case may be, the district regulations and all other regulations appearing elsewhere in this division.
(Ord. no. 111 §1(part), 1985; prior code §12-101-3.)

Section 17.04.040 Interpretation.

In interpreting and applying the provisions of this division, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.
(Ord. no. 111 §1(part), 1985; prior code §12-101-4.)

Section 17.04.050 Conflicts.

This division shall not nullify the more restrictive provisions of agreements, or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.
(Ord. no. 2003-3, Amended, 03/04/2003; Ord. no. 111 §1 (part), 1985; prior code §12-101-5.)

Section 17.04.060 Effect on previous ordinances and maps.

The existing ordinances covering zoning, in their entirety, and including the maps heretofore adopted and made a part of such ordinances, are superseded and amended to read as set forth herein; provided, however, that this division, including the attached map or maps shall be deemed a continuation of previous codes and not a new enactment, insofar as the substance of revisions or previous codes is included in this division, whether in the same or in different language; and this division shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous codes, to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.
(Ord. no. 111 §1(part), 1985; prior code §12-101-6.)

Section 17.04.070 Licensing authority.

All departments, officials and public employees of Lindon City which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this division and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this division and any such permit or license, if issued in conflict with the provisions of this division, shall be null and void.
(Ord. no. 2003-3, Amended, 03/04/2003; Ord. no. 111§1(part), 1985; prior code § 12-101-7.)

Section 17.04.080 Zoning administrator-- Authorities and duties.

The zoning administrator is authorized to enforce this division and all provisions thereof and shall do so by any legal means available to him, including but not limited to the following:

1. Advise the building official on the issuance of building permits. (If the zoning administrator gives written notification to the building official that an intended use, building or structure would be in violation of this division, such written notification shall be a presumption of illegality and the building official shall not issue a building permit for such use, building, or structure. If the offices of building official and zoning administrator are held concurrently by one person, this person shall detail the violation in writing on the permit refusal notification);
2. Inspect the uses of buildings, structures or land to determine compliance with the division. Such inspections shall be made at reasonable times;
3. Issue notices of violation wherever buildings or land are being used contrary to the provisions of this division. (This shall be done by serving notice in writing on any person engaged in said use and posting such notice on the premises.);
4. Inform the City Council of all division violations and recommend specific courses of action with regard to each violation;
5. Maintain a file of division violations and action to be taken by the City Council on such violations.

(Ord. no 2003-3, Amended, 03/04/2003; Ord. no. 111 §1(part), 1985; prior code §12-101-10.)

Section 17.04.090 Amendment Procedures.

The local City Council may amend this division, including the map, but only in accordance with the following procedures:

1. The Planning Commission may initiate division amendment recommendations to the City Council. Any other person seeking to amend this division or map shall make application for such amendment by filing the following materials with the Planning Commission:
 - a. A written petition designating the change desired and the reasons therefor;
 - b. A nonreturnable amendment review fee in an amount determined by resolution of the City Council.
2. Lindon City formally initiates proceedings to amend this division when it gives notice, according to Lindon City Code Section 17.14.40, of the first public hearing in which the proposed amendment will be considered.
3. The Planning Commission shall review the amendment application and certify its recommendations concerning the proposed amendment to the City Council within forty-five days from receipt of the amendment application in a regularly scheduled meeting. The Planning Commission shall recommend adoption of a proposed amendment only where the following findings are made:
 - a. The proposed amendment is in accord with the general plan of Lindon City;
 - b. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of the division.
4. After receipt of the certified favorable recommendations of the Planning Commission, the City Council shall give notice of a public hearing to consider such amendment as provided by law for zoning amendments.
5. After the required public hearing on the proposed amendment, the City Council may adopt or reject such amendment.
6. Concurrence by the City Council with an unfavorable recommendation of the Planning Commission shall constitute a denial of the application, and no public hearing shall be held. However, if the City Council determines that the proposed amendment may be desirable despite the Planning Commission's recommendation, a public hearing shall be

held, with notice as required by law, prior to formal action on the application by the City Council.

7. If the City Council proposes to make any substantive change in the amendment as submitted to it by the Planning Commission, or as advertised, it shall refer such change back to the Planning Commission for its recommendation before adoption of such amendment.
8. Notification of Pending Land Use Ordinances
 - a. When the City Council determines the need to adopt, amend, revise, or change any land-use, the City Council shall pass a resolution notifying the public that the City is considering the adoption, amendment, revision, or change of the current land use ordinances pursuant to Section 17.04.090, and shall identify the specific ordinance(s) and/or zone(s) to be affected.
 - b. Applications for building or use permits filed after the passage of a Resolution pursuant to this section will be subject to any conditions or requirements established or amended as adopted in the pending ordinance.
 - c. Upon receipt of an application for any building or use permit in an area or zone subject to a pending ordinance, the building official receiving the application shall notify the applicant of the pending ordinance(s).
9. Where an application for zoning amendment has been denied, the planning commission and the City Council shall not review the same zoning amendment application within six months of such denial, but may consider the proposal thereafter, but only if there is a substantial change of conditions since the earlier application. A resubmitted application shall be processed in accordance with the procedure outlined above.

(Ord. 2015-03, amended 02/03/2015; Ord. 2005-17, amended 11/15/2005; Ord. no. 2003-3, amended, 03/04/2003; Ord. no. 111 §1(part), 1985; prior code §121 0 1-11.)

Section 17.04.100 Building permit -- Site plan required.

An application for a building or use permit shall be made to the local building official and shall include a site plan and such other information as may be required by ordinance in Lindon City. (Ord. no. 2003-3, Amended, 03/04/2003; Ord. no. 111 §1(part), 1985; prior code §12-101-12.)

Section 17.04.110 Building, use and occupancy permits -- Required.

No building or structure shall be constructed, reconstructed, altered, or moved and no land shall be used except after the issuance of a permit for the same by the building official of Lindon City. (Ord. no. 2003-3, Amended, 03/04/2003; Ord. no. 111 §1(part), 1985; prior code §12-101-13.)

Section 17.04.120 Building, use and occupancy permits -- Compliance required.

An occupancy permit shall not be issued until the zoning administrator and building official shall have filed on record a report finding that the structures and intended uses are in compliance with the provisions of this division and specifically as to location and completion of both off-site (curb, gutter, sidewalk, paving, utilities, fences, ditches, etc.) and on-site (buildings, etc.) improvements. (Permanent power may not be granted until after the final inspection.) (Ord. no. 111 §1(part), 1985; prior code §12-101-14.)

Section 17.04.130 Curb and gutter installation may condition permit approval.

The installation of curb, gutter, sidewalk, drainage culverts, and covered or fenced irrigation ditches of a type approved by the City Council may be required on any existing or proposed street adjoining a lot on which a building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters, sidewalks, drainage culverts, and safety features for irrigation ditches and canals may be required as a condition of building permit approval.

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(Ord. no. 2003-3, Amended, 03/04/2003; Ord. no. 111 §1(part), 1985; prior code §12-101-14.)

Section 17.04.140 Occupancy--Inspection and approval required.

Buildings and structures requiring a building permit pursuant to the provisions of this division shall not be occupied or put into use until the local building official has inspected such building or structure, finds compliance with this division and the building code of Lindon City, and gives a written certificate of occupancy and use to the owner or his agent and/or use the building or structure in the manner approved by the issuance of a valid building permit.

(Ord. no. 2003-3, Amended, 03/04/2003; Ord. no. 111 §1(part), 1985; prior code §12-101-16.)

Section 17.04.150 Restricted lots - - Conditional use permit required.

No building permits shall be issued for construction of any building or structure to be located on a restricted lot unless a valid conditional use permit for the same has previously been issued pursuant to this division.

(Ord. no. 111 §1(part), 1985; prior code §12-101-17.)

Section 17.04.160 Existing substandard lots.

1. Any lot legally held in separate ownership at the time of adoption of the ordinance codified in this chapter (August 31, 1978) which lot is below the requirements for lot area or lot width for the district in which it is located and on which lot a dwelling would be permitted if the lot met the area requirements of this division, may be used for a single family dwelling if such a lot is located in an RI or an RM district.
2. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width, provided that in no case shall the smaller of the two yards be less than five feet, nor shall the total width of the two yards be less than thirteen feet.

(Ord. no. 111 §1(part), 1985; prior code §12-101-18.)

Section 17.04.170 Nonconforming lots prohibited.

After adoption of the ordinance codified in this division (August 31, 1978), no lot having less than the minimum width and area required in the district in which it is located may be created nor shall building permits be issued for construction on such nonconforming lots created subsequent to adoption of the ordinance codified in this division.

(Ord. 111 §1(part), 1985; prior code §12-101-19.)

Section 17.04.180 Lot standards and street frontage.

Except for condominiums and as otherwise provided in this division, every lot presently existing or hereafter created shall have such area, width, and depth as required by this division for the district in which such lot is located and shall have frontage upon a public street or upon a private street or right-of-way approved by the planning commission, before a building permit may be issued, provided that no lot containing five (5) acres or less shall be created which is more than three (3) times as long as it is wide.

(Ord. 2000-11, Amended, 10/04/2000; Ord. no. 111 §1(part), 1985; prior code §12-101-20.)

Section 17.04.190 Separate lot for each dwelling -- Exceptions.

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth, and frontage required by this division for the district in which the dwelling structure is located, except that farm or ranch properties of ten (10) acres or more in size, upon approval from the Planning Commission, shall be allowed one residential accessory building for farm and/or ranch employee housing. Such outbuilding shall not be

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located within fifty (50) feet of adjoining property lines and shall be held and owned by the farm or ranch owner. Residents of such dwelling shall be employed by the owner of the farm and/or ranch and work on site. In addition, the farm and/or ranch property on which the dwelling unit is to be constructed shall be assessed and considered green belt by the Utah County Assessor's Office.

(Ord. no. 2003-3, Amended, 03/04/2003; Ord. no. 111 §1(part), 1985; prior code §12-101-21.)

Section 17.04.200 Lots and dwellings fronting on private streets.

Lots with frontage only on private streets shall be allowed by conditional use permit procedure only, and shall be subject to all applicable requirements of this division.

(Ord. no 111 §1(part), 1985; prior code §12-101-22.)

Section 17.04.210 Yard space for one building only.

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this division shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

(Ord. no. 111 §1(part), 1985; prior code §12-101-23.)

Section 17.04.220 Yards to be unobstructed -- Exceptions.

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

(Ord. no. 111 §1(part), 1985; prior code §12-101-24.)

Section 17.04.230 Height limitations -- Exceptions.

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and attached structures such as fire or parapet walls, skylights, towers, steeples, chimneys, wireless or television masts, theater lofts, or similar structures may be erected 10 feet (10') above the zone height limits, but no space above the height limit shall be allowed for purposes of providing additional floor space, nor shall such increased height be in violation of any other ordinance or regulation of Lindon City. A church may have architectural features, similar to those listed above, erected up to 50% of the building height or 20' above the zone height limit, whichever is greater.

(Ordinance 2010 4, adopted 8/17/2010, Ord. no. 2003-3, Amended, 03/04/2003; Ord. no. 111 §1(part), 1985; prior code §12-101-25.)

Section 17.04.240 Additional height -- Allowed when.

Public buildings and utility buildings, when authorized in a district, may be erected to a height greater than the district height limit by conditional use permit.

(Ord. no. 111 §1(part), 1985; prior code §12-101-26.)

Section 17.04.250 Minimum height of dwellings.

No dwelling shall be erected to a height less than one story above grade. Energy efficient or berm homes are approved only by conditional use permit.

(Ord. no. 111 §1(part), 1985; prior code §12-101-27.)(Ord. 2000-11, Amended, 10/04/2000)

~~Section 17.04.260 Accessory buildings -- Maximum height and floor area.~~

~~Section 17.04.270 Accessory buildings -- Maximum rear yard area coverage.
(Ord. no. 111 §1(part), 1985; prior code §12-101-29.)~~

(Ord. no. 2015-22, Amended 8/18/15 see chapter 17.44 Single Family Residential)

Section 17.04.280 Water and sewerage requirements.

In all cases where a proposed building or proposed use will involve the use of sewerage facilities, and a connection to a public sewer system as defined by the Utah State Division of Health is not available; and in all cases where a connection to a public water system approved by the Utah State Division of Health is not available; the sewage disposal system and the domestic water supply shall comply with state and local board of health requirements, and the application for a building permit shall be accompanied by a certificate of feasibility from such board or division and evidence of the physical presence, legal right to and availability of culinary water acceptable to Lindon City and showing the actual physical presence, legal right and availability of culinary water for the sole use of the proposed building or use.

(Ord. no 2003-3, Amended, 03/04/2003; Ord. no. 111 §1(part), 1985; prior code §12-101-30.)

Section 17.04.290 Clear view of intersecting streets required.

In all districts, no obstruction to view in excess of three feet in height shall be placed on any corner lot within a triangular area formed creating a starting point at the intersection of two streets, then moving out from the starting point 40 feet in both directions along the right-of-way lines, then connecting the end points to form the triangular clear vision area. See Figure 17.04.310. Exceptions can be made for a reasonable number of trees and/or other vegetation pruned so as to permit unobstructed vision to automobile drivers as determined by City code enforcement staff.

(Ord 2009-2, amended 01/20/2009, Ord. no. 111 §1(part), 1985; prior code §12-101-31.)

Section 17.04.300 Fences--When required. The Planning Commission may require the erection of fences as a prerequisite to approval of any project or to the granting of any building permit where, in the opinion of said commission, this is necessary to protect life and property. Such fences may be of a type and size necessary, in the opinion of the Planning Commission, to accomplish the above-stated purpose, including sight-obscuring and security-type fences. (Ord 2009-2, amended 01/20/2009, Ord. no. 2003-3, Amended, 03/04/2003; Ord. no. 111 §1(part), 1985; prior code §12-101-32.)

Section 17.04.310 Fences, walls, hedges and other vegetation -- Location and maximum height.

The maximum height and location of fences, walls and hedges shall be as follows:

1. Fences, walls and hedges may be erected to the permitted building height in the district when located within the buildable area as established by building setbacks for a primary building footprint.
2. Fences, walls, and hedges may not exceed eight (8) feet in height within any required rear yard or interior side yard.
3. No fence, wall or hedge exceeding three (3) feet in height shall be erected or allowed closer to any street right-of-way line than the required building set back line, provided however that on street side yards (as typically found on corner lots), no view-obscuring fence, wall or hedge exceeding three (3) feet in height shall be erected or allowed closer than twenty (20) feet from the street right-of-way line. See Figure 17.04.310.
4. Where a fence, wall, or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.

5. The Planning Director and City Engineer can approve the following types of modifications and exceptions to the standards listed above upon review of a Fence Permit Application;
 - a. Exemptions:
 - i. Height modifications of fences, walls, and hedges that exceed eight (8) feet;
 - ii. Setbacks and heights on odd or irregular shaped parcels or parcels with unusual development requirements due to easements, topography, etc;
 - iii. Fences that encroach into the street side yard setback on corner lots;
 - iv. Fences exceeding 3' in height within front setback areas.
 - b. Criteria for evaluating exemptions;
 - i. The Planning Director and City engineer, when modifying height and/or setback requirements as provided herein, shall use the following review standards;
 - ii. The proposed height and/or setback modification is necessary to provide privacy and protection of private property interests;
 - iii. The appearance of fence, wall, or hedge will not detract or cause aesthetic damage to neighboring property owners;
 - iv. The proposed height and/or setback modification will not cause a public safety hazard.

All appeals of decisions of the Planning Director and City Engineer will be made to the Planning Commission.

(Ord 2009-2, amended 01/20/2009, Ord. no. 2003-3, Amended, 03/04/2003; Ord. no. 97-3, Ord. no. 177 §5, 1990.)

Section 17.04.320 Sale or lease of required space.

No space needed to meet the width, yard, area, coverage, parking or other requirements of this division for lot or building may be sold or leased away from such lot or building.

(Ord. no. 111 §1(part), 1985; prior code §12-101-34.)

Section 17.04.330 Construction subject to unusual potential or actual geologic or flood hazards.

1. Whenever development or construction is or may be subject to geologic or flood hazards, the planning commission may require the applicant to submit a geologic and soils survey report prepared by a qualified professional team. When such report indicates a lot to be subject to unusual potential or actual geologic or flood hazards, the applicant shall meet the special conditions required by the planning commission to reduce or eliminate such hazard, or if such conditions cannot be met or will not be met, the application for a building permit shall be denied. (Note: Even if a building permit for building in a geologic or flood hazard area is granted, final responsibility rests solely with the property owner, and not with the city.)
2. It shall be the responsibility of the individual property owner to retain and be responsible for any runoff water generated on his property. It must not be allowed to run into a city street (where gutters are installed) or sidewalk, or to cause any damage to another's property or that belonging to the city.

(Ord. no. 111 §1(part), 1985; prior code §12-101-35.)

Section 17.04.340 Gasoline pump location. Gasoline pumps shall be set back no less than eighteen feet from any street line to which the pump island is vertical, and 12 feet from any street line to which the pump island is parallel, and not less than 10 feet from any residential or

agricultural district boundary line. If the pump island is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line. (Ord. no. 111 §1(part), 1985; prior code §12-101-36.)

Section 17.04.350 Property divided by zoning district.

Where a zoning district boundary cuts through a lot existing at the time of adoption of this division, the use regulations governing the portion of the lot located within the more restrictive zone shall govern the use and development of the entire lot, except for legally existing non-conforming uses and buildings on the lot.

(Ord. no. 2003-3, Amended, 03/04/2003; Ord. no.111 §1 (part), 1985; prior code §12-101-37.)

Section 17.04.360 Utility extensions.

No sewer service line, no water service line, no electrical or gas utility line shall be installed by a public or private company to the building, structure, or use the served which would be in violation of this division.

(Ord. no. 111 §1(part), 1985; prior code §12-101- 38.)

Section 17.04.370 Excavations -- Utility responsibility.

It is the intent of this division to hold franchised utilities responsible for all excavations, backfilling and paving. To this end all such work, whether done by a private or public entity, shall be commenced only pursuant to the issuance of an excavation permit (Chapter 17.30 of this division). Curbs and fills shall be constructed according to standards established by Lindon City, and approval of the same shall be evidenced by a release of responsibility signed by the City Engineer after approval by the City Council.

(Ord. no. 2003-3, Amended, 03/04/2003; Ord. no. 111 §1(part), 1985; prior code §12-101-39.)

Section 17.04.380 Front yard -- Effect of map.

Whenever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped street line provided by the official map.

(Ord. no. 111 §1(part), 1985; prior code §12-101-40.)

Section 17.04.390 Pre-qualification of contractors.

Contractors are required to complete and submit to the city a pre-qualification application and permit bond prior to the commencement of any work in the city by that individual or business under a State of Utah contractor's license. Approved forms of the pre-qualification application and permit bond are available from the building inspector.

The city building inspector and zoning administrator are directed to require completion of such pre-qualification application prior to allowing any individual or business to perform work in the city requiring a contractor's license. In the event the city council determines from the information contained on the pre-qualification application, that such person is not qualified to perform work in the city, the building inspector is directed to take appropriate steps to ensure that such work is immediately terminated.

(Ord. no. 111 §1 (part), 1985; prior code §12-101-42.)

Section 17.04.400 Home occupation requirements

1. The purpose and intent of this section of the Lindon City Code is to allow occupations, professions, activities, or uses that are clearly customary, incidental, and secondary to the residential use of the property and which do not alter the exterior of the property or affect the residential character of the neighborhood.

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2. No home occupation shall be conducted without first obtaining a home occupation permit pursuant to this chapter and a business license pursuant to this chapter and the Lindon City Code chapter regulating businesses.
3. The Planning Director may grant a home occupation permit in the residential zones, provided the use applied for meets all of the standards set forth in this Section.
4. A home occupation permit shall be obtained from the Planning Director before such home occupation is established. The permit shall have a fee as established per the Lindon City Fee Schedule.
5. As a matter of public policy, the City believes that commercial and industrial activities should be conducted in zones where such activities are specifically permitted. However, limited business activities may be conducted within residences located in any zone in the City if the business activity strictly complies with all of the following requirements:
 - a. Be clearly incidental to and secondary to the residential use of the dwelling unit and not occupy more than five hundred (500) square feet or twenty- five percent (25%) of the total floor space of such dwelling unit, whichever is less. This requirement does not apply to accessory buildings approved as part of a home occupation.
 - b. Be carried on entirely within the dwelling unit or accessory structure solely by one (1) or more of the residents of the immediate family who reside in the dwelling unit or employees as permitted in 5(c). For the purposes of this section, a carport, patio, or breeze way is not considered to be part of the dwelling unit. (This provision shall not prohibit the Utah State requirement for outside use by licensed day care/preschool facilities.)
 - c. Home occupations may have up to one (1) employee or part time equivalent to one (1) employee who does not live in the dwelling unit work at the home. Only one (1) non- resident employee shall work from the home at any given time. Such employee working at the home or coming to the home and moving to another job site associated with the home occupation shall be provided an off street parking stall on the home occupation owner's property. This employee shall be provided and required to use such parking on the business owner's property and off of a public street.
 - d. Not have any external evidence of the home occupation, (except as may be required by State law or City ordinance) nor any exterior displays, displays of goods, nor advertising signs (except as allowed by this section) visible from outside of the dwelling unit. It shall not be permitted to conduct any activity outside the dwelling unit or to store materials or products outside the dwelling unit unless it is within an accessory structure approved as part of the home occupation.
 - e. Not have more than six (6) vehicles parked at the residence at any time, provided all of the vehicles can be parked legally, either in normal parking places on the lot occupied by the residence without parking in front of any other property. The six (6) vehicles specified above shall include the vehicles owned or operated by the residents, visitors or any other person using or visiting the home. Exceptions to this requirement may be granted by the Planning Director provided the applicant can clearly demonstrate that additional vehicles can be parked legally, either in normal parking places on the lot occupied by the residence containing the home occupation or by the curb directly in front of the residence without parking in front of any other property. In addition to the foregoing, the home occupation must not generate more than five (5) vehicles of traffic to the residence during any hour. The home occupation shall not generate any traffic before 7:30 a.m. or

after 6:00 p.m. nor shall any vehicle weighing in excess of twenty four thousand (24,000) pounds, gross weight, travel to the residence for the purpose of servicing the home occupation.

- f. Not emit noise, odor, dust, fumes, vibration, smoke, electrical interference or other interference with the residential use of adjacent properties.
- g. Comply with all City building and fire codes.
- h. Obtain a home occupation permit and a business license from the City.
- i. Shall have no more than one (1) sign, not larger than two and one-half (2.5) square feet, attached to the main dwelling unit. The sign shall be aesthetically pleasing and made of similar materials and colors as the building to which it is attached. The sign shall not be directly lit.
- j. Home occupation owners shall be good neighbors and mindful of possible impacts their activities have on the residential character of the neighborhood. All Home Occupation permits are reviewable upon written complaint to the Planning Commission. The Planning Commission, in reviewing such complaints, shall have the authority to attach conditions to a home occupation to make it compatible with the surrounding neighborhood. If the Planning Commission makes a finding that the home occupation is not compatible with the surrounding neighborhood they shall have the authority to revoke such permit.

(Ord. 2002-23, Amend, 08/20/2002; Ord. 99-23, Add, 10/04/2000)

Section 17.04.410 Violation—Notice —Penalties.

1. Any person, firm, entity, or corporation, whether as principal, agent or employee, who violates or causes the violation of any of the provisions of this Title shall be guilty of a Class C misdemeanor and upon conviction thereof shall be punished as provided by law. Each day a violation of this Title continues shall constitute a separate offense.
2. In addition, the following may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, or maintenance or use:
 - a. Lindon City by action of the City Council;
 - b. Any owner of real estate within the zoning district in which an alleged violation of this division has occurred.
3. Notice:
 - a. Upon inspection and discovery that any provision of this Title is being violated, the Zoning Administrator, or his agent, shall provide a written notice of violation and order to the property owner and to any other party who may be responsible for the violation.
 - b. Each written notice and order shall: (1) indicate the nature of the violation; (2) order the action necessary to correct the violation; (3) give information regarding the established warning period for the violation; and (4) state the action the Zoning Administrator intends to take if the violation is not corrected within the warning period.
 - c. The written notice shall be delivered personally or mailed to the property owner, as shown on the records of the county recorder, and to any other person who may be responsible for the violation. Receipt of notice shall be deemed to occur upon the earlier of the date written notice is delivered or three days after the notice is mailed as provided herein.
 - d. The written notice shall serve to start any warning periods provided in this Section commencing upon receipt of notice. If the violation remains uncured within five days after the expiration of the warning period, a second notice shall

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serve to start the civil penalties after the expiration of the warning period established in this Section.

- e. In cases where the Zoning Administrator determines that a delay of enforcement would pose a danger to the public health, safety or welfare, or would otherwise compromise the effective enforcement of this Title, the Zoning Administrator may seek immediate enforcement without prior written notice by instituting any of the remedies, other than civil penalties, authorized by this Section.
 4. Warning Period: There shall be a 28 day warning period for all violations of this Title, except as provided in Subsection 3(e) of this Section.
 5. Civil Penalties: Violations of the provisions of this Title shall result in the following civil penalties, after expiration of the warning period established herein:
 - a. For violations in residential zones, or residential use, a civil penalty of \$200 per day.
 - b. For violations in all non-residential zones, or non-residential use, a civil penalty of \$400 per day.
 - c. Each day a violation is continued or maintained after receipt of notice shall give rise to a separate civil penalty for each day of violation.
 6. Violation Appeal Procedures.
 - a. An appeal of a violation determination and/or suggested action by the City shall follow the appeal procedures outlined in LCC 17.09, except that:
 - i. the Appeal Authority for violation determinations shall be the City Council, and
 - ii. the appeal period (time to appeal) shall be valid for no longer that 10 days after expiration of the warning period. No appeals will be accepted after expiration of the appeal period.
 7. Collection of Civil Penalties: Collection of civil penalties imposed under this Section may be collected by Lindon City as provided for in Title 1, Chapter 18 of this Code. Forbearance by the Zoning Administrator to collect civil penalties shall not relieve the responsibility to pay any penalty, to cure the violation, nor shall it require the City to reissue any of the notices required by this Section.
 8. Nonexclusive Remedies: Any one, all or any combination of the penalties and remedies set forth in this Section, or any other Sections of Title 15 or the code and regulations adopted thereby, may be used to enforce the provisions of this Title.
- (Ord. no.2003-3, Amended, 03/04/2003; Ord. no.111 §1(part), 1985; prior code §12-101-8.)
(Ord. 2010-4, amended 8/17/10)