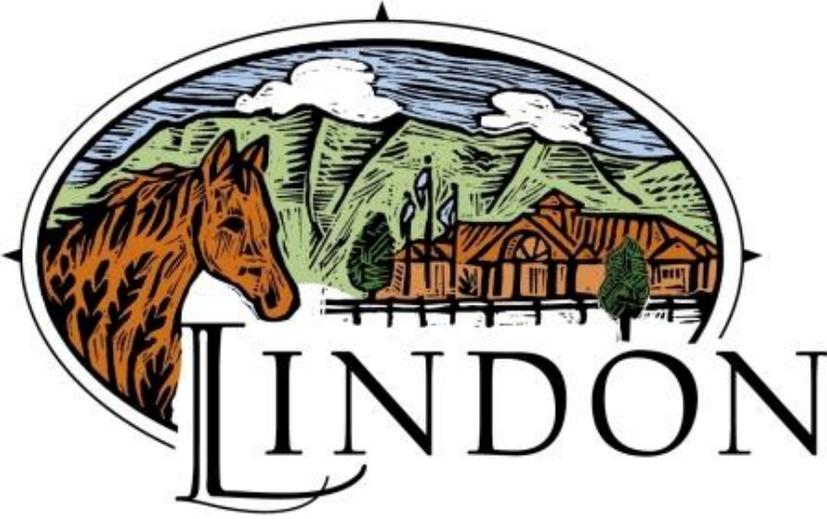
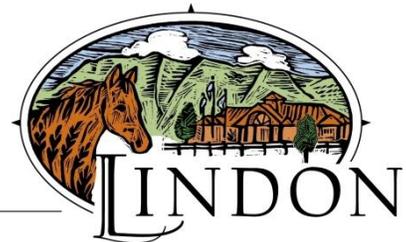


# Lindon City Council Staff Report



The City of Lindon  
Administration Department

December 3, 2013



# Notice of Meeting of the Lindon City Council

The Lindon City Council will hold a regularly scheduled meeting beginning at **6:30 p.m.** on **Tuesday, December 3, 2013** in the Lindon City Center council chambers, 100 North State Street, Lindon, Utah. The agenda will consist of the following:

**WORK SESSION – 6:30 P.M.** - Conducting: Mayor James A. Dain

Lindon’s Public Works Director, Don Peterson, will meet with the City Council to discuss annual reports, activities, and programs associated with the Public Works Department. No motions will be made.

Scan or click here for link to download agenda & staff report materials:



**REGULAR SESSION – 7:00 P.M.** - Conducting: Mayor James A. Dain

Pledge of Allegiance: By Invitation  
Invocation: Mark Walker

*(Review times are estimates only)*

- 1. **Call to Order / Roll Call** *(5 minutes)*
- 2. **Presentations and Announcements** *(10 minutes)*
  - a) Comments / Announcements from Mayor and Council members
- 3. **Approval of minutes from November 19, 2013** *(5 minutes)*
- 4. **Consent Agenda – No Items**
- 5. **Open Session for Public Comment** *(For items not on the agenda)* *(10 minutes)*
- 6. **Public Hearing — Ordinance Amendment, LCC 17.48 Commercial Zones and LCC Standard Land Use Table. (Ord. #2013-12-O)** *(25 minutes)*  
 This a request by Creig Fryer to amend LCC 17.48 to create the General Commercial—Storage (CG-S) zone and reflect said zone in the SLU table. Permitted uses in the CG-S would include self-storage units as well as permitted and conditional uses in the General Commercial (CG) zone. The Planning Commission recommended approval of the request.
- 7. **Public Hearing — Zone Map Amendment, 439 West Gillman Ln (Ord. #2013-13-O)** *(10 minutes)*  
 This is a request by Creig Fryer to rezone property currently split zoned Residential Single Family (R1-20) and General Commercial (CG) to the General Commercial—Storage (CG-S) zone. The Planning Commission recommended approval of the request.
- 8. **Review & Action — Development Agreement, Ivory Development LLC (Resolution #2013-16-R)** *(10 minutes)*  
 This is a request by staff for City Council review and consideration of a development agreement between Lindon City and Ivory Development LLC (Ivory Homes) that will facilitate waiver of storm water impact fees on individual lots within the Cullimore Court Subdivision in lieu of payment for off-site storm water improvements made by Ivory Development.
- 9. **Public Hearing — Ordinance Amendment, LCC 17.09 Table #1 (Ord. #2013-14-O)** *(15 minutes)*  
 This is a City initiated request to amend the Land Use and Appeal Authorities for certain land use applications as specified in LCC 17.09 Table #1. The Planning Commission recommended approval of the amendment.
- 10. **Public Hearing — Ordinance Amendment, LCC Appendix A, SLU table (Ord. #2013-15-O)** *(10 minutes)*  
 This is a City initiated request to amend the SLU table to make Bed & Breakfast Facilities a non-permitted use in residential zones throughout the City. The Planning Commission recommended approval of the amendment.
- 11. **Public Hearing — Ordinance Amendment, LCC 3.05 PARC Tax (Ord. #2013-16-O)** *(10 minutes)*  
 This is a City initiated request to create LCC Chapter 3.05 Parks, Arts, Recreation and Culture Tax, which will enact and levy a tax to finance cultural and recreational facilities and ongoing operations, and to finance

operations of cultural organizations within Lindon City pursuant to U.C.A. § 59-12-1402. Said tax shall be known as the Parks, Arts, Recreation, and Culture Tax, or 'PARC' Tax.

**12. Public Hearing — Ordinance Amendment, LCC 1.20 Policies & Procedures (Ord. #2013-17-O)** (5 minutes)

This is a City initiated request to create LCC Chapter 1.20 Policies and Procedures, to recognize by ordinance the creation and authority of adopted policies and procedures for employees and other city business.

**13. Public Hearing — Ordinance Amendment, LCC 1.30 Purchasing and Procurement (Ord. #2013-18-O)** (5 minutes)

This is a City initiated request to create LCC Chapter 1.30 Purchasing and Procurement, to recognize by ordinance the creation and authority of adopted purchasing policies that will be included in the Lindon City Policies and Procedures Manual.

**14. Review & Action — Purchasing and Procurement Policy (Resolution #2013-17-R)** (20 minutes)

This is a request by staff for City Council review and consideration of new purchasing and procurement policies. These policies will provide greater flexibility and clarity for administrative purchases of previously budgeted items, and provide updated bid and procurement processes. Adopted policy will be added to the Lindon City Policies and Procedures Manual.

**15. Council Reports:** (30 minutes)

- |  |                 |
|--|-----------------|
| A) Public Works, ULC&T, UIA, irrigation/water                  | - Jeff Acerson  |
| B) Planning, BD of Adjustments, General Plan, Budget Committee | - Matt Bean     |
| C) Parks & Recreation, Trails, Tree Board, Cemetery            | - Bret Frampton |
| D) Administration, Historic Com, Com Center Board, Lindon Days | - Randi Powell  |
| E) Public Safety, Court, Animal Control, Budget Committee      | - Mark Walker   |

**16. Administrator's Report** (20 minutes)

**17. Closed Session — Closed Session to Discuss the Character and Professional Competence of an Individual (UCA 52-4-205).** (30 minutes)

The City Council will enter into a closed executive session per UCA 52-4-205.

**Adjourn**

**This meeting may be held electronically to allow a council member to participate.**

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Offices, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our staff may be contacted directly at (801)785-5043. City Codes and ordinances are available on the City web site found at [www.lindoncity.org](http://www.lindoncity.org). The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for city-sponsored public meetings, services programs or events should call Kathy Moosman at 801-785-5043, giving at least 24 hours notice.

**Posted By:** Kathy Moosman

**Date:** November 27, 2013

**Time:** ~2:00 p.m.

**Place:** Lindon City Center, Lindon Public Works, Lindon Community Center

**WORK SESSION – 6:30 P.M.** - Conducting: Mayor James A. Dain

Lindon's Public Works Director, Don Peterson, will meet with the City Council to discuss annual reports, activities, and programs associated with the Public Works Department. No motions will be made.

Materials to be reviewed will be presented at the meeting.

## **REGULAR SESSION – 7:00 P.M.** - Conducting: Mayor James A. Dain

Pledge of Allegiance: By Invitation  
Invocation: Mark Walker

### **Item 1 – Call to Order / Roll Call**

December 3, 2013 Lindon City Council meeting.

Jeff Acerson  
Matt Bean  
James Dain  
Bret Frampton  
Randi Powell  
Mark Walker

*Staff present:* \_\_\_\_\_

### **Item 2 – Presentations and Announcements**

a) Comments / Announcements from Mayor and Council members.

### **Item 3 – Approval of Minutes**

- Review and approval of City Council minutes from November 19, 2013.

(See attached draft minutes)

**MINUTES NOT FINISHED AT THIS TIME**

**Item 4 – Consent Agenda** – No items.

**Item 5 – Open Session for Public Comment** *(For items not on the agenda)*

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**6. Public Hearing — Ordinance Amendment, LCC 17.48 Commercial Zones and LCC Standard Land Use Table. (Ord. #2013-12-O)** *(25 minutes)*

This a request by Creig Fryer to amend LCC 17.48 to create the General Commercial—Storage (CG-S) zone and reflect said zone in the SLU table. Permitted uses in the CG-S would include self-storage units as well as permitted and conditional uses in the General Commercial (CG) zone. The Planning Commission recommended approval of the request.

**Presenting Staff:** Hugh Van Wagenen, Planning Director

See attached information.

## Public Hearing — Ordinance Amendment LCC 17.48 Commercial Zones and LCC Standard Land Use Table

**Presenting Staff:** *Hugh Van Wagenen*  
**Applicant:** *Creig Fryer*  
**Zone:** *New CG-S zone being considered*

### Summary

This is a request by Creig Fryer to amend LCC 17.48 to create the General Commercial—Storage (CG-S) zone and reflect said zone in the SLU table. Permitted uses in the CG-S would include vault security/mini-storage units as well as existing permitted and conditional uses in the General Commercial (CG) zone.

### Changes

Please refer to the changes as outlined in the pages below.

### Benefits

There are several properties located in the CG zone that do not have frontage along major traffic corridors. Properties without frontage do not have the same appeal as lots with frontage for traditional commercial uses. Creating the CG-S zone allows one additional use of mini-storage units to optimize the use of properties not along major corridors. A new zone also allows for the regulated development of mini-storage developments, as any request for a zone change comes before the Planning Commission and City Council.

### Planning Commission Recommendation

The Planning Commission recommended that the ordinance amendment be approved with the condition that the SLU Table reflect the following in the Permitted Primary Uses column regarding Vault Security Storage – Mini-Storage: *Vault Security Storage - Mini-Storage (outdoor storage by Conditional Use only and is limited to 15% of total storage space and limited to personal recreational vehicles)*. This change is reflected in the SLU Table as part of the ordinance.

**Motion:** I move to (approve, deny, continue) the ordinance amendment to LCC 17.48 specifically modifying, amending, and revising 17.48.010, 17.48.020, 17.48.030, 17.48.040, 17.48.080 and Table 17.48.020 and the Standard Land Use Table as presented with the new CG-S column with the following conditions (if any):

**ORDINANCE NO. 2013-12-O**

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING CHAPTER 17.48 OF THE LINDON CITY CODE TITLED COMMERCIAL ZONES, SPECIFICALLY MODIFYING, AMENDING, AND REVISING 17.48.010, 17.48.020, 17.48.030, 17.48.040, 17.48.080 AND TABLE 17.48.020 AND AMENDING THE STANDARD LAND USE TABLE OF THE LINDON CITY CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Municipal Council of Lindon City finds it is necessary to amend the ordinance regulations found in Lindon City Code 17.48.010, 17.48.020, 17.48.030, 17.48.040, 17.48.080 and table 17.48.020 and the Standard Land Use Table, creating the General Commercial-Storage (CG-S) zone, and defining permitted and conditional uses, within the community and amending provisions found within the code, finding that approval of such would benefit the city; and

WHEREAS, the City finds it is necessary to create a commercial zone that allows for an additional use of mini-storage units that are more appropriate for specific locations of the community; and

WHEREAS, the Planning Commission recommended adoption of revised provisions, and the revision of such provisions will assist in carrying out general plan goals related to the promotion of businesses and industry within the City, and said changes are compatible with land use guidelines as found in the General Plan; and

WHEREAS, the current ordinance should be amended to provide such provisions and be added to the Municipal Code of Lindon City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, Chapter 17.48.010, 17.48.020, 17.48.030, 17.48.040, 17.48.080 and Table 17.48.020 and the Standard Land Use Table of the Lindon City Code are hereby amended and will read as follows:

**SECTION I:**

Section 17.48.010 General provisions.

The Commercial Ordinance is established to promote commercial and service uses for general community shopping. The objective in establishing commercial zones is to provide areas within the City where commercial and service uses may be located. These zones include the General Commercial zones (CG, CG-A, CG-A8, CG-S) and the Planned Commercial (PC-1 and PC-2) zones.

For a full list of permitted uses in these zones, refer to the Standard Land Use Table in appendix A. (Ord. 98-6, Repealed and Replaced, 10/03/2000, Ord 2006-10 adopted 10/4/06)

Section 17.48.020 Zone development standards.

The following development standards apply, except as otherwise approved by the Planning Commission for site designs in the various CG zones that are consistent with the Lindon City Commercial Design Guidelines. (See Table 17.48.020)

(Ord. 2008-6, adopted 04/15/2008, Ord. 99-6, Amended, 10/04/2000; Ord. 98-6, Repealed and Replaced, 10/03/2000 Ord 2006-10 adopted 10/4/06)

Section 17.48.030 Landscaping within the general commercial zones (CG, CG-A, CG-A8, CG-S).

1. Landscaping objectives. Landscaping plans shall be prepared with a view toward accomplishing the following design objectives (plans will be approved or denied based on how well these objectives are satisfied).
  - a. Enhance the visual environment by:
    - i. Adding visual interest through texture, color, size, shape, etc., and
    - ii. Enhancing perspective by framing view complimenting architecture screening and creating points of interest and activity.
  - b. Ensure public safety by:
    - i. Guiding the circulation of cars and people,
    - ii. Controlling access to parking lots,
    - iii. Making traffic diverters prominent, and
    - iv. Creating street identification by varying the species, height, and location of landscaping.
  - c. Minimize noise and glare.
  - d. Conserve energy.
  - e. Complement architecture by landscaping around buildings.
  - f. Screen areas of low visual interest.
2. Overall landscaping plan. With the application for site plan approval, an overall landscaping plan shall be submitted. Landscaping plans shall show details on specific types and locations of trees and shall also identify areas to be sod or other types of vegetation or ground cover. Additional 'interior parking lot landscaping' may be required per LCC 17.18.
3. Open space. A minimum of twenty percent (20%) of each lot shall be maintained in permanent landscaped open space.
4. Landscaping Strip. Unless otherwise approved by the Planning Commission, a landscaped berm at least three (3) feet high and twenty (20) feet width shall be planted with grass and maintained in a living, growing condition along all public street frontages.
  - a. The measurement of the twenty (20) feet in landscaping will be measured from the back of walk, or back curb if no sidewalk exists. Areas with meandering sidewalks will have the twenty (20) feet measured from back of curb but may not count sidewalk width as part of the twenty (20) feet in landscaping requirement.
  - b. Thirty percent (30%) of the landscaping strip may consist of decorative rock, bark, mulch, and/or other ground covers other than grass. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., in the non-grass areas shall be submitted and approved by the Planning Director.
  - c. Trees shall be planted thirty (30) feet on center, centered ten feet from the edges of the strip in all required landscaped and bermed areas.
  - d. Landscaping requirements concerning berming, trees, and landscape materials can be changed and/or altered (with regard to location and design) upon approval of the Planning Commission at the site plan review stage of an application. No net loss of landscaping should occur with any approved alterations. Other landscaping layouts consistent with the Lindon Commercial Design Guidelines may also be considered by the Planning Commission.
5. Trees. Recommended trees may be found in the list of tree species located in the Lindon City Tree Planting Guide and, unless otherwise specified, shall be at least two (2) inch caliper, measured one (1) foot above the ground and shall be at least six (6) feet in height when planted.
6. Sprinkling and irrigation. All plantings shall be serviced by an acceptable underground automatic irrigation or sprinkler system, and maintained in a healthful living condition. Dead plant materials shall be replaced as necessary within the first year of planting.
7. Concrete curbing shall be provided between landscaped areas and off-street parking areas that is at least six inches (6") higher than the parking areas. (Ord 2008-10, amended 09/02/2008, Ord. 99-6, Amended, 10/04/2000; Ord. 98-6, Repealed and Replaced, 10/03/2000, Ord 2006-10, adopted 10/4/2006)

Section 17.48.040 Fencing and screening.

1. A masonry or concrete fence seven feet (7') high, shall be constructed and maintained along any property line between a commercial development and a residential use or a residential zone. The fence shall be constructed

and maintained by the owner of the commercial development. In all commercial zones the Planning Commission may approve a landscaping screen in lieu of a fence, a fence other than a masonry fence or approve a fence height greater than seven feet (7') if it makes the following findings:

- a. The proposed fence/landscape screen provides an adequate buffer for the adjoining residential use.
- b. The appearance of the fence/landscape screen will not detract from the residential use and/or commercial use of the property.
- c. The proposed fence/landscape screen will shield the residential use from noise, storage, traffic or any other characteristic of the commercial use that is incompatible with residential uses. The Planning Commission may waive or adjust this fence/screening requirement upon findings that the fence is not needed to protect adjacent residential uses from adverse impacts and that such impacts can be mitigated in another appropriate manner.

2. All required landscaping that abuts frontage on a dedicated street in the CG, CG-A, CG-A8, CG-S, PC-1 and PC-2 zones shall contain a continuous white vinyl ranch style two (2) rail fence. The fence shall be three (3) feet tall with post dimensions of five (5) inches by five (5) inches with rail dimensions of two (2) inches by six (6) inches. The posts shall be installed eight (8) feet on center with two (2) rails between posts. The fence shall be placed adjacent to State Street and any other dedicated streets in the CG, CG-A, CG-A8, CG-S, zone and PC-1 and PC-2 zones in a continuous fashion. Placement of the fence shall typically be two (2) feet behind the sidewalk within the required landscaping strip. Any variation to the location of this fence requirement, 17.48.040 (2), may be granted by the Planning Commission.

(Ord. 2000-3, Amended, 10/04/2000; Ord. 99-6, Amended, 10/04/2000; Ord. 98-6, Repealed and Replaced, 10/03/2000 Ord 2006-10, adopted 10/4/2006)

Section 17.48.080 Architectural design.

1. Architectural character, streetscape, site design and other amenities in the CG, CG-A, ~~or~~ CG-A8, or CG-S zones shall be consistent with the Lindon City Commercial Design Guidelines as presently constituted and as may be amended from time to time.

2. All sides of the buildings shall receive design consideration consistent with the Commercial Design Guidelines, particularly where exposed to vehicular traffic or adjoining properties.

(Ord. 98-6, Repealed and Replaced, 10/03/2000; Ord. 97-7, Amended, 08/17/2000, Ord 2006-10, adopted 10/4/2006).

Table 17.48.020

	CG	CG-A	CG-A8	<u>CG-S</u>	PC-1, PC-2
Minimum lot size	20,000 sq/ft	20,000 sq/ft	20,000 sq/ft	<u>20,000 sq/ft</u>	1 acre
Front setback	20'	20'	20'	<u>20'</u>	30'
Side or rear yard setback when adjacent to a non-residential zone.	0'	0'	0'	<u>0'</u>	0'
Side or rear yard setback when adjacent to a residential use or a residential zone.	40'	40'	40'	<u>40'</u>	50'
Street-side yard setback (corner lot)	20'	20'	20'	<u>20'</u>	30'
Minimum structure height	10'	10'	10'	<u>10'</u>	14'
Maximum structure height	48'	48'	80'	<u>48'</u>	48'

STANDARD LAND USE TABLE BY ZONE

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial							Industrial		R&B
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
<b>MISCELLANEOUS</b>														
N/A	Solicitors	See LCC 5.40 - Solicitors Ordinance												
N/A	Itinerant Merchants	N	N	N	See LCC 17.17.140 - Temporary Site Plans									
7100	Fireworks Stands	See 8.28 - Fireworks Ordinance												
7100	Christmas Tree Sales	N	N	N	See LCC 17.17.140 - Temporary Site Plans									
7100	Mechanical Amusement	N	N	N	C	C	C	C	C	C	C	C	C	N
N/A	Individual Containers for Recyclable Materials - commercial storage	N	N	N	N	N	C	C	C	C	C	C	C	N
<b>RESIDENTIAL</b>														
N/A	Single Family	P	N	N	N	N	N	N	N	N	N	N	N	N
1111	Accessory Apartments	See 17.46 R2 Overlay	N	N	N	N	N	N	N	N	N	N	N	N
1111	Condominium		N	N	N	N	N	N	N	N	N	N	N	N
1111	Apartments		N	N	N	N	N	N	N	N	N	N	N	N
1200	Rooming & Boarding Houses	N	N	N	N	N	N	N	N	N	N	N	N	N
1233	Fraternity & Sorority Houses	N	N	N	N	N	N	N	N	N	N	N	N	N
1500	Membership Lodging	N	N	N	N	N	C	C	C	C	N	N	N	N
1233	Student Housing	See 17.46 - R2 Overlay												
1241	Youth Rehabilitation	See 17.70 - Group Homes and 17.72 - Care Facilities Overlay												
1241	Assisted Living Facilities - small	See 17.70 - Group Homes and 17.72 - Care Facilities Overlay												
1241	Assisted Living Facilities - large	See 17.70 - Group Homes and 17.72 - Care Facilities Overlay												
1200	Transitional Treatment Home - sm.	See 17.70 - Group Homes and 17.72 - Care Facilities Overlay												
1200	Transitional Treatment Home - lg.	See 17.70 - Group Homes and 17.72 - Care Facilities Overlay												
1400	Subdivided Manufactured Mobile Homes Parks	N	N	N	N	N	N	N	N	N	N	N	N	N
1300	Hotels, Tourist Courts, Bed & Breakfast and Motels	N	N	N	P	P	P	P	P	P	P	N	N	P
1300	Residential Bed & Breakfast Facility - 3 rooms or less	C	N	N	N	N	N	N	N	N	N	N	N	N
N/A	Caretaker Facilities - accessory to main uses only	N	N	N	C	C	C	C	C	C	C	C	C	C
<b>MANUFACTURING</b>														
<b>NOTE: Any listed "indoor only" manufacturing business proposing "outdoor storage" in the HI or LI zones is required to obtain a Conditional Use Permit.</b>														
2000	Slaughterhouse	N	N	N	N	N	N	N	N	N	N	N	N	N
2000	Meat & Dairy	N	N	N	N	N	N	N	N	N	N	P	C	N

STANDARD LAND USE TABLE BY ZONE

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial							Industrial		R&B	
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI		
2000	General Food Mfg.- under 20,000 sq/ft.	N	N	N	N	N	N	N	N	N	<u>N</u>	C	P	P	N
2000	General Food Mfg.- over 20,000 sq/ft.	N	N	N	N	N	N	N	N	N	<u>N</u>	N	C	C	N
2000	Candy & Other Confectionary Products	N	N	N	N	N	C	C	C	<u>C</u>	C	P	P	N	
2000	Preparing Feeds for Animals & Fowl	N	N	N	N	N	N	N	N	<u>N</u>	N	P	C	N	
2000	Brewery (Liquors & Spirits) max. 1,000 sq. ft. and must be in conjunction with a restaurant	N	N	N	N	N	N	N	N	<u>N</u>	C	P	C	N	
2000	Ice Manufacturing	N	N	N	N	N	N	N	N	<u>N</u>	P	P	P	N	
2000	Textile Mill Products	N	N	N	N	N	N	N	N	<u>N</u>	N	P	N	N	
2000	All General Apparel	N	N	N	N	N	N	N	N	<u>N</u>	P	P	P	N	
2000	Lumber & Wood Products	N	N	N	N	N	N	N	N	<u>N</u>	N	P	C	N	
2000	Cabinets and Similar furniture & Fixtures - indoor storage and production only	N	N	N	N	N	N	N	N	<u>N</u>	C	P	P	N	
2000	Pulp Products	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	
2000	Publishing, Printing, & Misc. Related Work	N	N	N	N	N	N	N	N	<u>N</u>	P	P	P	N	
2000	Industrial Chemical	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	
2000	Explosives	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	
2000	Petroleum & Coal Products	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	
2000	Other Gas Productions	N	N	N	N	N	N	N	N	<u>N</u>	N	C	N	N	
2000	Candle and wax products manufacturing	N	N	N	N	N	N	N	N	<u>N</u>	C	P	P	N	
2000	Rubber and Misc. Plastics	N	N	N	N	N	N	N	N	<u>N</u>	N	C	N	N	
2000	Stone, Clay, Glass, & Associated Products - indoor storage & production only	N	N	N	N	N	N	N	N	<u>N</u>	C	P	P	N	
2000	Asphalt & Concrete Batch Plants or Road Product Manufacturing - concrete crushing, road base, etc.	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	
2000	Recycling businesses (indoor processing only. Outdoor product storage areas require site obscuring fencing. Applications must meet SLU compatibility standards.)	N	N	N	N	N	N	N	N	<u>N</u>	N	C	C	N	
2000	Fabricated Metal Products	N	N	N	N	N	N	N	N	<u>N</u>	N	P	C	N	
2000	Fabricated Metal products, indoor storage & production only.	N	N	N	N	N	N	N	N	<u>N</u>	C	P	P	N	
2000	Professional, Scientific, Photographic, Optical instruments & Associated Equipment	N	N	N	N	N	N	N	N	<u>N</u>	P	P	P	N	

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Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial							Industrial		R&B	
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI		
2000	Tobacco Products	N	N	N	N	N	N	N	N	N	<u>N</u>	N	P	C	N
2000	Motion Picture production (permanent studios)	N	N	N	N	N	N	N	N	N	<u>N</u>	P	P	P	N
2000	Signs & Advertising	N	N	N	N	N	N	N	N	N	<u>N</u>	P	P	P	N
<b>TRANSPORTATION, COMMUNICATIONS, &amp; UTILITIES</b>															
4000	Railroad Lines Extension & Associated Uses	N	N	N	N	N	N	N	N	N	<u>N</u>	C	C	C	N
4000	Bus Passenger Terminals	N	N	N	N	N	C	C	C	C	<u>C</u>	P	P	P	N
4000	Bus Garaging & Equipment Maintenance	N	N	N	N	N	N	N	N	N	<u>N</u>	N	P	P	N
4000	Motor Freight Terminals	N	N	N	N	N	N	N	N	N	<u>N</u>	N	P	C	N
4000	Motor Freight Garaging & Equipment Maintenance	N	N	N	N	N	N	N	N	N	<u>N</u>	N	P	C	N
4000	Taxicab Terminal/Garage	N	N	N	N	N	N	N	N	N	<u>N</u>	P	P	P	N
4000	Auto Parking Facilities - private	N	N	N	P	P	P	P	P	P	<u>P</u>	P	P	P	P
4000	Telephone Utility Lines - above ground	N	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N
4000	Telephone Utility Lines - underground	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P
4000	Cellular Communication Towers	See Section 5.07													
4000	Television Broadcasting Studios - only	N	N	N	N	N	N	N	N	N	<u>N</u>	P	P	P	N
4000	Television Transmitting Stations & Relay Tower (height of tower may not exceed maximum height of zone)	N	C	N	N	N	N	N	N	N	<u>N</u>	C	C	C	N
4000	Radio & Television Broadcasting Studios (height of any antenna or tower may not exceed maximum height of zone)	N	N	N	N	N	N	N	N	N	<u>N</u>	C	C	C	N
4000	Electric Utility Lines - above ground 35 kV or greater	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C
4000	Electric Utility Lines - underground	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P
4000	Electric Utility Lines - above ground and less than 35 kV	N	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N
4000	Electricity Regulating Substations	N	N	N	N	N	N	N	N	N	<u>N</u>	C	C	C	N
4000	Gas Utilities - underground	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P
4000	Natural or Manufactured Gasoline Storage & Distribution Points	N	N	N	N	N	N	N	N	N	<u>N</u>	N	C	N	N
4000	Gas Pressure Control Stations	N	N	N	N	N	N	N	N	N	<u>N</u>	N	C	C	N
4000	Culinary Water Treatment Plants - Purification	N	N	N	N	N	N	N	N	N	<u>N</u>	N	P	P	N
4000	Water Storage	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P

STANDARD LAND USE TABLE BY ZONE

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial							Industrial		R&B
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
4000	Water Pressure Control Stations	P	P	P	P	P	P	P	P	P	P	P	P	P
4000	Sewage Treatment Plants	N	C	N	N	N	N	N	N	N	N	N	N	N
4000	Sewage Pressure Control Stations	P	P	N	P	P	P	P	P	P	P	P	P	P
4000	Solid Waste Disposal & Incineration	N	N	N	N	N	N	N	N	N	N	N	N	N
4000	Freight Forwarding Services	N	N	N	N	N	N	N	N	N	P	P	P	N
4000	Packing & Crating Services	N	N	N	N	N	C	C	C	C	C	P	P	N
4000	Waste Transfer Stations	N	N	N	N	N	N	N	N	N	N	N	N	N
<b>WHOLESALE TRADE (Sell for Resale)</b>														
<b>Note: Any permitted (P) wholesale business proposing "outdoor storage" in the HI and LI zones is required to obtain a Conditional Use Permit</b>														
5100	Automobiles, Motor Vehicle, & Other Automotive Equipment (outdoor storage of vehicles is permitted)	N	N	N	N	N	N	N	N	N	N	C	C	C
5100	Tires & Tubes - indoor storage only	N	N	N	N	N	N	N	N	N	N	P	P	P
5100	Drugs, Chemicals & Allied Products - indoor storage only	N	N	N	N	N	N	N	N	N	N	P	P	P
5100	Drugs, Drug Proprietarys & Druggists' Sundries - indoor storage only	N	N	N	N	N	N	N	N	N	N	P	P	P
5100	Paints & Varnishes - indoor storage only	N	N	N	N	N	N	N	N	N	N	P	P	P
5100	Dry Goods, Piece Goods, & Notions - indoor storage only	N	N	N	N	N	N	N	N	N	N	P	P	P
5100	Apparel & Accessories - indoor storage only	N	N	N	N	N	N	N	N	N	N	P	P	P
5100	Groceries & Food Stuffs - indoor storage only	N	N	N	N	N	N	N	N	N	N	P	P	P
5100	Agricultural Commodities (outdoor storage is permitted)	N	N	N	N	N	N	N	N	N	N	C	C	C
5100	Electrical Apparatus & Equipment, Wiring Supplies, & Construction Materials - indoor storage only	N	N	N	N	N	N	N	N	N	N	P	P	P
5100	Hardware - indoor storage only	N	N	N	N	N	N	N	N	N	N	P	P	P
5100	Plumbing & Heating Equipment & Supplies - indoor storage only	N	N	N	N	N	N	N	N	N	N	P	P	P
5100	Air Conditioning, Refrigeration Equipment & Supplies - indoor storage only	N	N	N	N	N	N	N	N	N	N	P	P	P
5100	Commercial, Industrial, & Agricultural Machine Equipment & supplies (outdoor storage is permitted)	N	N	N	N	N	N	N	N	N	N	C	C	C

STANDARD LAND USE TABLE BY ZONE

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial							Industrial		R&B
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
5100	Professional Equipment & Supplies - indoor storage only	N	N	N	N	N	N	N	N	<u>N</u>	P	P	P	N
5100	Transportation equipment, Other Machinery Equipment, & Supplies (Outdoor storage of vehicles & trailers is permitted)	N	N	N	N	N	N	N	N	<u>N</u>	C	C	C	N
5100	Metal & Minerals - includes Rock Products, Concrete, Asphalt - excludes liquid petroleum products & scrap	N	N	N	N	N	N	N	N	<u>N</u>	N	C	N	N
5100	Petroleum Bulk Stations & Terminals	N	N	N	N	N	N	N	N	<u>N</u>	N	C	N	N
5100	Scrap & Waste Materials	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N
5100	Tobacco & Tobacco Products - indoor storage only	N	N	N	N	N	N	N	N	<u>N</u>	P	P	P	N
5100	Beer, Wine, & Distilled Alcoholic Beverages - indoor storage only	N	N	N	N	N	N	N	N	<u>N</u>	P	P	P	N
5100	Paper & Paper Products - indoor storage only	N	N	N	N	N	N	N	N	<u>N</u>	P	P	P	N
5100	Furniture & Home furnishings - indoor storage only	N	N	N	N	N	N	N	N	<u>N</u>	P	P	P	N
5100	Lumber & Construction Materials (outdoor storage is permitted)	N	N	N	N	N	N	N	N	<u>N</u>	C	C	C	N
<b>RETAIL TRADE</b>														
5200	Lumber yards - outdoor storage	N	N	N	N	N	N	N	N	<u>N</u>	C	C	C	N
5200	Building Material, Equipment Supplies & Hardware - indoor storage only	N	N	N	P	P	P	P	P	<u>P</u>	P	N	P	N
5200	Farm Equipment	N	N	N	N	N	N	N	N	<u>N</u>	C	C	P	N
5300	Home Improvement Centers	N	N	N	P	P	P	P	P	<u>P</u>	P	N	P	N
5300	Department Stores	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	N
5300	Mail Order Houses	N	N	N	N	N	N	N	N	<u>N</u>	P	N	P	N
5300	Limited Price Variety Stores	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
5300	Direct Selling Organizations - Call Centers	N	N	N	N	N	C	C	C	<u>C</u>	C	N	C	C
5300	Arts, Crafts & Hobbies	N	N	N	P	P	P	P	P	<u>P</u>	P	N	P	N
5300	Musical Instruments	N	N	N	P	P	P	P	P	<u>P</u>	P	N	P	N
5300	Flea Market - indoor storage only	N	N	N	N	N	C	C	C	<u>C</u>	C	N	C	N
5300	Groceries &/or Food	N	N	N	P	P	P	P	P	<u>P</u>	P	N	P	N
5300	Farmers Market	N	P	N	N	N	C	C	C	<u>C</u>	C	N	C	N
5300	Candy & Other Confectionery Products	N	N	N	P	P	P	P	P	<u>P</u>	P	N	P	N

STANDARD LAND USE TABLE BY ZONE

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial							Industrial		R&B
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
5500	Motorcycles, Personal ATV, Personal Water Craft, & Snowmobile, Sales & Service	N	N	N	C	C	C	C	C	<u>C</u>	C	N	C	N
5500	Motor Vehicles/Trucks/Marine - New Vehicle Dealership only	N	N	N	C	C	P	P	P	<u>P</u>	C	N	P	N
5500	Used Cars/Trucks - Used Vehicle Sales Lots	N	N	N	N	C	N	P	P	<u>N</u>	N	C	P	N
5500	Mobile & Manufactured Homes Sales	N	N	N	N	N	N	N	N	<u>N</u>	C	C	P	N
5500	Tires, Batteries, & Accessories	N	N	N	C	C	P	P	P	<u>P</u>	P	N	P	N
5500	Gasoline Service Station with or Without Store	N	N	N	C	C	P	P	P	<u>P</u>	P	N	P	N
5500	Marine Craft & Accessories	N	N	N	N	N	C	C	C	<u>C</u>	C	N	P	N
5500	Aircraft & Accessories	N	N	N	N	N	N	N	N	<u>N</u>	N	N	P	N
5600	Clothing, Apparel, & Accessories	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	N
5700	Furniture & Home furnishings - indoor storage only	N	N	N	P	P	P	P	P	<u>P</u>	P	N	P	N
5700	Music Supplies	N	N	N	P	P	P	P	P	<u>P</u>	P	N	P	N
5800	Restaurants	N	N	N	P	P	P	P	P	<u>P</u>	P	C	P	P
5800	Fast Food	N	N	N	P	P	P	P	P	<u>P</u>	P	N	P	P
5900	Pharmacy	N	N	N	P	P	P	P	P	<u>P</u>	P	N	P	N
5900	Antiques	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
5900	Jeweler or Gold, Silver Dealers	N	N	N	C	C	P	P	P	<u>P</u>	P	N	N	N
5900	Secondhand Merchants - No outdoor storage except as CUP in LI zone	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
5900	Books	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	N
5900	Stationery	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	N
5900	Office Supplies	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	P
5900	Cigars - Cigarettes	N	N	N	N	N	N	N	N	<u>N</u>	P	N	P	N
5900	Newspapers/Magazines	N	N	N	P	P	P	P	P	<u>P</u>	P	N	P	N
5900	Cameras & Photographic Supplies	N	N	N	P	P	P	P	P	<u>P</u>	P	N	P	N
5900	Gifts, Novelties, & Souvenirs	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	N
5900	Florists	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	N
5900	Video Rentals	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	N
5900	Sporting Goods	N	N	N	P	P	P	P	P	<u>P</u>	P	N	P	N
5900	Bicycles	N	N	N	P	P	P	P	P	<u>P</u>	P	N	P	N
5900	Toys	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	N

STANDARD LAND USE TABLE BY ZONE

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial							Industrial		R&B
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
5900	Farm & Garden Supplies	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
5900	Hay, Grains, & Feed	N	N	N	N	N	C	C	C	<u>C</u>	C	N	P	N
5900	Nursery - Plants	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
5900	Computer Goods & Services	N	N	N	P	P	P	P	P	<u>P</u>	P	N	P	P
5900	Optical Goods	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	N
<b>SERVICES</b>														
6100	Professional Office Uses	N	N	N	P	P	P	P	P	<u>P</u>	P	P	P	P
6100	Chartered Banks, Credit Unions and Other Similar Financial Institutions	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	P
6100	Check Cashing and Other Payday Loans or Similar Credit Services	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N
6100	Security & Commodity Brokers, Dealers, & Exchanges	N	N	N	N	N	P	P	P	<u>P</u>	P	N	N	P
6100	Insurance Agents, Brokers, and Related Services	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	P
6100	Real Estate Agents, Brokers, and Related Services	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	P
6100	Title Abstracting	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	P
6200	Laundering and Dry Cleaning Services	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6200	Custom Tailoring	N	N	N	N	N	P	P	P	<u>P</u>	P	N	N	N
6200	Laundromats	N	N	N	N	N	P	P	P	<u>P</u>	P	N	N	N
6200	House Cleaning	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6200	Commercial Janitorial	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6200	Window Cleaning	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6200	Chimney Sweep	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6200	Photographic Services - Including Commercial	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	C
6200	Beauty & Barber Shops	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6200	Massage Therapy/Personal Care Health Spa	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6200	Funeral Homes	N	N	N	N	N	P	P	P	<u>P</u>	P	N	N	N
6200	Crematory Services	N	N	N	N	N	N	N	N	<u>N</u>	N	C	C	N
6200	Cemeteries	C	C	C	N	N	N	N	N	<u>N</u>	N	N	N	N
6200	Child Day Care - 5 to 16 children (4 or less not regulated)	C	N	N	N	N	P	P	P	<u>P</u>	C	N	N	C
6200	Commercial Adult Day Care Facility	See Section 17.70 and 17.72												

## STANDARD LAND USE TABLE BY ZONE

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		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
6200	Commercial Preschool	N	N	N	N	N	P	P	P	<u>P</u>	P	N	N	C
6200	Catering Services	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6200	Wedding Reception Centers	N	N	N	N	N	P	P	P	<u>P</u>	P	N	N	N
6300	Advertising Services - General	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	P
6300	Direct Mail Advertising	N	N	N	N	N	C	C	C	<u>C</u>	P	N	P	P
6300	Travel Services	N	N	N	N	N	P	P	P	<u>P</u>	P	N	N	P
6300	Private Postal Services	N	N	N	N	N	P	P	P	<u>P</u>	P	C	P	C
6300	Blueprinting & Photocopying	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	P
6300	Disinfecting & Exterminating	N	N	N	N	N	N	N	N	<u>N</u>	C	N	P	N
6300	Locksmithing	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6300	News Syndicate	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	P
6300	Employment Services	N	N	N	N	N	P	P	P	<u>P</u>	P	N	N	P
6300	Vault Security Storage - Mini-Storage ( <u>outdoor storage by Conditional Use only and is limited to 15% of total storage space and limited to personal recreational vehicles</u> )	N	N	N	N	N	N	N	N	<u>P</u>	P	N	P	N
6300	Research, Development, & Testing Services	N	N	N	N	N	C	C	C	<u>C</u>	P	N	P	P
6300	Business & Management Consulting	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	P
6300	Detective & Protective Services	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	P
6300	Heavy Equipment Rental & Leasing; Vehicles over 26,000 GVW	N	N	N	N	N	N	N	N	<u>N</u>	N	P	P	N
6300	Light Equipment Rental & Leasing; Automobile & Light-Truck Rental (No vehicles over 26,000 GVW)	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6300	Photo-Finishing	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6300	Stamp Trading	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6300	Motion Picture Distribution & Services	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6411	Automobile Wash	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6411	Auto Lube & Tune-up	N	N	N	N	N	C	C	C	<u>C</u>	P	N	P	N
6411	Auto Tire Shops / Tire Sales / Tire Services	N	N	N	C	N	C	C	C	<u>C</u>	P	N	P	N
6411	General Auto / Vehicle Repair	N	N	N	N	N	N	N	N	<u>N</u>	C	C	C	N
6400	Wrecking Yards	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N
6400	Impound Yards	N	N	N	N	N	N	N	N	<u>N</u>	N	C	C	N

## STANDARD LAND USE TABLE BY ZONE

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		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
6400	Small Engine, Appliance, Electrical, & Machine Repair	N	N	N	N	N	C	C	C	<u>C</u>	C	N	C	N
6400	Watch, Clock, & Jewelry Repair	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6400	Re-Upholstery & Furniture Repair	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6513	Medical, Dental, & Health Clinic Services / small, outpatient type services	N	N	N	N	N	P	P	P	<u>P</u>	P	N	N	P
6513	Hospital Services	N	N	N	N	N	C	C	C	<u>C</u>	C	N	N	N
6500	Medical & Dental Laboratories	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	P
6500	Veterinarian Services, Animal Hospitals - small animals only	N	C	N	N	N	C	C	C	<u>C</u>	C	N	C	N
6500	Veterinarian Services, Animal Hospitals - large animals	N	C	N	N	N	N	N	N	<u>N</u>	N	N	C	N
6500	Legal Services	N	N	N	P	N	P	P	P	<u>P</u>	P	N	P	N
6500	Engineering & Architectural	N	N	N	P	N	P	P	P	<u>P</u>	P	N	P	P
6500	Educational & Scientific Research	N	N	N	P	N	P	P	P	<u>P</u>	P	N	P	P
6500	Accounting, Auditing & Bookkeeping	N	N	N	P	N	P	P	P	<u>P</u>	P	N	P	P
6500	Urban Planning	N	N	N	P	N	P	P	P	<u>P</u>	P	N	P	P
6500	Auction Services - Indoor Only	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6500	Family & Behavioral Counseling	N	N	N	N	N	P	P	P	<u>P</u>	P	N	N	P
6500	Genealogical - Family History Services	N	N	N	N	N	P	P	P	<u>P</u>	P	N	N	P
6500	Interior Design	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	P
6600	Building Construction - General Contractor, Office & Storage	N	N	N	N	N	N	N	N	<u>N</u>	C	N	P	N
6600	Landscaping Service, Office & Storage	N	N	N	N	N	N	N	N	<u>N</u>	C	N	P	N
6800	Private Primary & Secondary Schools	C	N	N	N	N	C	C	C	<u>C</u>	C	N	C	N
6800	Universities & Colleges	N	N	N	N	N	C	C	C	<u>C</u>	C	N	C	C
6800	Professional & Vocational Schools	N	N	N	N	N	C	C	C	<u>C</u>	C	N	C	C
6800	Martial Arts Studios	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6800	Barber & Beauty Schools	N	N	N	N	N	P	P	P	<u>P</u>	P	N	N	N
6800	Art & Music Schools	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	C
6800	Dancing, Tumbling, and Gymnastics Schools	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	C
6800	Driving Schools	N	N	N	N	N	P	P	P	<u>P</u>	P	N	P	N
6911	Churches, Synagogues & Temples	C	C	C	N	N	N	N	N	<u>N</u>	C	N	N	C
6800	Adoption Agencies	N	N	N	N	N	P	P	P	<u>P</u>	P	N	N	P

STANDARD LAND USE TABLE BY ZONE

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial							Industrial		R&B	
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI		
6800	Professional Members Organizations	N	N	N	N	N	N	N	N	N	<u>N</u>	P	N	C	P
6800	Labor Unions & Similar Labor Organizations	N	N	N	N	N	N	N	N	N	<u>N</u>	P	N	C	P
6800	Civic, Social & Fraternal Associations	N	N	N	N	N	N	N	N	N	<u>N</u>	P	N	C	P
<b>PUBLIC ASSEMBLIES &amp; AMUSEMENTS</b>															
7100	Libraries	N	N	N	N	N	P	P	P	<u>P</u>	P	N	N	N	
7100	Museums	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	P	
7100	Art Galleries	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	P	
7100	Planetaria, Aquariums, Botanical Gardens, & Arboretums	N	C	N	N	N	P	P	P	<u>P</u>	P	N	N	C	
7100	Zoos	N	C	N	N	N	N	N	N	<u>N</u>	N	N	N	N	
7100	Sexually-Oriented Businesses	See Section 8.30 and 17.61													
7100	Amphitheaters	N	C	N	N	N	C	C	C	<u>C</u>	C	N	N	N	
7100	Motion Picture Theaters	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	N	
7100	Stage Theater	N	N	N	P	P	P	P	P	<u>P</u>	P	N	N	N	
7100	Dance Clubs/Music Venues	N	N	N	N	N	C	C	C	<u>C</u>	C	N	C	N	
7100	Stadiums	N	N	N	N	N	C	C	C	<u>C</u>	C	C	C	N	
7100	Arenas / Field Houses	N	N	N	N	N	C	C	C	<u>C</u>	C	N	C	N	
7100	Auditoriums & Exhibit Halls	N	N	N	N	N	C	C	C	<u>C</u>	C	N	N	N	
7100	Convention Centers	N	N	N	N	N	P	P	P	<u>P</u>	P	N	C	P	
7100	Fairgrounds	N	N	N	N	N	N	N	N	<u>N</u>	P	N	C	N	
7100	Amusements Parks	N	N	N	N	N	C	C	C	<u>C</u>	C	N	N	N	
7100	Arcades & Miniature Golf	N	N	N	C	C	C	C	C	<u>C</u>	P	N	N	N	
7100	Golf Driving Ranges	N	C	C	N	N	C	C	C	<u>C</u>	C	N	C	N	
7100	Go-Cart Tracks	N	N	N	N	N	N	N	N	<u>N</u>	N	N	C	N	
7100	Golf Courses &/ or Country Clubs	C	C	C	N	N	N	N	N	<u>N</u>	N	C	C	N	
7100	Tennis Courts - Private	N	N	N	C	C	C	C	C	<u>C</u>	P	N	C	P	
7100	Roller Skating & Blading	N	N	N	N	N	C	C	C	<u>C</u>	P	N	C	N	
7100	Skate Board Parks - Private	N	C	N	N	N	N	N	N	<u>N</u>	N	N	C	N	
7100	Skate Board Parks - Publicly Owned	See Section III - Appendix A													
7100	BMX Biking Tracks & Facilities	N	C	C	N	N	N	N	N	<u>N</u>	N	N	C	N	
7100	ATV / Motorcycle Tracks	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	
7100	Riding Stables - Commercial	C	C	C	N	N	N	N	N	<u>N</u>	P	N	C	N	
7100	Bowling Lanes	N	N	N	N	N	P	P	P	<u>P</u>	P	N	N	N	

## STANDARD LAND USE TABLE BY ZONE

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial							Industrial		R&B	
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI		
7100	Play Fields & Athletic Fields - Commercial	N	C	N	N	N	N	N	N	N	<u>N</u>	N	N	C	N
7100	Recreation Centers - General	N	N	N	P	P	C	C	C	<u>C</u>	P	N	C	N	
7100	Gymnasium & Athletic Clubs	N	N	N	P	P	C	C	C	<u>C</u>	P	N	C	C	
7100	Swimming Pools - Commercial	N	N	N	N	N	C	C	C	<u>C</u>	P	N	N	N	
7100	Indoor Soccer Facilities	N	N	N	N	N	N	N	N	<u>N</u>	P	N	C	N	
7100	Indoor Gun Ranges	N	C	C	N	N	C	C	C	<u>C</u>	C	N	C	N	
7100	Water Slides	N	N	N	N	N	C	C	C	<u>C</u>	P	N	N	N	
7100	Parks - General Recreation - Public Property	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
7100	Campgrounds	N	C	C	N	N	N	N	N	<u>N</u>	N	N	N	N	
<b>AGRICULTURE &amp; RESOURCE EXTRACTION</b>															
N/A	Commercial Farms & Ranches producing Pigs, Turkeys, Mink, or Chickens products	N	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N
N/A	Agricultural Related Activities: Commercial Production - large scale	N	C	C	N	N	C	C	C	<u>C</u>	C	C	C	N	
N/A	Horticultural Services	N	C	C	N	N	C	C	C	<u>C</u>	C	C	C	N	
N/A	Forestry & Timber Production	N	C	C	N	N	N	N	N	<u>N</u>	N	C	N	N	
N/A	All Fisheries & Fish Hatcheries	N	C	N	N	N	N	N	N	<u>N</u>	N	C	C	N	
N/A	All Mining & Related Services	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	
N/A	All Resource Production & Extraction	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	
N/A	Peat Extraction	N	C	N	N	N	N	N	N	<u>N</u>	C	C	C	N	
See LCC 17.18	CF zone (Commercial Farm) uses - See LCC 17.51														
<b>UNCLASSIFIED</b>															
N/A	All unclassified items	See Section III of SLU Table (Appendix A)													

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
James A. Dain, Mayor

ATTEST:

\_\_\_\_\_  
Kathryn A. Moosman,  
Lindon City Recorder

SEAL

**7. Public Hearing — Zone Map Amendment, 439 West Gillman Ln (Ord. #2013-13-O)** *(10 minutes)*

This is a request by Creig Fryer to rezone property currently split zoned Residential Single Family (R1-20) and General Commercial (CG) to the General Commercial—Storage (CG-S) zone. The Planning Commission recommended approval of the request.

**Presenting Staff:** Hugh Van Wagenen, Planning Director

See attached information.

## Public Hearing — Zoning Map Amendment

**Presenting Staff:** *Hugh Van Wagenen*

**Applicant:** *Creig Fryer*

**Location:** *439 West Gillman Lane*

**Zone:** *Split zoned General Commercial (CG) and Single Family Residential (R1-20)*

**Acreage:** *1.6 acres*

### Summary

This is a request by Creig Fryer to rezone property currently split zoned Residential Single Family (R1-20) and General Commercial (CG) to the General Commercial—Storage (CG-S) zone. This change would permit Vault Security Storage/Mini-Storage as a permitted use on the property.

### Contingent Upon Creation of CG-S zone

The CG-S zone will only exist upon approval of the ordinance amendment that creates the CG-S zone. If that amendment did not pass, this zone change is not an option at this time.

### Benefits

There are several properties located in the CG zone that do not have frontage along major traffic corridors. The Fryer property is one of them. Rezoning this property allows an additional permitted use on the property mini-storage units that allows the owners to realize a viable use of the property.

### Citizen Letter

Lindsey Bayless wrote a letter to the Planning Commission concerning the proposed zone change. The letter is included below.

### Concept

The applicant has provided a concept sketch and several pictures of existing storage facilities that he hopes to mimic. They are attached below.

### Planning Commission Recommendation

The Planning Commission recommended approval of the zone change upon condition that the CG-S zone was created by previous amendment.

**Motion:** I move to (approve, deny, continue) the zone map amendment from General Commercial/Single Family Residential to CG-S on the property located at 439 West Gillman Lane along

**ORDINANCE NO. 2013-13-O**

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING AMENDING PORTIONS OF THE LINDON CITY ZONING MAP FROM CG/R1-20 TO CG-S AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Municipal Council of Lindon City finds it is necessary to amend portions of the Lindon City Zoning Map, specifically the property generally located at 439 West Gillman Lane (See map labeled as Exhibit A) from CG/R1-20 to CG-S, finding that approval of such would benefit the city; and

WHEREAS, the City finds it is necessary to create a commercial zone that allows for an additional use of vault security/min-storage that are more appropriate for specific locations of the community; and

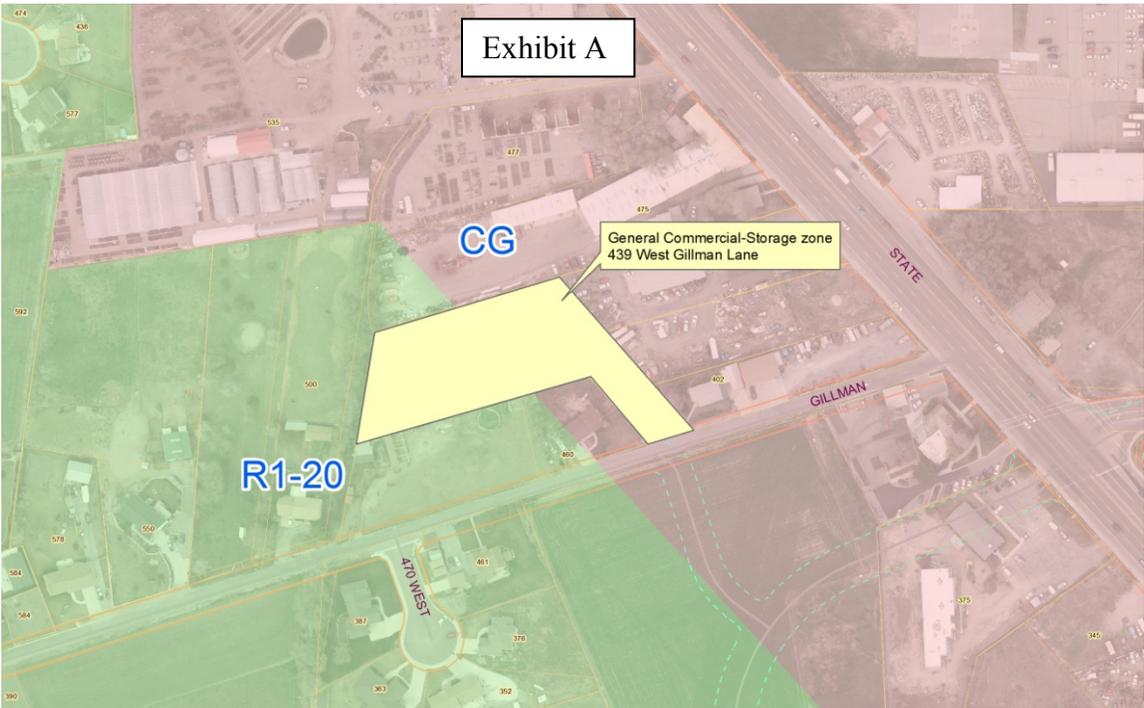
WHEREAS, the Planning Commission recommended adoption of revised provisions, and the revision of such provisions will assist in carrying out general plan goals related to the promotion of businesses and industry within the City, and said changes are compatible with land use guidelines as found in the General Plan; and

WHEREAS, the current ordinance should be amended to provide such provisions and be added to the Municipal Code of Lindon City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, the Lindon City Zoning Map is hereby amended and will read as follows:

**SECTION I:**

See Exhibit A showing parcel changing from CG to SHFO on the Lindon City Zoning Map.



**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 \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
James A. Dain, Mayor

ATTEST:

\_\_\_\_\_  
Kathryn A. Moosman,  
Lindon City Recorder

SEAL

Dear Planning Commission,

9 November, 2013

Thank you for the opportunity to give our input regarding the proposed zone change on the property located at 439 West Gillman Lane. As our home is located at 500 West Gillman Lane, we are certainly impacted by this proposed zone change. Also, our property runs northwards to the south boundary of Linden Nursery and approximately half of our property depth is bordered by the property under consideration for the zone change.

We understand that the CG zone was developed to run parallel to State Street at a depth of 500 feet to each side of State Street. Unless the property has already been amended to the zone, it would appear that not all of the property under consideration is presently zoned CG.

A major concern regarding the proposed use, which would be facilitated by the zone change, is the narrowness of Gillman Lane. When the proposed road realignment takes place, extending 4<sup>th</sup> West and taking traffic through the property where the Bible Church is presently located, a full sized road will directly approach the proposed storage units with a signaled turn from State Street. At the present time, however, Gillman Lane presents a very difficult and dangerous turn across traffic for accessing both the lane for northbound traffic on State Street and entering Gillman Lane from north bound State Street. As there is a great potential that trucks, probably with trailers, will be the major traffic travelling in and out of the storage facility, it may well cause either:

Potential dangerous traffic activity for those turning on to Gillman Lane from northbound State Street and for those turning northbound from Gillman Lane onto State Street.

And/or

Increased truck and trailer traffic travelling on westbound Gillman Lane, which is sub-sized and not suitable for heavy traffic, in order for the storage unit renters to avoid the problems with accessing State Street. Neither scenario seems prudent.

If the proposed zone change is allowed, we would request that the requirement for a full height masonry fence bordering residential property be enforced. While our property adjoining the proposed storage facility is presently in agricultural use, it is probably inevitable that development will occur on our property. Our property is zoned for residential use and, to avoid a very negative impact for future home sites, a masonry fence would be the only viable option to separate the home sites from the activity and appearance of a storage facility.

Jon Bayless

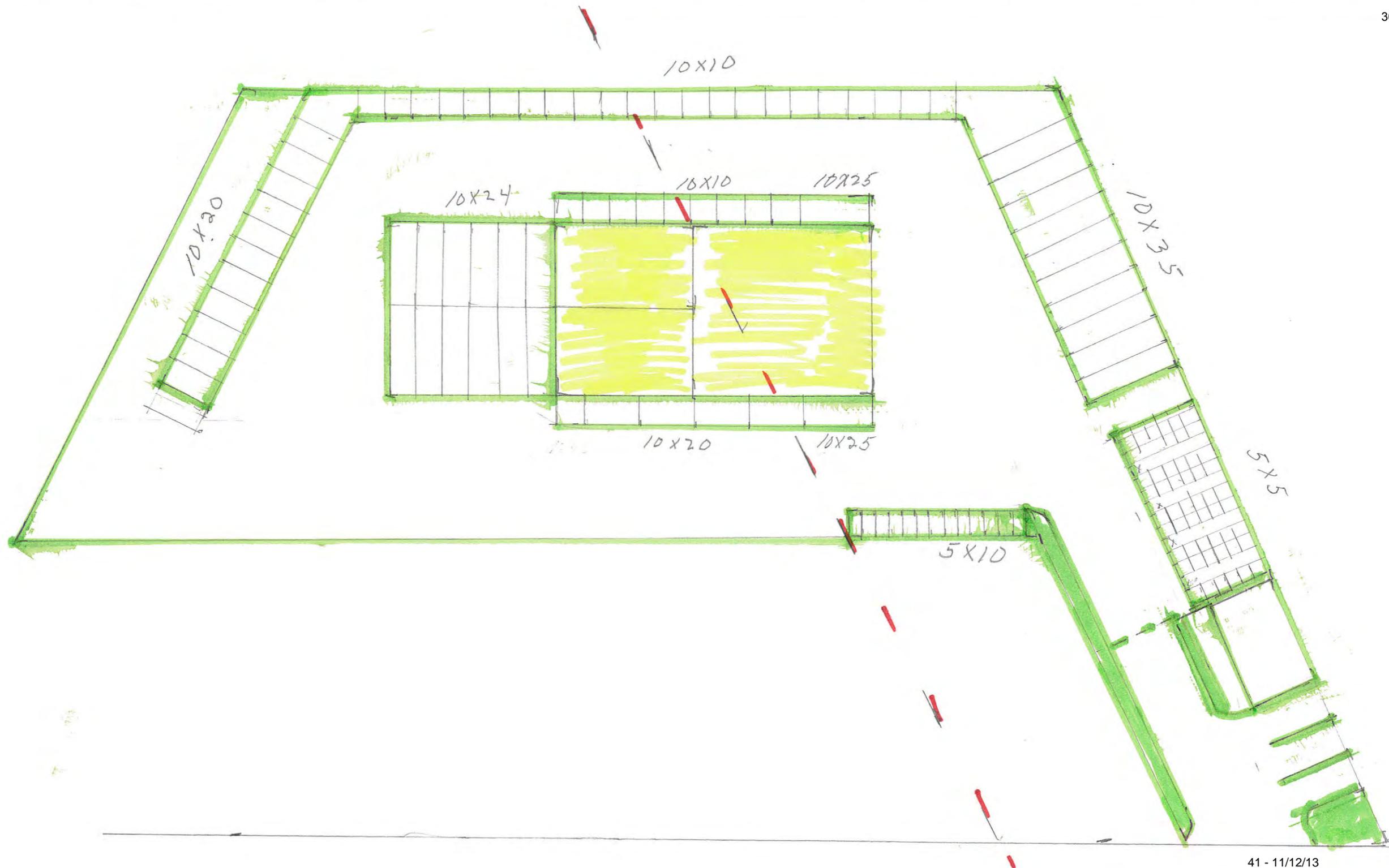
Lindsey Bayless

500 West Gillman Lane, Lindon

Community Development  
Lindon City

NOV 11 2013

RECEIVED





**8. Review & Action — Development Agreement, Ivory Development LLC**  
**(Resolution #2013-16-R)**

*(10 minutes)*

This is a request by staff for City Council review and consideration of a development agreement between Lindon City and Ivory Development LLC (Ivory Homes) that will facilitate waiver of storm water impact fees on individual lots within the Cullimore Court Subdivision in lieu of payment for off-site storm water improvements made by Ivory Development.

**Presenting Staff:** Hugh Van Wagenen, Planning Director

See attached information.

## **Review & Action — Development Agreement, Ivory Development (Resolution #2013-16-R)**

**Presenting Staff:** *Hugh Van Wagenen*

**Applicant:** *Lindon City, Ivory Development LLC*

**Location:** *Cullimore Court Subdivision*

### **Summary**

This is a request by staff for City Council review and consideration of a development agreement between Lindon City and Ivory Development LLC (Ivory Homes) that will facilitate waiver of storm water impact fees on individual lots within the Cullimore Court Subdivision in lieu of payment for off-site storm water improvements made by Ivory Development.

**RESOLUTION NO. 2013-16-R**

**A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN LINDON CITY AND IVORY HOMES LTD. (HEREAFTER REFERRED TO AS IVORY), AND SETTING AN EFFECTIVE DATE.**

WHEREAS, Ivory owns property in Lindon, which it wishes to develop into a residential subdivision know as Cullimore Court; and

WHEREAS, Lindon’s general plan anticipates further residential growth and construction in the approximate vicinity of Ivory's proposed subdivision which will be serviced by connecting into the storm water drainage system in Cullimore Court and thereby requiring the infrastructure to handle a higher capacity of storm water than would otherwise be necessitated by Ivory's planned subdivision; and

WHEREAS, the parties have identified the size and capacity of the storm water drainage system Ivory would be required to install for the Cullimore Court subdivision under Lindon's building code and development requirements and what additional capacity is required to meet the needs of future, anticipated development; and

WHEREAS, it is not Ivory's responsibility to provide this extra capacity, however, it is agreed that it is beneficial to both parties to install the higher capacity storm water drainage system when Ivory installs its required infrastructure; and

WHEREAS, Lindon agrees to compensate Ivory for installing and constructing the oversized storm water drainage system in the forms of credits against Lindon's Storm Water Impact Fee.

THEREFORE, BE IT RESOLVED by the Lindon City Council as follows:

**Section 1.** A Development Agreement between Lindon City and Ivory is hereby approved and attached as ‘Exhibit A’.

**Section 2.** This resolution shall take effect immediately upon passage.

Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

By \_\_\_\_\_  
James A. Dain, Mayor

Attest:

By \_\_\_\_\_  
Kathryn Moosman, City Recorder

SEAL:

## **DEVELOPMENT AGREEMENT**

This development agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between Lindon City, a Utah municipal corporation (hereafter referred to as Lindon) and IVORY HOMES LTD. (hereafter referred to as Ivory).

### **RECITALS**

WHEREAS, Ivory owns property in Lindon, which it wishes to develop into a residential subdivision know as Cullimore Court; and

WHEREAS, Lindon's general plan anticipates further residential growth and construction in the approximate vicinity of Ivory's proposed subdivision which will be serviced by connecting into the storm water drainage system in Cullimore Court and thereby requiring the infrastructure to handle a higher capacity of storm water than would otherwise be necessitated by Ivory's planned subdivision; and

WHEREAS, the parties have identified the size and capacity of the storm water drainage system Ivory would be required to install for the Cullimore Court subdivision under Lindon's building code and development requirements and what additional capacity is required to meet the needs of future, anticipated development; and

WHEREAS, it is not Ivory's responsibility to provide this extra capacity, however, it is agreed that it is beneficial to both parties to install the higher capacity storm water drainage system when Ivory installs its required infrastructure; and

WHEREAS, Lindon agrees to compensate Ivory for installing and constructing the oversized storm water drainage system in the forms of credits against Lindon's Storm Water Impact Fee.

NOW THEREFORE, in consideration of the foregoing recitals and the following mutual promises, the parties agree to the following.

### **TERMS**

**1. Installation of Oversized Storm Drainage Infrastructure.**

1.1\_ Ivory agrees to install and construct the storm water drainage system in its subdivision located in Lindon City, which is known as the Cullimore Court subdivision, in the manner set forth in the plans attached hereto as Exhibit A, including, but not limited to, pipe sizes and the number and locations of inlets.

1.2\_ Ivory agrees that it shall be responsible to furnish the materials and labor in installing the infrastructure as shown in Exhibit A and shall hold Lindon harmless

against any liens or claims relating to the installation or construction of such infrastructure that might be filed by any third party against the City.

2. **Credits Against Storm Water Impact Fee.**

- 2.1 The parties agree that the costs of the extra capacity in the storm water drainage systems is \$2,282.43 (Two Thousand Two Hundred Eighty Two Dollars and 43 Cents) for pipe over sizing and \$4,950 (Four Thousand Nine Hundred Fifty Dollars and no Cents) for the increased capacity in the inlets for a total Reimbursement Credit of \$7,232.43 (Seven Thousand Two Hundred Thirty-Two Dollars and 43 Cents).
- 2.2 Ivory shall be compensated for the cost set forth in Section 2.1 through a credit against the Lindon City's Storm Water Impact Fee in the amount of \$516.61 (Five Hundred Sixteen Dollars and 61 Cents) per lot. This credit does not completely satisfy the Storm Water Impact Fee on a lot, and Ivory shall be responsible to pay the remaining amount of this impact fee when securing a building permit. (The storm water impact fee is \$799.00, leaving a remaining balance of \$282.39 for the Storm Water Impact Feet to be paid on each lot.)
- 2.3 The Credit set forth in Section 2.2 shall be available to be used and applied to only Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, in the Cullimore Court Subdivision.
- 2.4 The credits established by the Agreement shall in no way be deemed to create or give rise to an affirmative obligation on the part of Lindon to provide to Ivory any cash or other liquid asset, to provide any labor or materials, or to provide any specific performance other than to grant the credits as established and set forth herein.

3. **Covenants Run with the Land.** The covenants of this Agreement run with the land.

4. **Remedies Upon Default.** In the event of the default by any party to this agreement, the non-defaulting party shall be entitled to collect from the defaulting party its provable damages, including its reasonable attorney fees and expenses. In addition, the parties acknowledge that the remedies of damages may not always be sufficient and the parties hereby consent to the court's imposition of specific performance or injunctive relief. All rights and remedies under this agreement, or statute, or common law shall be deemed cumulative and the selection of one of the rights or remedies shall not be deemed a waiver of any other right or remedy.

5. **Non-Waiver.** Failure of any party to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future date any such right or any other right it may have.

6. **Severability.** If any provision of this agreement is held by a court of competent jurisdiction to be invalid for any reason, the parties consider and intend that this agreement shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this agreement shall remain in full force and affect.
7. **No Joint Venture/No Third Party Beneficiaries.** This agreement does not create a joint venture relationship, partnership or agency relationship between the parties. Further, the parties do not intend this agreement to create any third-party beneficiary rights. The parties acknowledge that this agreement refers to a private development and that Lindon has no interest in, responsibility for or duty to any third parties concerning the development.
8. **Applicable Law.** This agreement is entered into in Utah County, Utah, and shall be construed in accordance with the laws of the State of Utah.
9. **Venue.** Any action to enforce this agreement shall be brought only in the Fourth District Court for the State of Utah.
10. **Notices.** All notices required or permitted under this agreement shall be given in writing by certified mail and regular mail to the following addresses:

To Lindon:                    Adam Cowie  
                                       Lindon City Administrator  
                                       Lindon City  
                                       100 North State Street  
                                       Lindon, Utah 84042

With copies to:            Brian Haws  
                                       230 South Pleasant Grove Blvd.  
                                       Suite 201  
                                       Pleasant Grove, Utah 84003

To Ivory Homes:

With copies to:

The addresses for notice may be modified by either party or their successors by written notice to the other party.

11. **Entire Agreement.** This agreement is the entire agreement between the parties and may not be amended or modified except by a subsequent written amendment signed by both parties.

Made and entered into as of the date and year first written above.

**LINDON CITY**

**Ivory Homes LTD.**

By: \_\_\_\_\_  
James A. Dain  
Lindon City Mayor

By: \_\_\_\_\_  
Its: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Kathryn Moosman  
Lindon City Recorder

**9. Public Hearing — Ordinance Amendment, LCC 17.09 Table #1 (Ord. #2013-14-O) (15 minutes)**

This is a City initiated request to amend the Land Use and Appeal Authorities for certain land use applications as specified in LCC 17.09 Table #1. The Planning Commission recommended approval of the amendment.

**Presenting Staff:** Hugh Van Wagenen, Planning Director

See attached information.

## Public Hearing — Ordinance Amendment, LCC 17.09 Table #1

**Presenting Staff:** *Hugh Van Wagenen*

**Applicant:** *City Initiated*

### Summary

In an effort to streamline the approval process for land use applications within the City and to make the most efficient use of public meeting time, the City is considering changes to LCC 17.09 Table #1. This table designates what body is the final land use authority and appeal authority for specific land use applications. The proposed changes are adding a major subdivision category with the City Council as the Final Authority and Board of Adjustment as the Appeal Authority; adding a minor subdivision category with the Planning Commission as the Final Authority and City Council as Appeal Authority; allowing the Planning Commission to be the Final Authority on Plat Amendments with the City Council acting as the Appeal Authority.

### Planning Commission Recommendation

The Planning Commission recommended unanimous approval of this ordinance amendment to the City Council.

**Motion:** I move to (approve, deny, continue) the amendment to LCC 17.09, Table #1 as shown with the following conditions (if any):

**ORDINANCE NO. 2013-14-O**

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING CHAPTER 17.09 OF THE LINDON CITY CODE TITLED LAND USE APPEAL AUTHORITY, SPECIFICALLY AMENDING TABLE #1 OF 17.09 OF THE LINDON CITY CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Municipal Council of Lindon City finds it is necessary to amend the ordinance language found in Lindon City Code 17.09 Table #1, amending the Final Land Use Authority for certain land use applications, finding that approval of such would benefit the city; and

WHEREAS, the City finds it is necessary to be efficient and effective with public and private resources and time by streamlining processes and land use application decisions; and

WHEREAS, the Planning Commission recommended adoption of amended provisions, and the amending of such provisions will assist in carrying out general plan goals related to the promotion of businesses and industry within the City, and said changes are compatible with land use guidelines as found in the General Plan; and

WHEREAS, the current ordinance should be amended to provide such provisions and be added to the Municipal Code of Lindon City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, Chapter 17.09 Table #1 is hereby amended and will read as follows:

<b>LCC 17.09, Table #1</b>		
<b>Land Use Application</b>	<b>Land Use Authority</b>	<b>Appeal Authority</b>
General Plan Amendment	City Council	None
Zone Change & Zoning Ordinance Amendments	City Council	None
Major Subdivisions	City Council	Board of Adjustment
Minor Subdivisions*	<u>Planning Commission</u>	<u>City Council</u>
Plat Amendment*	<del>City Council</del> <u>Planning Commission</u>	<del>Board of Adjustment</del> <u>City Council</u>
Alteration of Non-Conforming Use	City Council	Board of Adjustment
Reimbursement Agreement	City Council	Board of Adjustment
Property Line Adjustment*	City Staff	Planning Commission
Building Permit*	City Staff	Planning Commission
Temporary Site Plan*	City Staff	Planning Commission
Site Plan*	Planning Commission	City Council
Conditional Use Permit*	Planning Commission	City Council
Temporary Conditional Use Permit*	Planning Commission	City Council
Variances	Board of Adjustment	None
Other Administrative actions as listed in code or performed through department policy*	City Staff, Planning Commission, City Council	Board of Adjustment
Other Legislative actions	City Council	None

\*In cases where the City Council implements LCC 17.08.090 and becomes the land use authority, the appeal authority becomes the Board of Adjustment.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
James A. Dain, Mayor

ATTEST:

\_\_\_\_\_  
Kathryn A. Moosman,  
Lindon City Recorder

SEAL

**10. Public Hearing — Ordinance Amendment, LCC Appendix A, SLU table (Ord. #2013-15-O)**  
*(10 minutes)*

This is a City initiated request to amend the SLU table to make Bed & Breakfast Facilities a non-permitted use in residential zones throughout the City. The Planning Commission recommended approval of the amendment.

**Presenting Staff:** Hugh Van Wagenen, Planning Director

See attached information.

## Public Hearing — Ordinance Amendment LCC Standard Land Use Table

**Presenting Staff:** *Hugh Van Wagenen*

**Applicant:** *City Initiated*

**Zone:** *Residential Zones*

### Summary

This is a City initiated request to amend the SLU table to make Bed & Breakfast Facilities a non-permitted use in residential zones throughout the City. Recommendations will be made to the City Council at the next available meeting.

### Background

Earlier this year, a resident applied for a Conditional Use Permit to operate a Bed & Breakfast in her home in the R1-12 zone. This request concerned several neighbors as well as Commissioners and Council Members who did not realize the effect of allowing Bed & Breakfast facilities as a conditional use in residential neighborhoods. Based on these concerns, the City is considering removing “Residential Bed & Breakfast Facility — 3 rooms or less” as a conditional use in residential zones.

### Planning Commission Recommendation

The Planning Commission recommended approval of the ordinance amendment prohibiting bed & breakfast uses in residential zones. However, the Commission also stated they would entertain such a use on lots of one acre or larger, if the Council were interested in pursuing that option.

**Motion:** I move to (approve, deny, continue) the ordinance amendment to LCC Standard Land Use Table which prohibits “Residential Bed & Breakfast Facility — 3 rooms or less” in residential zones with the following conditions (if any):

**ORDINANCE NO. 2013-15-O**

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING THE STANDARD LAND USE TABLE, SPECIFICALLY “RESIDENTIAL BED & BREAKFAST FACILITY—3 ROOMS OR LESS” OF THE LINDON CITY CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Municipal Council of Lindon City finds it is necessary to amend the permitted uses found in Lindon City Code Standard Land Use Table regarding Residential Bed & Breakfast Facilities, finding that prohibition of such would benefit the city; and

WHEREAS, the City finds it is necessary to prohibit such uses in order minimize the impact of commercial businesses in residential neighborhoods; and

WHEREAS, the Planning Commission recommended adoption of revised provisions, and the revision of such provisions will assist in carrying out general plan goals related to maintaining the quality of existing and future neighborhoods, and said changes are compatible with land use guidelines as found in the General Plan; and

WHEREAS, the current ordinance should be amended to provide such provisions and be added to the Municipal Code of Lindon City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, the “Residential Bed & Breakfast Facility—3 Rooms or less” of the Standard Land Use Table of the Lindon City Code is hereby amended and will read as follows:

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial					Industrial		R&B	
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	MC	HI	LI	
RESIDENTIAL													
1300	Residential Bed & Breakfast Facility - 3 rooms or less	C N	N	N	N	N	N	N	N	N	N	N	N

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2013.

---

James A. Dain, Mayor

ATTEST:

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Kathryn A. Moosman,  
Lindon City Recorder

SEAL

**II. Public Hearing — Ordinance Amendment, LCC 3.05 PARC Tax (Ord. #2013-16-O)** (10 minutes)

This is a City initiated request to create LCC Chapter 3.05 Parks, Arts, Recreation and Culture Tax, which will enact and levy a tax to finance cultural and recreational facilities and ongoing operations, and to finance operations of cultural organizations within Lindon City pursuant to U.C.A. § 59-12-1402. Said tax shall be known as the Parks, Arts, Recreation, and Culture Tax, or 'PARC' Tax.

**Presenting Staff:** Adam Cowie, City Administrator

See attached information.

**Sample Motion:** I move to (approve, deny) Ordinance #2103-16-O creating LCC Chapter 3.05 Parks, Arts, Recreation and Culture Tax and direct staff to notify the State of the PARC tax approval.

**ORDINANCE NO. 2013-16-O**

**AN ORDINANCE OF LINDON CITY, UTAH, ENACTING AND LEVYING A TAX TO FINANCE CULTURAL AND RECREATIONAL FACILITIES AND ONGOING OPERATIONS, AND TO FINANCE ONGOING OPERATIONS OF CULTURAL ORGANIZATIONS WITHIN LINDON CITY PURSUANT TO U. C. A. § 59-12-1402. (KNOWN AS THE PARKS, ARTS, RECREATION, AND CULTURE TAX OR "PARC" TAX)**

WHEREAS, the Lindon City Council adopted a resolution submitting an opinion question to the residents of Lindon City as to whether or not Lindon City should be authorized to impose a 0.1% (one tenth of one percent) sales and use tax for the purposed of financing cultural and recreational facilities and ongoing operations, and to finance ongoing operations of cultural organizations within Lindon City, and which tax would remain in place for a period of ten years; and

WHEREAS, § 59-12-1402 of the Utah Code Ann. 1953, authorizes the City to enact the PARC tax once the City Council has determined that a majority of the City's registered voters voting on the imposition of the tax have voted in favor of the imposition of the tax; and

WHEREAS, the City Council has determined that 66.7% of the citizens of Lindon City who voted in the general election held on November 5, 2013 favored enactment of the PARC tax, and

WHEREAS, the votes were canvassed and certified by the Lindon City Board of Canvassers (City Council) on November, 19, 2013; and

WHEREAS, § 59-12-1402 requires that this Ordinance enacting the PARC tax be approved by a majority of all of the members of the City Council and having had at least three members of Lindon City's Council vote in the affirmative in adopting this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Lindon City Council of Lindon City, Utah as follows:

PART I. Title 3 -Revenue and Finance- of the Lindon City Code is hereby amended to enact Chapter 3.05 Parks, Arts, Recreation and Culture Tax and shall read as follows:

**CHAPTER 3.05**  
**PARKS, ARTS, RECREATION AND CULTURE TAX**

- 3.05.010      Short Title
- 3.05.020      Statutory Authority
- 3.05.030      Purpose
- 3.05.040      Imposition of Tax and Amount
- 3.05.050      Use of Revenues
- 3.05.060      Collection and Duration
- 3.05.070      Distribution of Revenues

3.05.080 Effective Date

3.05.010 Short Title.

This Chapter shall be known as the Parks, Arts, Recreation and Culture Tax (PARC Tax) Ordinance.

3.05.020 Statutory Authority.

The authority for imposing the PARC tax is derived from Title 59, Chapter 12, Section 1401 et seq., U.C.A.

3.05.030 Purpose.

The purpose of this Chapter is to enact and levy a Parks, Arts, Recreation and Culture Tax (known as the PARC Tax) to be used to finance cultural and recreational facilities and associated ongoing operations, and to finance ongoing operations of cultural organizations within Lindon City.

3.05.040 Imposition of Tax and Amount.

1. There is levied for collection a local sales and use tax in the amount of one-tenth of one percent (0.1%) on the transactions within Lindon City as described in Subsection 59-12-103(1) of the U.C.A., except such transactions that are exempt from sales and use tax under §59-12-104 of the U.C.A.

2. Pursuant to U.C.A. §59-12-1402(1)(c) and (e) of the U.C.A., the PARC Tax shall not be imposed on amounts paid for food or food ingredients, unless the food or food ingredients are sold as part of a bundled transaction attributable to food and food ingredients and tangible personal property other than food and food ingredients.

3.05.050 Use of Revenues.

Revenues received from local sales and use taxes levied pursuant to this Chapter shall be used solely for the purpose of financing cultural and recreational facilities and associated ongoing operations, and for financing ongoing operations of cultural organizations within Lindon City.

3.05.060 Collection and Duration.

Taxes enacted under this Chapter shall be:

1. Collected, and enforced in accordance with the same procedures used to administer, collect, and enforce taxes under U.C.A., Title 59, Part 1(Tax Collection) and Part 2 (Local Sales and Use Tax Act); and

2. Levied for a period of ten years, and may be reauthorized pursuant to the procedures set for in § 59-12-1401 et seq. of the U.C.A.

3.05.070 Distribution of Revenues.

1. The distribution and use of revenues and the determination of eligible operating expenses shall be made by the Lindon City Council. The City Council may adopt supplementary policies and procedures to regulate the distribution of PARC Tax revenues.

2. The determination of uses of revenue and of eligible operating expenses shall be made in accordance with the provision of this Chapter and with the requirements of § 59-12-1401 et seq. of the U.C.A.

3.05.080 Effective Date.

The enactment of the PARC Tax Ordinance is December 3, 2013 and the effective date of the tax is April 1, 2014. The tax shall take effect pursuant to the requirements and procedures set forth in § 59-12-1402 of the U.C.A.

**PART II. Severability.**

Severability is intended throughout and within the provisions of this ordinance. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this ordinance.

**PART III. Effective Date.**

This ordinance shall be deemed to be enacted immediately upon its passage and posting as provided by law and shall take effect pursuant to the requirements and procedures set forth in § 59-12-1402 of the U.C.A.

PASSED AND APPROVED by the City Council of Lindon City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
JAMES A. DAIN,  
Mayor

ATTEST:

\_\_\_\_\_  
KATHRYN A. MOOSMAN,  
City Recorder

**12. Public Hearing — Ordinance Amendment, LCC 1.20 Policies & Procedures (Ord. #2013-17-O)**  
(5 minutes)

This is a City initiated request to create LCC Chapter 1.20 Policies and Procedures, to recognize by ordinance the creation and authority of adopted policies and procedures for employees and other city business.

**Presenting Staff:** Adam Cowie, City Administrator

See attached information.

**Sample Motion:** I move to (approve, deny) Ordinance #2013-17-O creating LCC 1.20 Policies and Procedures.

**ORDINANCE NO. 2013-17-O**

**AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING LINDON CITY CODE (LCC) TITLE 1, ENACTING CHAPTER 1.20 POLICIES AND PROCEDURES, AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Municipal Council of Lindon City finds it is necessary to amend the ordinance regulations found in LCC Title 1, enacting Chapter 1.20 Policies and Procedures; and

WHEREAS, a Lindon City Policies and Procedures Manual has been created but not officially recognized by ordinance in the Lindon City Code, and

WHEREAS, enactment of the ordinance will facilitate official ordinance authorization for creation and adoption of policies and procedures necessary for the orderly and efficient implementation of various administrative and employee functions within the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, LCC Chapter 1.20 is hereby created and will read as follows in Section I:

**SECTION I:**

Chapter 1.20  
POLICIES AND PROCEDURES

Sections:

- 1.20.10 Purpose
- 1.20.20 Policies and Procedures Manual
- 1.20.30 Policies do not constitute an employee contract

Section 1.20.10 Purpose

The Lindon City Policies and Procedures Manual (herein referenced as the ‘Manual’) shall be created to govern the administrative functions and employee policies of the City that are not otherwise outlined within Lindon City Code. The Manual should identify the organizational structure, rules, benefits, responsibilities, and obligations of employment with the City including policies on topics such as risk management, proper use of city property and equipment, purchasing and procurement, personnel policies, employee benefits, performance responsibilities, etc.

Section 1.20.20 Policies and Procedures Manual

The Lindon City Policies and Procedures Manual as is currently constituted, and as may be amended from time to time, is hereby authorized as an official regulatory document of Lindon City and is supplementary to the ordinances thereof. Minor alterations to the Manual can be authorized by the City Administrator, with periodic ratification by the City Council. Significant policy changes to the Manual shall be subject to approval by the City Council after recommendation by the City Administrator.

Section 1.20.30 Policies do not constitute an employee contract

1. The policies and procedures expressed in the Manual, as well as those in associated personnel materials which may be issued from time to time, do not create a binding contract, agreement, obligation or liability on the part of the City. The City disclaims any construction of the Manual as, or implication of, an

- 1     employment contract.
- 2     2. The Manual should not be construed to limit the City’s right to discharge employees or to create any other
- 3     obligation or liability on the City. The City reserves the right to unilaterally change or make exceptions to
- 4     the policies and procedures stated in the manual at any time, for any reason.
- 5     3. No supervisor, manager, or representative of the City other than the Mayor or City Administrator, has the
- 6     authority to enter into any agreement with an individual for employment for any specified period or to
- 7     make any promises or commitments contrary to the contents of the Manual. Any actual employment
- 8     agreement must be in writing and signed by the Mayor or City Administrator.

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10

11 **SECTION II:** Provisions of other ordinances in conflict with this ordinance and the provisions adopted or

12 incorporated by reference are hereby repealed or amended as provided herein.

13

14 **SECTION III:** The provisions of this ordinance and the provisions adopted or incorporated by reference are

15 severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court

16 of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full

17 force and effect.

18

19 **SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as provided by

20 law.

21

22             PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this

23 \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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27 \_\_\_\_\_

28 James A. Dain, Mayor

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30 ATTEST:

SEAL

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32 \_\_\_\_\_

33 Kathryn A. Moosman,

34 Lindon City Recorder

**13. Public Hearing — Ordinance Amendment, LCC 1.30 Purchasing and Procurement  
(Ord. #2013-18-O)**

*(5 minutes)*

This is a City initiated request to create LCC Chapter 1.30 Purchasing and Procurement, to recognize by ordinance the creation and authority of adopted purchasing policies that will be included in the Lindon City Policies and Procedures Manual.

**Presenting Staff:** Adam Cowie, City Administrator

See attached information.

**Sample Motion:** I move to (approve, deny) Ordinance #2013-18-O creating LCC 1.30 Purchasing and Procurement.

**ORDINANCE NO. 2013-18-O**

**AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING LINDON CITY CODE (LCC) TITLE 1, ENACTING CHAPTER 1.30 PURCHASING AND PROCUREMENT, AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Municipal Council of Lindon City finds it is necessary to amend the ordinance regulations found in LCC Title 1, enacting Chapter 1.30 Purchasing and Procurement; and

WHEREAS, enactment of the ordinance will authorize implementation of official provisions to govern the fair and legal purchase of goods and services for Lindon City and allow creation of policies and procedures as needed to supplement and carry out the intent of the ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, LCC Chapter 1.30 is hereby created and will read as follows in Section I:

**SECTION I:**

Chapter 1.30  
PURCHASING AND PROCUREMENT

Sections:

- 1.20.10 Purpose and Adoption
- 1.20.20 Purchasing and Procurement Policies and Procedures

Section 1.20.10 Purpose and Adoption

Pursuant to Utah Code Annotated §10-6-122, §10-7-20, §10-8-1, §10-8-2, and other pertinent provisions of the laws of the State of Utah, the Lindon City Council hereby adopts and establishes this Purchasing and Procurement ordinance to fairly and legally govern the purchase and procurement of goods and services by the City.

Section 1.20.20 Purchasing and Procurement Policies and Procedures

Policies and procedures to regulate the creation and administration of the Purchasing and Procurement system for Lindon City shall henceforth be located within the Lindon City Policies and Procedures Manual as is currently constituted, and as may be amended from time to time. Purchasing and procurement policies adopted as part of the Lindon City Policies and Procedures Manual are hereby authorized as an official regulatory document of Lindon City and are supplementary to the ordinances thereof. Minor alterations to the Lindon City Policies and Procedures Manual, including Purchasing and Procurement policies, can be authorized by the City Administrator, with periodic ratification by the City Council. Significant changes to the Purchasing and Procurement policies within the Lindon City Policies and Procedures Manual shall be subject to approval by the City Council after recommendation by the City Administrator.

**SECTION II:** 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 III:** The provisions of this ordinance and the provisions adopted or incorporated by reference are

1 severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court  
2 of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full  
3 force and effect.

4  
5 **SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as provided by  
6 law.

7  
8 PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this  
9 \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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11  
12 \_\_\_\_\_  
13 James A. Dain, Mayor

14  
15  
16 ATTEST:

SEAL

17  
18 \_\_\_\_\_  
19 Kathryn A. Moosman,  
20 Lindon City Recorder

**14. Review & Action — Purchasing and Procurement Policy (Resolution #2013-17-R)** (20 minutes)

This is a request by staff for City Council review and consideration of new purchasing and procurement policies. These policies will provide greater flexibility and clarity for administrative purchases of previously budgeted items, and provide updated bid and procurement processes. Adopted policy will be added to the Lindon City Policies and Procedures Manual.

**Presenting Staff:** Adam Cowie, City Administrator

See attached information.

**Sample Motion:** I move to (approve, deny) Resolution #2013-17-R creating to create a new Purchasing and Procurement Policy.

SECTION 4  
PURCHASING

**4.1 PURCHASE PAYMENTS**

It is the policy of Lindon City to process all invoices for payment in an expeditious manner. To facilitate this, the Lindon City purchasing system is based on the following principles:

**4.1.1 Purchasing Agent**

The City Administrator, under the direction of the Mayor, is the purchasing agent. It is his or her responsibility to purchase or contract for all materials, supplies, equipment, and contract services needed by the City. Except as herein provided, it shall be unlawful for any City officer(s) or employee(s) to order or purchase any supplies, materials, or equipment, or make any contract within the purview of this resolution other than through the Purchasing Agent.

**4.1.2 Purchase Order Procedure**

Upon receipt of a departmental requisition for a purchase of \$100 or more (purchase order not required for purchases of less than \$100), the purchasing agent will cause a purchase order to be prepared only after determining the following:

1. The purchase is appropriate.
2. The purchase is within the department budget.
3. The cash is available within the department budget.
4. The available sources and prices are identified.
5. The vendor is selected.
6. The F.O.B. location and time are agreed upon.

**4.1.3 Request and Approval Procedure for a Purchase Order**

1. Purchases up to \$500.00, Purchasing Agent will approve.
2. Purchases over \$500.00, Purchasing Agent will obtain approval from the Council Member over the affected department.
3. Purchases over \$2,000.00, purchasing Agent will obtain approval from the Mayor and City Council.

**4.1.4 Blanket Order**

Blanket orders will be issued to approved vendors after negotiation with the purchasing agent as to discounts and terms, etc., for small repetitive purchases.

Blanket orders will be limited to \$50.00 per purchase except for purchases of items such as water-works equipment, where a higher limit may be recognized as necessary and approved by the purchasing agent. Delivery tickets or invoices must be delivered to the purchasing agent on the day goods are received.

Before picking up items on a blanket order, an authorization slip must be obtained from the purchasing agent and presented to vendor.

**4.1.5 Petty Cash Accounts**

A petty cash account is provided for the administration department in the amount of \$200.00. This account will be reconciled with the City Treasurer at least monthly by submitting receipts or invoices marked "paid for reimbursement" to the accounts. This account will be administered by the City Treasurer.

**4.1.6 Formal Contract Procedure**

All materials, supplies, equipment, and contract services, when the estimated cost thereof shall exceed \$5,000, shall be purchased by formal written contract from the lowest responsible bidder after invitations for bids have been made.

All purchases of materials, supplies, equipment, and contract services of less than the estimated value of \$5,000.00 shall be made in the open market, without advertising and without observing contract procedure described in this resolution for purchases of more than the estimated value of \$5,000.00

Newspaper invitation for bids shall be published in at least one newspaper of general circulation in the City at least five days preceding the last day set for the receipt of proposals. The notice shall include a general description of the articles to be purchased or work to be done, shall state where specifications may be secured, and shall state the time and the place for opening bids.

The Purchasing Agent may also advertise all pending purchases or sales by a notice posted on the public bulletin board in the City Hall.

Bids shall be submitted sealed to the Purchasing Agent and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notice. A tabulation of all bids shall be posted for public inspection.

*OLD POLICY*

SECTION 4  
PURCHASING

The Mayor and the Purchasing Agent are authorized to award the contract to the lowest responsible bidder. The Mayor and Purchasing Agent also have the authority to reject bids when, in their judgment, the best interests of the City will be served.

Any purchase order or contract in which any officer or employee of the City is financially interested, directly or indirectly, shall be void, except that before the execution of a purchase order or contract, the Council may waive compliance with this section when it finds such action to be in the best interests of the City and if the officer or employee has fully disclosed his interest in the transaction prior to the award of the purchase order or contract.

OLD  
POLICY

The Purchasing Agent and every officer and employee of the City are expressly prohibited from accepting, directly or indirectly, from any person, firm, or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift, money, or anything of value, except where given for the use and benefit of the City.

**4.2 SURPLUS PROPERTY DISPOSAL**

Property that becomes surplus to the needs of the City shall be sold by the purchasing agent by either sealed bids or by auction, as the Purchasing Agent may determine appropriate.

Sale of surplus real property shall be governed by the Lindon City Code and the Utah State Code.

See Appendix for the Computer Surplus Policy.

Purchasing Authority Responses  
2012-13

<b>City</b>	<b>City Administrator</b>	<b>Finance Director</b>	<b>Department Heads</b>
Springville	\$100,000	\$25,000	\$25,000
Midvale City	\$100,000	\$25,000	\$25,000
West Valley City	\$30,000		
Lehi	\$25,000	\$25,000	\$25,000
Highland	\$25,000		
Sandy	\$25,000		\$25,000
Park City	\$25,000		
South Ogden	\$25,000	\$5,000	\$1,000
Riverdale	\$25,000	\$10,000	\$5,000
Pleasant Grove	\$25,000	\$25,000	\$5,000
Saratoga Springs	\$25,000		
West Jordan	\$20,000		
Centerville**	\$10,000 - \$25,000		
<b>Lindon (requested)</b>	<b>\$20,000</b>	<b>\$10,000</b>	<b>\$2,500</b>
Pleasant View	\$10,000		
West Bountiful	\$10,000		
Santaquin	\$7,500		
Spanish Fork	\$5,000		
<b>Lindon (current)</b>	<b>\$500</b>	<b>\$100</b>	<b>\$100</b>

\*\*Equipment - \$10,000 / Projects - \$25,000

**RESOLUTION NO. 2013-17-R**

**A RESOLUTION APPROVING AN UPDATED PURCHASING AND PROCUREMENT POLICY, TO BE INCLUDED IN THE LINDON CITY POLICIES AND PROCEDURES MANUAL, AND SETTING AN EFFECTIVE DATE.**

WHEREAS, Lindon City desires to amend its Purchasing and Procurement policies to come conform with laws of the State of Utah; and

WHEREAS, enactment of new purchasing and procurement policies will ensure fair and legal practices that will govern the purchase of goods and services for the City; and

WHEREAS, the creation of the new policies will benefit the City and the public for which it serves.

THEREFORE, BE IT RESOLVED by the Lindon City Council as follows:

**Section 1.** The Lindon City Policies and Procedures Manual is hereby amended and approved to include updated Purchasing and Procurement policies attached as 'Exhibit A'.

**Section 2.** This resolution shall take effect immediately upon passage.

Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

By \_\_\_\_\_  
James A. Dain, Mayor

Attest:

By \_\_\_\_\_  
Kathryn Moosman, City Recorder

SEAL:

# Section 4 – Purchasing and Procurement

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- 4.1 Policies and Procedures
- 4.2 Definitions
- 4.3 Administration
- 4.3.5 Personal Purchases
- 4.3.7 Prohibition of Gifts or Remunerations
- 4.4 Bid Processes
- 4.4.5 Errors and Mistakes in Bid Process
- 4.5 Purchase Orders
- 4.5.5 Spending Approval Limits & Choice of Bid Process
- 4.6 Exceptions to Bidding Requirements
- 4.7 Bid Awards
- 4.8 Agreements with other Agencies
- 4.9 Special Rules and Procedures Required by State Law
- 4.10 Appeals / Protests
- 4.11 City Credit Cards / Purchasing Cards

## 4.1 Policies and Procedures

The provisions of this Policy govern the purchase of goods and services by the City. Its primary purpose is to ensure best service, materials and construction at the most reasonable cost to the City. In addition, this Policy will assure the community that the procurement process of the City is committed to fair and equal opportunity with integrity and openness.

## 4.2 Definitions

Unless the context requires otherwise, the terms used in this Policy shall have the following meanings:

1. **Bidding:** Procedure used to solicit quotations on price and delivery from various prospective suppliers of specified supplies, equipment, and contractual services.
2. **Bid process:** The process used by the City to solicit and award bids or contracts. Examples of bid processes used in this Policy include formal competitive bidding (competitive bid), requests for proposals (RFP), and open market procedure (open market).
3. **City Administrator:** The City Administrator of Lindon City, Utah, or his or her designee.
4. **Lowest responsible bidder:** A bidder who:
  - a. has submitted a bid in compliance with the invitation to bid and within the requirements of the City's plans and specifications;
  - b. is the lowest bidder that satisfies, if applicable, the City's criteria relating to financial strength, past performance, integrity, reliability, quality of equipment, delivery times, and other factors that the City uses to assess the ability of a bidder to fully and in good faith perform the contract requirements;
  - c. has furnished, as may be required, a bid bond or equivalent in money as a condition to the award of a contract; and
  - d. furnishes a payment and performance bond as required by law.
5. **Public property:** Any item of real or personal property owned by the City.

6. **Supplies, materials and equipment:** Any tangible object or thing furnished to or used by any City department or by any City employee in the performance of his or her duties. For purposes of brevity, supplies, materials, and equipment shall hereafter be collectively referred to as "supplies".

#### 4.3 Administration

The City Administrator, or designee, shall administer the purchasing procedures outlined in this Policy. The City Administrator shall perform the following duties and have the following powers concerning purchasing matters:

1. Administer and maintain the purchasing procedures and other rules and regulations established by this Policy and its authority;
2. Recommend new or revised purchasing rules and regulations as are deemed desirable and in conformance with other statutory requirements, and to interpret the provisions of this Policy and applicable statutes;
3. Negotiate and execute contracts for the purchase of supplies and the provision of services;
4. To the extent possible, obtain full and open competition on purchases according to this Policy;
5. Keep informed of current developments in the field of purchasing, i.e., prices, market conditions, new products, etc.;
6. Prescribe and maintain such forms as are reasonably necessary to the operation of this Policy and other rules and regulations;
7. Supervise the inspection of all supplies to assure conformance with specifications;
8. Transfer surplus or unused supplies between departments as needed; and
9. Maintain a bidders' list, vendors' catalog file, or other records needed for the efficient operation of the purchasing procedures.

##### 4.3.5 Personal Purchases

Unauthorized personal procurements shall be considered cause for disciplinary action. City officials and employees shall not use opportunity for discounted or government rates to purchase goods or services for personal use, unless the supplier makes such goods or services available to all municipal officials and employees on the same terms, provided the official or employee pays for such items from his or her own money, and provided that these purchases will not improperly influence the officials, employees or a City department in the discharge of their duties or in making purchases of commodities.

##### 4.3.7 Prohibition of Gifts or Remunerations

Every officer and employee of the City is expressly prohibited from accepting, directly or indirectly, from any person, firm, or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift, money, or other items with a value greater than the limits established in Title 67 of the Utah Code, except where given for the use and benefit of the City.

#### 4.4 Bid Processes

Except as provided in Section 4.5.5, bids shall be accepted and awarded by the City Administrator pursuant to one of the bid processes outlined in this Section. The City shall substantially comply with the following guidelines for the specific bid process used:

1. **Competitive Sealed Bidding (Competitive Bid).**
  - a. Description. Competitive sealed bidding is a procedure in which vendors or contractors are invited to submit formal bids to provide a designated product or to complete a designated project in accordance with specifications provided by the City.

- b. Appropriateness. Competitive sealed bidding is generally appropriate for most large scale construction or public works projects and for the procurement of large or repeating orders of goods and services. When contractor or product quality is a prime concern in awarding a project bid, the City may pre-qualify bidders according to a policy established by the City Administrator.
- c. Notice inviting bids. The City shall provide notice of its invitation for bids. Notice shall include a general description of the articles to be purchased or the work to be performed, the location where bid plans and specifications may be secured, and the time and place for opening bids. The notice inviting bids shall be:
  - i. Published in a newspaper of general circulation in the City at least ten (10) days before the date of the opening of the bids;
  - ii. Delivered to all known responsible prospective suppliers, including those whose names are on a bidders' list or who have made a written request that their names be added to the bidders' list; and
  - iii. Posted on the City website at least ten (10) days before the opening of the bids.
- e. Bid procedure.
  - i. Sealed bids (or electronically submitted bids) shall be submitted as designated in the notice with the statement "Bid for (item or project)" on the envelope (or in the heading of the electronic transmission).
  - ii. Bids shall be opened (or read, in the case of electronically submitted bids) in public at the time and place stated in the public notice.
  - iii. Bids submitted to the City shall be evaluated on the basis of compliance with specifications and other relevant criteria.
- f. Bid Award. (See section 4.7 of this Policy)

## 2. Requests for Proposals (RFP).

- a. Description. Requests for proposals (RFPs) are invitations for suppliers or contractors to submit a proposal on a specific product or service. The City awards the contract for the product or service based on criteria set forth in the request for proposals, or as outlined in section 4.7 of this Policy.
- b. Appropriateness. RFPs may be used when required by law, or when the City Administrator determines that the use of formal competitive bidding is either impractical or not advantageous to the City. If the City is requesting a price to complete an already designed project or to purchase a specific product(s), it will generally be more appropriate to use the competitive sealed bids procedure rather than the request for proposals procedure. Professional services will generally be procured through the request for proposals procedure.

In making this determination, the City Administrator shall consider factors such as:

- i. whether there may be a need for price and service negotiation;
  - ii. whether there may be a need for negotiation during performance of the contract;
  - iii. whether the relative skills or expertise of the offerors will need to be evaluated;
  - iv. whether cost is secondary to the characteristics of the product or service sought, as in a work of art;
  - v. whether the conditions of the service, product or delivery are unable to be sufficiently described in the invitation for bids;
  - vi. whether the City is requesting the offeror to propose a method or strategy for completing the project; and
  - vii. whether there may be a need to negotiate completion times related to the project.
- c. Notice.
    - i. Proposals shall be solicited through a request for proposals.
    - ii. Public notice of the RFP shall be posted on the City web site at least ten (10) days before opening of the bids.

- d. Request for proposals. The request for proposals shall state the relative importance of price and other evaluating factors.
- e. Opening of proposals. Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation.
- f. Revision of proposals.
  - i. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements.
  - ii. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revision may be permitted after submissions and prior to award for the purpose of obtaining best and final offers.
  - iii. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.
- g. Award. Award shall be made to the responsible offeror whose proposal is determined to be the most advantageous to the City, taking into consideration price, the evaluation factors set forth in the request for proposals, and other criteria set forth in section 4.7 of this Policy.

### 3. **Open market procedure (Open Market).**

- a. Description: Open Market procedure consists of a Department Head or other employee searching out and soliciting the best available price for goods or services. This may be accomplished through internet searches, phone contacts, written bids and proposals, etc. This process may include solicitation from a limited selection of providers of the good or service.
- b. Price Quotations. Purchases shall, whenever possible, be based on at least three (3) bids (price quotations) and shall be awarded to the lowest responsible bidder.
- c. Request for Quotations. Bids (price quotations) shall be solicited from prospective vendors by written or oral request, or may be obtained through internet, catalog, or other advertisements.
- d. Records. The person soliciting the price quotations shall keep a record of quotations solicited, including vendor names, date of solicitation and price quoted, and shall include this information with the purchase order.

#### 4.4.5 **Errors and Mistakes in Bid Process.**

The City Administrator may waive minor irregularities in bid procedures if he or she determines, in his/her sole discretion, that the minor irregularities do not have a material effect on the outcome of the bid process and that the process remains fundamentally fair to the City and all participants. In cases where the error has a material effect on the outcome of the bid process, the City Administrator may (1) reject all bids, (2) award the bid to the lowest responsible bidder (if the City elects to disqualify bidders who do not strictly comply with the bid specifications), or (3) correct mistakes in accordance with policies adopted by the City Administrator or in accordance with procurement rules in the State Administrative Code. Formal protests or appeals shall follow Section 4.10 of this Policy.

#### 4.5 **Purchase Orders**

- 1. A purchase order (PO) shall be used whenever goods and services are to be acquired by outright purchase. The purchase order shall specify the nature of the goods or services to be acquired, the purchase price or estimate thereof, the vendor name and contact information, the department or division for whom the acquisition is being made, the general ledger number where the funding for the proposed purchase has been appropriated, and other provisions or information as may be appropriate. PO's shall be signed by the appropriate 'Approval Authority' as identified in Table 1 of Section 4.5.5. PO's shall then be submitted to the Accounts Payable Clerk for processing and payment.

2. Purchase orders are not required to be obtained for the following:
  - a. Purchase and/or payment for goods or services valued less than \$2,500;
  - b. Purchase and/or payment of recurring contractual services (janitorial, IT services, grounds, attorney, engineering, etc.);
  - c. Purchase and/or payment of routine, consistent expenses such as, but not limited to, payroll expenses, utility bills, water share assessments, or similar expenses; and
  - d. Other routine purchases and/or payments authorized by the City Administrator as being exempted from having to obtain a PO. The Accounts Payable Clerk shall keep records of any authorized PO exemptions.

#### 4.5.5 Spending Approval Limits & Choice of Bid Process

Except as otherwise provided in this Policy or by provisions of State or Federal law, purchases of supplies or services shall follow one of the bid processes outlined in 4.4 of this Policy for the appropriate dollar amount thresholds listed in Table 1 of this section. The cost of the supplies or service shall not be divided to avoid bid requirements. Purchases of \$2,500 or less are not required to obtain a bid unless deemed appropriate by the Department Head. In cases where more than one alternative bid process is listed in Table 1 as acceptable for a given dollar amount, any of the listed bid process alternatives shall be acceptable, and the City shall not incur any liability for choosing one alternative over another.

<b>Table 1 - Spending Approval Limits &amp; Allowed Bid Processes</b>			
<b>Purchase Value or Contract Service Value</b>	<b>Bid Process</b>	<b>Purchase Order</b>	<b>Approval Authority</b>
\$2,500 or less	Not required	Not Required	Department Head
\$2,501 - \$10,000	Open Market, or RFP, or Competitive Bid	Required	Department Head and, Finance Director or City Administrator
\$10,001 - \$20,000	Open Market, or RFP, or Competitive Bid	Required	Department Head and City Administrator
\$20,001 - \$125,000	Open Market, or RFP, or Competitive Bid	Required	Department Head, City Administrator and City Council
\$125,000 or more	Competitive Bid	Required	Department Head, City Administrator and City Council
State/Federal Contract Prices	Not required	Required if over \$2,500	Dependent upon purchase amounts listed above

#### 4.6 Exceptions to Bidding Requirements

The bid process requirements set forth in this Policy do not apply in the following situations:

1. **Professional service contracts.** Contracts for professional services may be awarded at the discretion of the City Administrator without using the competitive sealed bids process.
  - a. Professional Services. Professional services include the following: accounting, auditing, architecture, banking, insurance, engineering, appraisal, legal, court reporter, medical, education, research, consulting, and other services where the professional qualifications of the contractor are of prime importance. Professional service contracts shall be awarded based on professional qualifications, experience, willingness and ability to meet the City's specific service requirements, cost of service, and other criteria deemed important by the City Administrator.

- b. **Annual Audit.** A professional service contract for the annual fiscal year financial audit shall be awarded by the City Council in consultation with the City Finance Director and City Administrator. This contract may be awarded for consecutive years; however, the performance of the auditing firm shall be reviewed the end of each year and the City Council shall determine whether to continue the contract for additional years or put it back out to bid.
2. **Sole Source Procurements.** Sole source procurement may be used only if the City Administrator determines that a service, product, or requirement is reasonably available only from a single supplier or contractor. Examples of circumstances which may necessitate sole source procurement are:

  - a. If there is only one vendor or supplier who can provide the needed product or service;
  - b. If the compatibility of supplies, accessories, replacement parts, or service is of paramount consideration;
  - c. If a sole supplier's product is needed for trial use or testing;
  - d. If the City is procuring utility services;
  - e. If the City seeks to add to, repair or maintain supplies owned by the City which may be more efficiently added to, repaired or maintained by a particular person or firm; and
  - f. If the City seeks supplies which, by reason of the training of City personnel or the inventory of replacement parts maintained by the City, is more compatible with the existing supplies owned by the City and if the supplies can only be acquired from a sole source. The justification for sole source procurement shall be included in the procurement documentation. The City Administrator may establish policies governing the negotiation of sole source procurements.
3. **Auction, closeout, bankruptcy sales.** If the City Administrator determines that supplies can be purchased at any public auction, closeout sale, bankruptcy sale or other similar sale, and if the City Administrator finds that a purchase at any such auction or sale will be made at a cost below the market cost in the community, a contract or contracts may be let, or the purchase made, without complying with the competitive bidding requirements of this Policy.
4. **Exchanges.** Exchanges of supplies between the City and any other public agency which are not by sale or auction shall be by mutual agreement of the respective public agencies.
5. **Projects performed by City employees.** City employees may be used to complete City projects, provided that the City complies with State statutory requirements governing contracts for municipal public improvements.
6. **State bid list.** The City may purchase supplies from the vendor who has submitted the lowest bid price for such items to the State of Utah Purchasing Office (or any agency of the Federal government) at the quoted price, without any solicitation or price quotation or invitation to bid. For such purposes, the quoted price shall be deemed to be the lowest price available for such items and the City need not follow any other bidding requirements.
7. **Utah Correctional Industries Division.** Goods and services produced by the Utah Correctional Industries Division may be purchased from the Utah Correctional Industries Division without following any of the bidding requirements set forth herein.
8. **Emergency Procurements.** In times of emergency, the City Administrator, or designee, may choose the most practical means available to procure needed goods and services. If the situation allows, the City Administrator shall attempt to achieve as much competition in the emergency procurement process as possible. Emergency procurement shall be limited to the services,

supplies, and construction necessary to meet the emergency. For purposes of this paragraph, an emergency is a condition or situation which creates an immediate threat to the public health, safety, or welfare. Examples of conditions or situations which may constitute emergencies include earthquakes, floods, terrorist attacks, wars, epidemics, riots, road failures, utility failures, structure failures, and equipment failures.

9. **Unsuccessful Competitive Sealed Bidding.** If the bids received in response to a competitive sealed bid process are unreasonable, noncompetitive, or in excess of available funds, and if the City Administrator determines that time or other circumstances will not permit the delay required to re-solicit competitive sealed bids, the City may procure the needed goods or services using the emergency procurement procedure.
10. **Internet Auction Sites.** The City may acquire supplies from internet auction sites without following formal purchasing procedures if the City Administrator determines that there is an established market price for the supplies and that the supplies can be acquired less expensively from an internet auction site.
11. **Used Supplies.** The City may acquire used supplies without following formal purchasing procedures if the City Administrator determines that there is an established market price for the used supplies and that it is beneficial for the City to acquire the used supplies.
12. **Ongoing Construction Work.** If a contractor has been hired to work in a given area by a person or entity other than the City, and if the City has work that needs to be completed in the area, and if the City Administrator determines that there is an established price for the type of work that the City needs completed and that the City can save on mobilization costs by hiring the contractor that is already in the area, then the City may negotiate with and contract directly with the contractor without following formal purchasing processes.
13. **Purchases by Other Governmental Entities.** If another governmental entity has, after a competitive process, awarded a bid to purchase supplies from a particular vendor within the preceding 180 days, the quoted price may be deemed to be the lowest price available for such items and the City need not follow formal purchasing procedures. Any such purchase must be approved by the City Administrator on a case by case basis.
14. **Federal or State Money.** In cases where federal or state money is being used, or in cases where federal or state procurement laws or procedures govern the types of goods or services being procured, the City shall follow the applicable federal or state procurement laws or procedures in lieu of the procedures set forth in this Policy.
15. **Donated Funds.** In cases where a donor or grantor has contributed funds to the City, the City may expend the funds in the manner designated by the donor or grantor in lieu of the procedures set forth in this Policy.
16. **Construction Manager/General Contractor Contracts (CMGC).**
  - a. The City Administrator shall be granted the discretion, when in the best interest of the City, to select a Construction Manager/ General Contractor or CMGC method of construction contracting for a particular project.
  - b. A "CMGC" or "Construction Manager/General Contractor" method means a modified Design Build process in which the City enters into a contract for both the design consultant and the contractor with the right to negotiate the price of construction during the design phase. The contract shall contain an option to go to a competitive bid process at the end of design if the negotiated price is not acceptable to the City.

- c. When selecting the CMGC method, the City Administrator shall include in the contract file a written statement describing the facts that led to the selection of this particular method of construction contracting management for that project.
- d. Before choosing a CMGC contract method, the City Administrator shall consider the following factors:
  - i.. When the project must be ready to be occupied;
  - ii. The type of project;
  - iii. The extent to which the requirements of the procurement unit, and the way they are to be met are known;
  - iv. The location of the project;
  - v. The size, scope, complexity, and economics of the project;
  - vi. The source of funding and any resulting constraints necessitated by the funding source;
  - vii. The availability, qualification, and experience of public personnel to be assigned to the project and the amount of time that the public personnel can devote to the project; and
  - viii. The availability, qualifications, and experience of outside consultants and contractors to complete the project under the various methods being considered.
- e. The CMGC shall be selected following a standard bidding process, unless an exception to the requirement to use a standard procurement process as defined in this Subsection exists and is noted in the construction file.
- f. When entering into a subcontract that was not specifically included in the CMGC cost proposal, the construction manager/general contractor shall procure the subcontractor by using a standard procurement process, unless an exception to the requirement to use a standard procurement process as defined in this subsection exists and is noted in the construction file.

#### 4.7 Bid Awards.

1. **Rejection of Bids.** The City Administrator may, at his or her own discretion, reject and deny any and all bids presented, with or without cause, and may require the City to re-solicit for bids as set forth in this Policy.
2. **Lowest Responsible Bidder.** Except as otherwise allowed or required, the City Administrator shall award the contract or bid to the lowest responsible bidder as defined in section 4.2(4) of this Policy.
3. **Tie Bids.** If two (2) or more of the bids received are for the same total amount (quality and service being equal), the City Administrator may negotiate with the bidders and obtain the best bid possible and/or give preference to a bidder based within Lindon City.
4. **Single Bids.** The City Administrator may require a price or cost analysis if only one bid is received. The bidder may be required to furnish a detailed cost proposal, and the bid award shall be subject to subsequent negotiation.
5. **Bonds.** Before entering a contract, the City Administrator shall have authority to require performance, payment and other bonds deemed necessary in such amounts as deemed necessary to protect the interests of the City. The types and amounts of the bonds to be required shall be described in the notice inviting bids.
6. **Contracts.** Contracts for services or supplies may be signed by the Mayor or City Administrator.
7. **Change Orders.** Change orders of up to 20% over the original project cost estimate, and within the scope of funds budgeted by the City Council, may be approved by the City Administrator as deemed appropriate. Change orders exceeding 20% of the original project cost estimate shall be approved by the City Council.

#### 4.8 Agreements with other Agencies.

The City shall have the power to enter into joint purchase agreements with any or all other public agencies within the State for the purchase of any commodity, if the City Administrator finds the joint purchase agreement to be in the best interests of the City.

#### 4.9 Special Rules and Procedures Required by State Law

State law requires the City to follow specific bid procedures for specified types of supplies and services. This Section sets forth the requirements and cites the applicable State law. The City shall comply with the applicable State law, as amended, regardless of whether or not this Policy reflects the most recent version of State law.

1. **PROCUREMENT FOR BUILDING IMPROVEMENTS OR PUBLIC WORKS PROJECTS.** The City shall follow the requirements of Utah Code 11-39-101 et seq. for projects associated with Building Improvements or Public Works Projects. Utah Code shall govern in all cases of conflict with City policy below.
  - a. When the City embarks on Procurement for Building Improvement or Public Works Projects the City shall, in accordance with UCA 11-39-102 as amended, cause:
    - i. Plans and specifications to be made for the Building Improvement or Public Works Project; and
    - ii. An estimate of the cost of the Building Improvement or Public Works Project to be made.
  - b. When the City's prepared estimate for Building Improvement or Public Works Projects exceeds the Bid Limit as defined in UCA 11-39-101 the City shall follow the process and requirements prescribed in UCA 11-39-101 et seq. for Procurement for Building Improvements and Public Works Projects. The Bid Limits contained in UCA 11-39-101 are generally as follows:
    - i. Bid Limits for Building Improvements is the greater amount of the two following: 1) improvements over \$40,000 or 2) the Bid Limit as described in UCA 11-39-101.
    - ii. Bid Limits for Public Works Projects is the greater amount of the two following: 1) improvements over \$125,000 or 2) the Bid Limit as described in UCA 11-39-101.
  - c. When the City's prepared estimate for Building Improvement or Public Works Projects does *not* exceed the Bid Limit as defined in UCA 11-39-101, the City shall follow the processes contained in this Policy as appropriate.
  
2. **PROCUREMENT FOR CLASS C ROADS IMPROVEMENT PROJECTS.** The City shall follow the requirements of Utah Code 72-6-108 through 110 for projects associated with Class C Roads. Definitions associated with Class C Road Improvements are contained in Utah Code 72-6-109. Utah Code shall govern in all cases of conflict with City policy below.
  - a. When the City embarks on Procurement for Class C Road Improvement Project the City shall, in accordance with UCA 72-6-108 as amended, cause:
    - i. Plans and specifications to be made for the Class C Road Improvement Project; and
    - ii. An estimate of the cost of Class C Road Improvement Project to be made.
  - b. When the City's prepared estimate for Class C Road Improvement Project exceeds the Bid Limit as defined in UCA 72-6-109, the City shall follow the process and requirements prescribed in UCA 72-6-108 for Procurement for Class C Road Improvement Project. The Bid Limits contained in UCA 72-6-109 are generally as follows:
    - i. Bid Limits for Class C Road Improvement Project is the greater amount of the two following: 1) improvements over \$125,000 or 2) the Bid Limit as described in UCA 72-6-109.
  - c. When the City's prepared estimate for Class C Road Improvement Project Projects does *not* exceed the Bid Limit as defined in UCA 11-39-101, the City shall follow the process contained in this Policy as appropriate.

#### 4.10 Appeals / Protests.

Any actual or potential provider who is aggrieved in connection with the solicitation or award of a contract of procurement may protest the procurement by filing a written statement with the City Recorder within three (3) business days of the closing of the bid, or award of the bid, whichever is applicable. Following such notification, the notice will be forwarded to the City Administrator or designee within fifteen (15) days of the procurement decision under protest. The notice shall contain the following information:

1. The protesting party's name, address, and daytime telephone number, the signature of the protesting party or the attorney for the protesting party, and the date the protest statement was signed; and
2. The relief sought, supported by a statement of fact and the recitation of the reasons and the legal authority in support of the protest sufficient to permit review.

The City may proceed with the protested procurement except that the City Administrator may suspend the procurement process for so long as he or she determines is appropriate. The City Administrator may designate another individual to assist in reviewing the matter, which assistance may include finding facts, analyzing the protest, and making recommendations.

The City Administrator or designee may request additional information from the protesting party or from other persons to make a determination. The protesting party shall provide all information reasonably needed to decide the protest except information which is protected from disclosure by law, or which could reasonably be expected to result in unfair, competitive injury to the protestor in spite of the protections for the protest or provided by law, including the Utah Government Records Access Management Act, Chapter 63 G-2, Utah Code Annotated as amended.

The City Administrator or designee shall review and decide protests, and shall issue a written determination to the protesting party within fifteen (15) days of receipt of the protest. If the City Administrator fails to issue a decision within fifteen (15) days after the receipt of the protest, said failure shall be considered in the equivalent of an order denying the appeal or protest.

#### **4.11 City Credit Cards / Purchasing Cards.**

1. General Guidelines.
  - a. The City Administrator and Department Heads are issued, by the Finance Director, personalized credit cards and/or State purchasing cards and are authorized to carry the card with them.
    - i. The cards are valuable property which requires proper treatment by users to protect it from misuse by unauthorized persons.
    - ii. If the card is lost or stolen Department Heads shall immediately notify the Finance Director who will contact the appropriate parties necessary to freeze or cancel the card.
  - b. Department Heads are responsible for coding each transaction to proper GL accounts upon receipt of the monthly credit or purchase card statement. Coded statements shall then be submitted to the Accounts Payable Clerk in a timely fashion.
  - c. All finance charges and late fees will be charged to departments incurring those charges.
  - d. Employees shall be held to spending limits approved by the Department Head even though the card limits may exceed authorized spending authority.
2. Approved Uses. The City's credit cards are intended for the following types of usage:
  - a. Unforeseen circumstances where obtaining a check is impractical;
  - b. On-line purchases of supplies, equipment, or materials not available through established purchase accounts;
  - c. Authorized travel and training fees or registration (courses, seminars, conferences, etc.);
  - d. Lodging, rental car for out of state travel, etc.; or
  - e. Other purchases as approved by the Department Head.
3. Credit Card Violations. Violations of credit card use will lead to cancellation of card privileges and may be cause for disciplinary action. Card violations include but are not limited to:
  - a. Purchase of items for personal use;
  - b. Use of the credit card for cash advances;

- c. Use of the credit card for purchase of more than the users authorized spending limit, or by splitting purchases into more than one transaction in order to exceed the authorized limit; or
- d. Failure to notify the City of lost or stolen cards.

**15. Council Reports:***(30 minutes)*

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- |  |                 |
|--|-----------------|
| A) Public Works, ULC&T, UIA, irrigation/water                  | - Jeff Acerson  |
| B) Planning, BD of Adjustments, General Plan, Budget Committee | - Matt Bean     |
| C) Parks & Recreation, Trails, Tree Board, Cemetery            | - Bret Frampton |
| D) Administration, Historic Com, Com Center Board, Lindon Days | - Randi Powell  |
| E) Public Safety, Court, Animal Control, Budget Committee      | - Mark Walker   |

## 16. Administrator's Report:

(20 minutes)

### Misc Updates:

- Project Tracking List (see attached) - Anything you feel you need to review?
- Utah OSHA inspections – Some corrections being made / new safety policies to be implemented.
- Policy Manual updates coming Dec 17th - *significant amounts of change*.
- Audit findings - We expect some correction notices (Purchase Order policy). We knew items would arise when we made a change in auditors. We will make changes to correct issues.
- Comcast – contacted to request estimates on hook-up and monthly services to all facilities.
- Outgoing council members - turn in building keys. (Mayor, Mark, Bret)
- Update on UTOPIA matters.

### Upcoming Meetings & Events:

- Newsletter Assignment: **Jeff** - January newsletter article. *Due by last week in December.*
- Dec. 10<sup>th</sup> at Noon – Engineering Meeting at Public Works. **Mayor, Jeff, Mark**
- Dec. 13<sup>th</sup> – Men's Choir concert at Community Center
- Dec. 18<sup>th</sup> at Noon – Outgoing Mayor & Council recognition lunch. **Mayor, Mark, Bret**
- Dec. 24<sup>th</sup> at Noon – Employee Christmas party at Community Center. All Council & families invited
- Dec. 25<sup>th</sup> & 26<sup>th</sup> – offices closed
- Jan. 1<sup>st</sup> – offices closed
- Jan. 7<sup>th</sup> – Swearing-in ceremony at Council meeting for newly elected officials and appointed staff
- Jan. 11<sup>th</sup> – ULCT newly elected officials training. Provo, Saturday, Jan 11<sup>th</sup>, 8am-1:30pm.
- Jan. 20<sup>th</sup> – MLK Holiday, offices closed.
- Jan. 29<sup>th</sup> – ULCT Local Officials Day at the Legislature. 7:30am-2:00pm. Utah Capitol/Lunch @ Salt Palace.
- Feb. 27<sup>th</sup> at 6:00pm – Budget Kick-off Meeting & Dinner at City Center.

### Future items:

- Utility Bill formatting
- Employee Policy Manual – general updates
- Fee and Utilities rate studies / review of active service military utility waivers
- Lindon Pumping Co. land – 725 E. 200 S., potential land sale/use by neighbor
- Possible PC member to fill vacancy – Matt Guinn, 367 S 400 W. He is willing.

**17. Closed Session — *Closed Session to Discuss the Character and Professional Competence of an Individual (UCA 52-4-205).*** *(30 minutes)*

The City Council will enter into a closed executive session per UCA 52-4-205.

**Adjourn**

As of November 27, 2013

## PROJECT TRACKING LIST

1 of 2

APPLICATION NAME	APPLICATION DATE	APPLICANT INFORMATION	PLANNING COMM.	CITY COUNCIL
			DATE	DATE
<b>Ordinance changes: LCC 17.38 'Bonds for Completion of Improvements to Real Property'</b>	Sept. 2009	City Initiated	?	?
<i>City initiated ordinance changes needed to bring code into compliance with current practices and State laws.</i>				
<b>Zone Change: Old Town Square</b>	Feb 1, 2012	Scott Larsen	Feb. 14, continued	Pending
<i>Request for approval of a zone change for two parcels located at 873 West Center Street from R1-20 (Residential Low) to LI (Light Industrial).</i>				
<b>Property Line Adjustment: LBA Rentals</b>	Mar 12, 2012	Lois Bown-Atheling	N/A	N/A
<i>Request for approval of a property line adjustment to clean up existing parcels lines for five parcels in the CG zone at 162 &amp; 140 South Main Street. This project is in conjunction with the Castle Park project.</i>				
<b>Ordinance changes: LCC 17.32, 17.58, 17.66.020 'Subdivisions'</b>	Nov. 2012	City Initiated	Nov. 13, Dec. 11, Jan. 8, Jan. 22	Feb. 5
<i>City initiated ordinance changes needed to bring code into compliance with current practices and State laws.</i>				
<b>Plat Amendment: Canberra Heights Plat A Lot 32</b>	August 2013	Erin Shelley	Nov. 12	Nov. 19
<i>Request for a one lot plat amendment located at 71 South Kings Peak Drive.</i>				
<b>Site Plan: Lindon Senior Apartments</b>	Sept. 2013	Matt Gneiting	TBD	TBD
<i>Request for site plan approval for senior housing apartments on State &amp; Main</i>				
<b>Ordinance Amendment: 17.09 Table #1</b>	Nov. 2013	City	Nov. 12	Dec. 3
<i>City request to amend final land use authority and appeal authority on some land use applications.</i>				
<b>Zone Map Amendment: Creig Fryer</b>	Nov. 2013	Creig Fryer	Nov. 12	Dec. 3
<i>Request for zone change from CG to CG-S on 439 West Gillman Lane.</i>				
<b>Ordinance Amendment: Creig Fryer</b>	Sept. 2013	Craig Fryer	Oct. 22, Nov. 12	Dec. 3
<i>Request to for a new zone to allow mini-storage in commercial areas; new zone is CG-S.</i>				
<b>Subdivision: Maxine Meadows</b>	Sept. 2013	John Davis	Nov. 12	Nov. 19
<i>Request for a 3 lot subdivision at 425 East 400 North.</i>				
<b>Minor Subdivision: Homesteads @ Coulson Cove</b>	Nov. 2013	Steve Phelon	Nov. 26	Dec. 3
<i>Request for three lot subdivision near 700 North Coulson Drive.</i>				
<b>Major Subdivision: Old Rail Estates</b>	Nov. 2013	Scott Farrer	TBD	TBD
<i>Request for a 15 lot subdivision at about 280 West 40 South.</i>				
<b>Nonconforming Use Expansion: Timpview RTC</b>	Nov. 2013	Lynn Loftin	Dec. 10	Dec. 17
<i>Request to expand nonconforming use of group care facility at 200 North Anderson Lane.</i>				
<b>Major Subdivision: Green Valley</b>	Nov. 2013	Alan Colledge	Dec. 10	Dec. 17
<i>Request for a 4 lot subdivision at approximately 600 North Main Street.</i>				
<b>NOTE: This Project Tracking List is for reference purposes only. All application review dates are subject to change.</b>				
<b>PC / CC Approved Projects - Working through final staff &amp; engineering reviews (site plans have not been finalized - or plat has not recorded yet):</b>				
Stableridge Plat D (Vaughn Heath)	Highlands at Bald Mountain	Tim Clyde – R2 Project		
BMA / Old Station Sq – site plan Lots 11 & 12	AM Bank – site plan	Joyner Business Park, Lot 9 site plan		
Double A Estates Subdivision	Old Station Square Plat D	Castle Park Amended Site Plan		
Southcreek Subdivision	Olsen Industrial Park Sub., Plat A (Sunroc)	Homesteads at Coulson Cove Plats C		
West Meadows Indus. Sub (Williamson Subdivision Plat A)	Keetch Estates, Plat A	Lindon Gateway II		
Osmond Senior Subdivision	Lindon Harbor Industrial Park II	Meine Plat A		
Freeway Business Park II	Questar Gas Site Plan/Subdivision	Craig Olsen Site Plan		
Valdez Painting Site Plan	Murdock Hyundai Site Plan	Maverik Site Plan		
Cullimore Court Subdivision	LCD Business Center	Sam White Office/Warehouse Site Plan		
Eastlake at Geneva North Sub.	Lindon Business Park Plat C	Lindon Business Park Bldg 4 Site Plan		
Avalon Senior Living Site Plan	Intermountain Turbine Site Plan	Murdock Hyundai Plat Amendment		
Osmond Senior Living Site Plan				

Board of Adjustment		
Applicant	Application Date	Meeting Date
Scott Farrer: Minimum Distance between offset roads	September 2013	Oct. 30; continued TBD

Annual Reviews				
APPLICATION NAME	APPLICATION DATE	APPLICANT INFORMATION	PLANNING COMM.	CITY COUNCIL
			DATE	DATE
Annual review - Lindon Care Center 680 North State Street (File # 05.0383.8) <a href="mailto:administrator@lindoncare.com">administrator@lindoncare.com</a>	Existing use.	Lindon Care Center Manager: Christine Christensen 801-372-1970.	March 2013 Last Reviewed: 02/28/12	N/A
<i>Annual review of care center to ensure conformance with City Code. Care center is a pre-existing use in the CG zone.</i>				
Annual review of CUP - Housing Authority of Utah County - Group home. 365 E. 400 N. (File # 03.0213.1) <a href="mailto:lsmith@housinguc.org">lsmith@housinguc.org</a>	Existing CUP	Housing Auth. Of Utah County Director: Lynell Smith 801-373-8333.	March 2013 Last Reviewed: 2/28/12	N/A
<i>Annual review of CUP to ensure conformance with City Code. Group home at entrance to Hollow Park was permitted for up to 3 disabled persons.</i>				
Heritage Youth Services - Timpview Residential Treatment Center. 200 N. Anderson Ln. (File # 05.0345) <a href="mailto:info@heritageyouth.com">info@heritageyouth.com</a> <a href="mailto:info@birdseyertc.com">info@birdseyertc.com</a>	Existing CUP	HYS: Corbin Linde, Lynn Loftin 801-798-8949 or 798-9077	March 2013 Last Reviewed: 2/28/12	N/A
<i>Annual review required by PC to ensure CUP conditions are being met. Juvenile group home is permitted for up to 12 youth not over the age of 18.</i>				

Grant Applications	
Pending	Awarded
<b>CDBG 2013 Grant – Senior Center Van (\$50,000).</b> <ul style="list-style-type: none"> <li>o Status: Awarded! Funds to be dispersed as reimbursement of van purchase.</li> </ul>	<b>Heritage Trail Phase 2 – Trail construction grant.</b> Awarded amount \$3,037,433 <ul style="list-style-type: none"> <li>o Status – <ul style="list-style-type: none"> <li>▪ Construction beginning March 25, 2013</li> <li>▪ To be completed by June 12, 2013</li> </ul> </li> </ul>
<b>Bikes Belong - Trail construction grant.</b> Requested amount: \$10,000 <ul style="list-style-type: none"> <li>o Status: NOT SELECTED FOR 2010. WILL RE-APPLY IN 2013.</li> </ul>	<b>EPA STAG Grant – Lindon Hollow Creek Ditch relocation.</b> Awarded \$500,000 <ul style="list-style-type: none"> <li>• Van Con awarded bid. Construction has started.</li> </ul>
<b>Land and Water – Trail construction grant.</b> Requested amount: \$200,000 <ul style="list-style-type: none"> <li>o Status: NOT SELECTED. RE-APPLY IN 2013.</li> </ul>	<b>Utah State Parks 2011 – Non-motorized Trail grant:</b> Awarded \$100,000 <ul style="list-style-type: none"> <li>o Status – Environmental docs have been submitted to State</li> <li>o Pending property dedication by PacifiCorp <ul style="list-style-type: none"> <li>• Intend to use funds towards completion of additional trail near power plant</li> </ul> </li> </ul>
<b>Hazard Mitigation Grant / MAG Disaster Relief Funds- (pipe main ditch)</b> <b>FEMA Hazard Mitigation Grant – (pipe Main Ditch)</b>	<b>EDC Utah 2012 – Awarded \$2,000 matching grant for 700 North CDA consultant reimbursement.</b> <ul style="list-style-type: none"> <li>o Proposed study / CDA creation in fall 2012. Estimated costs ~\$20,000.</li> </ul>
	<b>State History Grant 2012 – New historical markers.</b> Awarded \$800.00 (w/ 50% match from historical commission funds for total project cost of \$1,600).
	<b>MAG Bicycle Master Plan Study</b> Awarded funds to hire consultant to develop bicycle master plan to increase safety and ridership throughout the city.
	<b>Utah Heritage Foundation – Lindon Senior Center</b> Awarded 2013 Heritage Award in the Category of Adaptive Use Project.
	<b>CDBG 2013 Grant – Senior Center Van (\$50,000).</b> Funds dispersed July 2013

Planning Dept - Projects and Committees			
On-going activities (2013 yearly totals)	Misc. projects	UDOT / MAG projects	Committees
Building permits Issued: 143 New residential units: 30	2010-15 General Plan implementation (zoning, Ag land inventory, etc.)	State Street widening 2012-13	Utah Lake Commission Technical Committee: Bi-Monthly
New business licenses: 50	Lindon Hollow Creek-Corps of Eng., ditch relocation	700 North CDA	MAG Technical Advisory Committee: Monthly
Land Use Applications: 58 Drug-free zone maps: 25	Lindon Heritage Trail Phase 2 Gateway RDA improvements	Lindon Bicycle Master Plan	Lindon Historic Preservation Commission: Bimonthly North Utah County Transit Study Committee