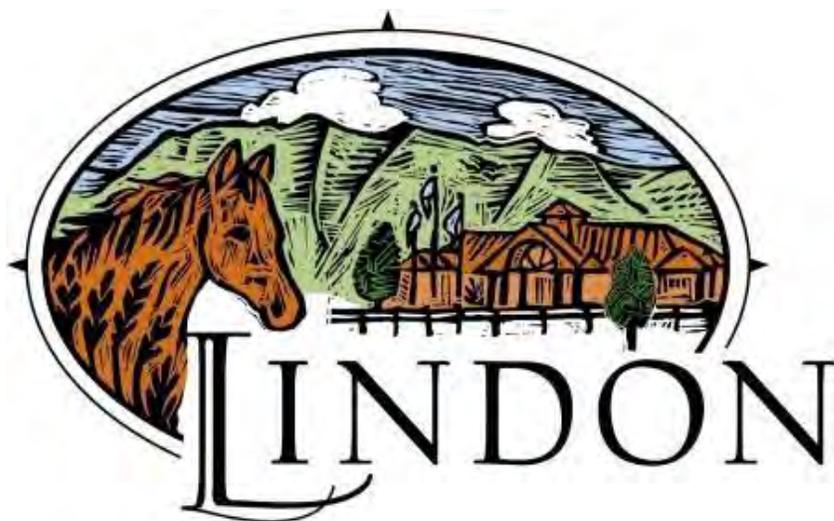


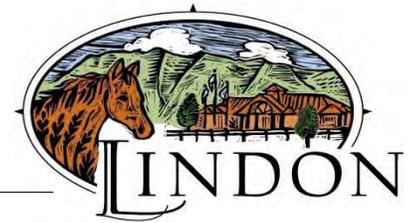
Lindon City Council Staff Report



Prepared by Lindon City
Administration

March 16, 2020

Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a meeting beginning at 5:15 p.m. on Monday, March 16, 2020 in the Lindon City Center Council Chambers, 100 North State Street, Lindon, Utah. The agenda will consist of the following:

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



REGULAR SESSION – 5:15 P.M. - Conducting: Jeff Acerson, Mayor
Invocation: Carolyn Lundberg
Pledge of Allegiance: By Invitation

(Review times are estimates only)
(2 minutes)

1. **Call to Order / Roll Call** (2 minutes)
2. **Approval of minutes:** The regular City Council meeting of March 2, 2020 minutes will be reviewed. (5 minutes)
3. **Council Reports** (10 minutes)
4. **Administrator's Report** (10 minutes)
5. **Presentations and Announcements** (5 minutes)
 - a) Comments / Announcements from Mayor and Council members.
 - b) Recognition of new Little Miss Lindon royalty.
 - c) Employee Recognition Award, Lieutenant Josh Edwards
6. **Open Session for Public Comment** (*For items not on the agenda*) (10 minutes)
7. **Consent Agenda** — (*Items do not require public comment or discussion and can all be approved by a single motion.*) (5 minutes)

The following consent agenda items were presented for approval.

 - a) **Resolution #2020-5-R; Surplus Property** – The City Council will review and consider for approval Resolution #2020-5-R declaring certain items to be surplus property.
 - b) **Bid award for Creekside Park re-construction** – Staff recommends awarding the construction contract to the low bidder, CSM Construction in the amount of \$224,030.00 with an additional \$55,407 in General Funds covering equipment purchases and engineering costs with total project costs of \$369,693 (\$142,857 is offset by a grant through the Land & Water Conservation Fund). This project consists of replacing the pavilion, play set, walking trail, and building two new pickleball courts.
8. **Public Hearing — Nuisance Ordinance Updates; Ordinance #2020-4-O.** The City Council will review and consider for approval Ordinance #2020-4-O, updating Lindon City Code Chapter 8.20 Public Nuisances. (15 minutes)
9. **Public Hearing — FY2020 Budget Amendment; Resolution #2020-6-R.** The Council will review and consider various budget amendments to the FY2020 budget. (15 minutes)
10. **Public Hearing — Zone Height Ordinance Amendment; Ordinance #2020-3-O.** The Lindon City Planning Commission made a recommendation to the Lindon City Council to amend Lindon City Code 17.47.040 to increase the allowable height in the Research and Business zone to four stories and sixty feet. Application is made by Mecca Holdings, LLC. (20 minutes)

Adjourn

All or a portion of this meeting may be held electronically to allow a council member to participate by video conference or teleconference. 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. 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 Kathryn Moosman, City Recorder at 801-785-5043, giving at least 24 hours-notice.

CERTIFICATE OF POSTING:

I certify that the above notice and agenda was posted in three public places within the Lindon City limits and on the State (<http://pmn.utah.gov>) and City (www.lindoncity.org) websites.

Posted by: /s/ Kathryn A. Moosman, City Recorder

Date: March 11, 2020; Time: 2:00 p.m.; Place: Lindon City Center, Lindon Police Dept., Lindon Community Center

REGULAR SESSION – 5:15 P.M. - Conducting: Jeff Acerson, Mayor

Invocation: Carolyn Lundberg

Pledge of Allegiance: By Invitation

Item 1 – Call to Order / Roll Call

March 16, 2020 Lindon City Council meeting.

Jeff Acerson
Carolyn Lundberg
Van Broderick
Jake Hoyt
Randi Powell
Mike Vanchiere

Staff present: _____

Item 2 – Approval of Minutes

- Review and approval of City Council minutes: **March 2, 2020**

2 The Lindon City Council held a regularly scheduled meeting on **Monday, March 2,**
4 **2020, at 5:15 pm** in the Lindon City Center, City Council Chambers, 100 North State
Street, Lindon, Utah.

6 **REGULAR SESSION** – 5:15 P.M.

Conducting: Jeff Acerson, Mayor
8 Pledge of Allegiance: Jeff Acerson
Invocation: Jake Hoyt

10 **PRESENT**

EXCUSED

12 Jeff Acerson, Mayor
Carolyn Lundberg, Councilmember - Arrived 5:20
14 Jacob Hoyt, Councilmember
Van Broderick, Councilmember
16 Mike Vanchiere, Councilmember
Randi Powell, Councilmember
18 Adam Cowie, City Administrator
Mike Florence, Planning Director
20 Brian Haws, City Attorney
Kathryn Moosman, City Recorder

- 22 **1. Call to Order/Roll Call** – The meeting was called to order at 5:15 p.m.
- 24 **2. Approval of Minutes** – The minutes of the regular meeting of the City Council
- 26 meeting of February 18, 2020 were reviewed.

28 COUNCILMEMBER POWELL MOVED TO APPROVE THE MINUTES OF
30 THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 18, 2020 AS
PRESENTED. COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

32 COUNCILMEMBER HOYT	AYE
COUNCILMEMBER BRODERICK	AYE
34 COUNCILMEMBER VANCHIERE	AYE
COUNCILMEMBER POWELL	AYE

36 THE MOTION CARRIED UNANIMOUSLY.

38 **3. COUNCIL REPORTS:**

40 **Councilmember Hoyt** – Councilmember Hoyt reported he will be attending the ADHOC
42 Committee meeting on March 5th at 5:30 in the City Council Chambers to discuss the
density behind affected commercial properties on State Street. Hopefully they will get
44 some good ideas and input that will come back before the Council. He also mentioned the
Parks & Recreation Ivory Park proposal that was sent out from Heath Bateman, Parks &
Recreation Director.

2 **Councilmember Vanchiere** – Councilmember Vanchiere reported he had the
4 opportunity to have a drive around the city with Mike Florence. They looked at the
6 canopy area and also visited with Mr. Madson who is putting the RV park in at the
8 marina. He noted it was a good informative experience. He also reported he will be
10 attending a training meeting in Springdale for the North Pointe Solid Waste District and
will report back to the Council. He mentioned he has not had chance to go over the parks
and recreation master plan yet and will get his comments back to Heath Bateman. He also
attended the Little Miss Lindon Pageant on Saturday noting the Mayor did a great job
giving out the awards.

12 **Mayor Acerson** – Mayor Acerson reported the Little Miss Lindon pageant went very
14 well and was well attended. He reported things are going good at the North Utah County
16 Animal Shelter; there is a good group of people who are doing a wonderful job. He noted
18 the cat adoptions are up at the shelter. They are also looking into automated licensing of
20 their animals. He also mentioned the Utah County Health Department meeting was held
today where the Lt. Governor held a press conference to inform the citizenry they are on
top of the coronavirus issue and are ready to allocate funds; there is a sense of concern
but it will pass. He reported the Lindon Days Grand Marshals are set and the Allred's are
very excited to serve and will be very engaged.

22 **Councilmember Broderick** – Councilmember Broderick reported he attended the Provo
24 Bench Irrigation Canal meeting noting he and Brad Jorgensen were elected to serve on
the Board for another two years. He noted Steve Brown was also appointed and Russell
26 Brown will consult with him. He also attended the Hollow Water meeting and thanked
Brian Haws for reviewing the document on the transfer of shares from the North Union
28 Canal to the Central Utah Water Conservancy District. He mentioned he would like to
see/address the updated stormwater plan for discussion. He mentioned he has been
30 approached by residents who have expressed interest in doing an accessory apartment. He
would like the council to review what is required by state code and come up with a good
32 plan/process for people who want an accessory apartment and want to follow the rules
but not make it too burdensome but still be compliance. He would like us to look at this
34 issue as to have consistency with a good process. Mr. Cowie said staff will put something
together and bring it back to the Council.

36 **Councilmember Lundberg** – Councilmember Lundberg mentioned regarding low
38 income housing, that she had the opportunity to meet with a group who are starting an
initiative (model) where they come in with an incubator startup type business with the
40 idea to have a housing component with a working incubator space (mini-housing) where
you live, work and play; it would fall under the affordable housing cost. This is an
42 interesting concept (perhaps on 700 North) with a long-term, potential 25-year
lease/tenant; is this a type of use the City Council would be open to? She also attended
44 the PG/Lindon Chamber of Commerce Board meeting last week where they covered
Lindon Days. They are looking at ways for businesses to get exposure and awareness in
46 the community; they also spoke of creating a brand to identify Lindon Days. She also
mentioned the upcoming Chamber of Commerce luncheon at doTerra this Thursday; the

2 invitation is open to all city staff and is free of charge; this could be a good training event
and good opportunity. She also mentioned she read an article indicating the first medical
4 cannabis dispensary is opening on Monday in SLC and people can now apply for medical
cannabis cards.

6
Councilmember Powell – Councilmember Powell reported she had the opportunity to
8 attend a luncheon/program where Gubernatorial Candidate John Huntsman was in
attendance. She noted she was able to ask him some questions and put in a plug about
10 unfunded mandates. She reported she will not be able to attend the Engineering
Coordination meeting next week and asked Councilmember Broderick if he could attend.
12 She also mentioned the signs are still not turning off at Oak Canyon Jr. High School at
10pm as they said they would comply with. Mr. Florence said he will check into the
14 issue. She also asked about the amount of funding on the canal on 720 East and how far
the funds will take it. Mr. Cowie stated we obtained a grant for a certain dollar amount
16 and the city put in more than the match, so we can go as far as the dollars will take us on
the bid.

18
4. **Administrator’s Report:** Mr. Cowie reported on the following items followed by
20 discussion.

22 **Misc. Updates:**

- April newsletter article: Kristen Colson - Article due to Kathy Moosman by end
24 of March
- Legislative Update: HB273 - Property Rights Ombudsman; HB374 – postponed;
26 SB210 - Police body cameras
- UTOPIA Update; Any desire for UTOPIA/UIA update presentation from their
28 Staff. Following discussion, the council agreed a presentation is not needed.
- Street lighting changes; will bring back to the council.
- Next meeting; updated nuisance ordinance amendment and building zone change
30 on building heights.
- Lots of seasonal job openings.
- Misc. Items

34 **Upcoming Meetings & Events:**

- Little Miss Lindon Pageant – Saturday, February 29th at 6:00pm at Oak Canyon
36 Jr. High
- April 22nd - 24th – Utah League of Cities and Towns spring conference in St.
38 George

40 **5. Presentations and Announcements:**

- a) Comments/Announcements from Mayor and Council members.

42
6. **Open Session for Public Comment** – Mayor Acerson called for any public
44 comment not listed as an agenda item. There were no public comments.

46 7. **Consent Agenda Items** – There were no consent agenda items presented for

2 approval.

4 **CURRENT BUSINESS**

6 **8. Work Session — Review DRAFT of the Parks, Trails, & Recreation Master**
7 **Plan.** The Council will review and discuss the DRAFT updates to the Parks,
8 Trails and Recreation Master Plan. Feedback and direction will be provided. No
9 motions will be made.

10
11 Heath Bateman, Parks & Recreation Director led this agenda item by explaining
12 MHTN Architects presented the highlights of the draft update to the Parks, Trails &
13 Recreation Master Plan to the city council at the last meeting for input and feedback.

14 Mr. Bateman further explained the Parks, Trail, and Recreation Master Plan was
15 last updated and adopted in 2008. He noted this new plan will replace the old plan maps,
16 policies, and goals. He pointed out the City contracted with consultants to help prepare
17 the master plan updates and assist with the subsequent impact fee analysis. Public input
18 on parks, trails, and recreation within the City was gathered over a few months through
19 community wide surveys and a public open house that was well attended. In addition, a
20 Parks Master Plan Committee was formed with elected officials, citizens, staff, and the
21 consultants participating in several work meetings to discuss public input and desires,
22 then prepare and finalize the document.

23 Mr. Bateman noted the draft master plan has also been presented to the Planning
24 Commission for their input and feedback. He added once the plan is finalized it will be
25 brought to the City Council for a public hearing and possible adoption at the March 16th
26 City Council meeting. The financial consultants will then prepare the impact fee analysis
27 for the Council’s consideration at a future meeting (most likely in April)

28 Councilmember Hoyt commented the Council has had time to review the document
29 and suggested just going through the comments/suggestions from Council. He doesn’t feel
30 we need to rehash the entire document where we have all reviewed it several times.

31 Mr. Bateman said they made a request to the consultants for a more updated
32 document as there are some typos, wording changes and adding potential properties on the
33 map so they are visible and to make the map more user friendly. He noted the appendix
34 includes some of the same items as the past parks master plan. There was then some
35 general discussion regarding word usage in the plan and future park locations.

36 Councilmember Broderick mentioned some typos on Page 51 of the plan. He stated
37 he would also like to see the use of our term “PARC Tax” rather than “RAP Tax” etc. He
38 also indicated if there are things that have to be in the plan (that we would consider) he
39 would like to see dog parks as a possibility and in regards to playgrounds, he would like to
40 look at updating existing parks vs. new. He would also like to see shade structures on
41 existing pavilions. He expressed that the Geneva Resort Park Property would be at the
42 bottom of his list. He also indicated in regards to impact fees, that right now, he is not
43 comfortable with raising impact fees. Overall, he likes that these are possibilities in the plan
44 and not mandated just because they are included in the plan.

45 Mr. Cowie stated his recommendation tonight would be to ignore impact fees as he
46 will bring the impact fees back for and in-depth discussion at a future meeting. He stated

2 staff's recommendation will be to maintain impact fees and they will not be increased as
4 the Council does not want to do that and staff doesn't want to do that and the status quo is
6 where they will be regardless of the consultant's recommendation. Mr. Cowie reminded the
council that impact fees can only be used for new growth and amenities for system wide
improvements.

8 Following some additional discussion including impact fees, property acquisition,
open space and future parks, Mr. Bateman stated he will send the proposed changes to the
10 consultants and they will bring back a finalized draft to the next meeting. If the final plan is
adopted, they will then come back with an impact fee study for the Council's review and
move on from there.

12 Mayor Acerson called for any further comments or discussion from the Council.
Hearing none he moved on to the next agenda item.

14

9. Discussion Item — R-2 Housing Overlay. In prior meetings the Council
16 requested to review the R-2 Housing Overlay separation distances between multi-
family projects. Staff will present the current R-2 Overlay map and options for
18 decreased separation distances between projects.

20 Mike Florence, Planning & Economic Development Director, led this discussion
item by stating as the City Council reviewed the Moderate-Income Housing Report last
22 year, with one of the discussions being on the R2 Overlay Zone. At that time the Council
requested that staff bring back a map that shows the buffering requirement between
24 multi-family housing units reduced from 750' to 500'. He noted the following
requirements apply when determining the location of R2 multi-family housing:

- 26 • 7.46.020 - The Planning Department shall maintain on file a map and
associated documents which divide the residential areas within the city into
28 individual R2 Overlay districts and which includes such data as: total acreage
of each district, total allowable units per district, etc. The R2 Overlay Zone
30 includes all residential zones in their entirety, and also all residential uses
within non-residential zones that existed prior to April 1, 2011.
- 32 • 17.46.030 - The maximum number of units that are permitted within each R2
Overlay district identified on the R2 Overlay map shall be calculated by
34 multiplying 4% of the total acreage within each district by six (6). Each
dwelling unit approved as part of an R2 project, and each accessory apartment
36 and its' associated single-family dwelling unit, shall be counted towards the
capacity of the units permitted in each district. At such time as a district
38 reaches the maximum permitted capacity of units that district will be closed
to any further R2 Overlay projects. However, owner occupied single-family
40 dwellings with accessory apartments shall continue to be permitted even if the
district reaches its capacity.
- 42 • 17.46.040 - Density: The maximum number of units allowed for any R2
Overlay project shall be four (4) units. Available multi-family projects include
44 twin homes, condominiums, apartments, duplexes, triplexes, townhouses, or
any other multi-family housing unit that has two or three units per structure.
46 Detached single-family dwellings (one unit only) and projects with four units

2 (4-plexes) are prohibited.

- 4 • Lot size: The maximum number of units on an approved building lot in the residential zone is two (2) units. In the event that the lots are larger than twenty thousand (20,000) square feet for the R1-20 zone and twelve thousand (12,000) square feet for the R1-12 zone, then the maximum density shall be calculated at four (4) units per net acre. Substandard legal non-conforming lots shall only be allowed a maximum number of units based on four (4) units per acre.
- 10 • Separation Distance: Irrespective of R2 Overlay district boundaries, new R2 Overlay projects shall not be within seven hundred fifty (750) feet from any other approved R2 Overlay unit or other existing multi-family housing units, except for accessory apartments.

14 Mr. Florence indicated there are a few mechanisms that can determine how many units can be constructed in a district. These include the buffer requirement between units, the district calculation for the number of units allowed per district as per 17.46.030, and owner-occupied housing with accessory apartment units apply towards the total cap of allowable R2 housing units; however, accessory apartment can exceed the cap.

20 Mr. Florence went on to say as staff reviewed the R2 ordinance and maps, one thing that the council may want to consider is reviewing ordinance 17.46.030. The ordinance counts both the owner-occupied home and the accessory apartment towards the overall count in the district. The council could consider just counting the number of rental units (accessory and multi-family units) towards the overall count allowed in each district. He noted staff has provided a map that shows additional R2 area in each district with this calculation. Mr. Florence noted this alternative would continue to count new accessory units towards the overall total as well as the buffer between multi-family housing units.

28 Mr. Florence then referenced the following maps followed by discussion:

- 30 • R2 Overlay map with 750' buffers
- 32 • R2 Overlay map with 500' buffers.
- 34 • For historical purposes - 2008 map
- Map removing the counting of owner-occupied units towards the overall count per district

36 Following the presentation Mr. Florence stated he is just asking for any changes noting right now we are capped out in most of these zones for the R2 Overlay because of the 750' buffer. At this time, Mr. Cowie asked if the Council would be in favor of more twin home/triplex units.

40 Councilmember Powell expressed that she would be in favor of a very few but doesn't want to open pandoras box. Councilmember Lundberg agreed with Councilmember Powell adding she would like to see some duplex/triplex units allowed but in a measured way and mixed around single family so we're not affecting neighborhoods too greatly, but still allowing some more affordable gap type housing coming into the community and still keep the integrity of what Lindon is.

2 Councilmember Hoyt stated he is in favor of spreading density out rather than
4 having clusters. However, he doesn't feel this necessarily buys a lot of credit on the
affordable housing side.

6 Mayor Acerson directed staff to try and make this more in line and if there is any
leeway to see what we can do. He feels we will get a much better living accommodation
8 with an owner-occupied home with an accessory apartment because it was designed to
live in.

10 Councilmember Vanchiere shared his opinion stating there are more people who
want to live in Lindon than there are accessory apartments, and he believes in a way what
we are doing is discriminating. He realizes we want to keep the spirit of Lindon but by
12 being as restrictive as we are is discouraging. With the appropriate amenities with
duplexes/triplexes we could offer more affordable housing to those who want to live here.

14 Mr. Florence stated he feels we are moving in a good direction and he will speak
with Phil Brown, Chief Building Official and come back to the Council with some
16 recommendations.

18 Mayor Acerson called for any further comments or discussion from the Council.
Hearing none he called for a motion to adjourn.

20 **Adjourn** –

22 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
AT 7:35 PM. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
24 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

26 Approved – March 16, 2020

28
30 _____
Kathryn Moosman, City Recorder

32 _____
Jeff Acerson, Mayor

Item 3 - COUNCIL REPORTS:*(10 minutes)*

- A) MAG, COG, UIA, Utah Lake Comm., ULCT, NUVAS, IHC Outreach, County Board of Health - Jeff Acerson
- B) Police/Fire/EMS, Emergency Mgmt., Irrigation Co. Representative/Board member, City Buildings - Van Broderick
- C) Public Works/Engineering, Historic Commission, Administration, Building Const. & Inspection - Randi Powell
- D) PG/Lindon Chamber of Commerce, Economic Development, Lindon Days - Carolyn Lundberg
- E) Planning Commission/BOA, Planning/Zoning, General Plan, Transfer Station/Solid Waste Board - Mike Vanchiere
- F) Parks, Trails, and Recreation, Cemetery, Tree Advisory Board - Jake Hoyt

Item 4 - ADMINISTRATOR'S REPORT

(10 minutes)

Misc. Updates:

- April newsletter article: Kristen Colson - Article due to Kathy Moosman by end of March
- Legislative Update
- Lots of seasonal job openings; PD officer vacancy – offer has been made; Water Operator – interviews occurring this week; Sewer Operator opening.
- FYI - 700 North temporary development moratorium – advertised for April 13th
- FYI - Road Maintenance draft projects map was distributed; anticipated Council bid approval on May 4th.
- **Note:** next meeting (April 13th) is 2nd Monday of the month instead of 1st or 3rd.
- Upcoming items: street lights/dark sky discussion, budget hearings, Public Safety Tier 2 retirement options, storm water master plan & impact fee study, Parks, Trails & Recreation master plan / impact fee
- Misc. Items

Upcoming Meetings & Events:

- April 22nd-24th – Utah League of Cities and Towns spring conference in St George

Item 5 – Presentations and Announcements

- a) Comments / Announcements from Mayor and Council members.
- b) Recognition of new Little Miss Lindon royalty.
- c) Employee Recognition Award, Lieutenant Josh Edwards

Item 6 – Open Session for Public Comment

(For items not on the agenda - 10 minutes)

Item 7 – Consent Agenda – *Consent agenda may contain items which have been discussed beforehand and/or do not require significant discussion, or are administrative in nature, or do not require public comment. The Council may approve all Consent Agenda items in one motion, or may discuss individual items as needed and act on them separately.*

- a) **Resolution #2020-5-R; Surplus Property** – The City Council will review and consider Resolution #2020-5-R declaring certain items to be surplus property.
- b) **Bid award for Creekside Park re-construction** – Staff recommends awarding the construction contract to the low bidder, CSM Construction in the amount of \$224,030.00 with an additional \$55,407 in General Funds covering equipment purchases and engineering costs with total project costs of \$369,693 (\$142,857 is offset by a grant through the Land & Water Conservation Fund). This project consists of replacing the pavilion, play set, walking trail, and building two new pickleball courts.

Sample Motion: *I move to (approve, deny, continue) the consent agenda item(s) (as presented, or with changes).*

RESOLUTION NO. 2020 - ____-R

A RESOLUTION DECLARING CERTAIN PROPERTY OWNED BY LINDON CITY AND/OR FOUND, SEIZED, AND UNCLAIMED PROPERTY TO BE SURPLUS PROPERTY AND AUTHORIZING THE DISPOSAL OF THE LISTED PROPERTY.

WHEREAS, the Municipal Council of Lindon City has adopted policies and procedures for the disposal of surplus property; and

WHEREAS, the policy mandates that a public meeting be held concerning the declaration of any property deemed to be surplus by the City and valued over \$100; and

WHEREAS, the Lindon City Police Department has accumulated unclaimed and found property, and other property obtained through the course of processing criminal cases; and

WHEREAS, per Utah State law the Lindon City Police Department has attempted to identify and find owners of said property and has advertised that the property will be sold at public auction if not claimed, or destroyed and disposed of if it is unfit for public use or sale; and

WHEREAS, owners of the unclaimed or found property have not been located and the unclaimed property may be declared as surplus property and disposed of per Lindon City Surplus Property policies; and

WHEREAS, additional used City equipment and property as may be listed also needs to be disposed of.

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

- Section 1. That the items described on the attached inventory be declared as surplus property of the City; and
- Section 2. That the items described on the attached listing as being unfit for public use or sale may be destroyed and disposed of; and
- Section 3. Items as identified may be offered for sale to the public through their listing on www.publicsurplus.com. These properties will be offered for minimum bids, where applicable. If the minimum bid is not realized, administrative staff may dispose of the properties at their discretion including selling for less than the minimum bid; and
- Section 4. Items as identified may be donated to charitable causes; and
- Section 5. Items as identified may be retained and used by the City; and
- Section 6. This resolution shall take effect immediately upon passage.

Adopted and approved this 16th day of March, 2020.

By _____
Jeff Acerson, Mayor

Attest:

By _____
Kathryn A. Moosman, City Recorder

SEAL:

The following items listed have been acquired by Lindon City Police Department either through Found/Abandoned Property cases or property that was acquired through Criminal Cases with no known owner and is no longer needed as evidence. The items have been listed under the law that applies to that specific item of property:

Disposition of Unclaimed Property 77-24a-1 through 77-24a—5, and Legal Notice Publication 45-1-101

Our intent with the highlighted items in red is to gift them to a business in Provo known as the Provo Bike Collective. Link to a You Tube Video: <https://bicyclecollective.org/provo/itemlist>

Thirty-Two Bicycles ranging from kids to adult size bikes

Two bike rims with tires

Two electric “Razor” Scooters

Old Motorized Scooter

Wheelchair

Small Snap-On tool set

Toro Snowblower (Public Surplus)

Property no longer needed as evidence-Disposition of property 24-3-103

White enclosed Utility Trailer (City Parks Department use)

Two 24” Televisions (Police and Fire Department use)

Nest Carbon Dioxide/Smoke Detector (Public Surplus)

Tow Truck Dollie Wheels (Public Surplus)

Lindon Creekside Park Improvements – Notice of Award

NOTICE OF AWARD

Date of Issuance: March 16, 2019

Owner: Lindon City

Engineer: Clegg Consult

Project: Lindon Creekside Park Improvements

Bidder: CSM Construction

Bidder's Address: 5541 West Bagley Park Road
West Jordan, Utah 84081

You are notified that Owner has accepted your Bid dated **February 19, 2019** for the above Contract, and that you are the Successful Bidder and are awarded a Contract for the **Lindon City Creekside Park Improvements** project.

The Contract Price of the awarded Contract is **\$224,030. Three (3)** unexecuted counterparts of the Agreement accompany this Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

Drawings will be delivered separately from the other Contract Documents.

You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

1. Deliver to Owner **3** counterparts of the Agreement, signed by Bidder (as Contractor).
2. Deliver with the signed Agreement(s) the Contract security (such as required performance and payment bonds) and insurance documentation, as specified in the Instructions to Bidders and in the General Conditions, Articles 2 and 6.
3. Other conditions precedent (if any):

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within 10 days after you comply with the above conditions, Owner will return to you one fully signed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Owner: Lindon City

By (signature): _____

Name (printed): _____

Title: Mayor

Copy: Engineer

<u>Item</u>	<u>Amount</u>	
LWCF Grant	\$	142,857.00
City Portion	\$	171,429.00
Total Cost	\$	314,286.00

Breakdown of Cost

Engineering and project management	\$	35,800.00
New Play Set	\$	74,424.00
New Pavilion	\$	35,439.00
Construction Bid (CSM Const.)	\$	224,030.00
	\$	369,693.00

Summary

Budgeted Amount	\$	314,286.00
Actual Cost	\$	369,693.00
Difference (from General Fund)	\$	(55,407.00)

**CREEKSIDE PARK IMPROVEMENTS
ENGINEER'S ESTIMATE AND BID SUMMARY
2/21/2020**

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	ENGINEER	
				UNIT PRICE	AMOUNT
1	MOBILIZATION	LS	1	\$10,000.00	\$10,000
2	STORMWATER BMP'S	LS	1	\$5,000.00	\$5,000
3	REMOVE EXISTING 5' ASPHALT TRAIL	LF	600	\$10.00	\$6,000
4	REMOVE EXISTING PAVILION	LS	1	\$5,000.00	\$5,000
5	REMOVE EXISTING SHED	LS	1	\$2,000.00	\$2,000
6	REMOVE/RELOCATE EXISTING SOD	SF	1532	\$1.00	\$1,532
7	REMOVE EXISTING ASPHALT AREA	SF	480	\$5.00	\$2,400
8	4' CONSTRUCTION FENCE	LF	635	\$2.00	\$1,270
9	4' CONCRETE FLATWORK	SF	6170	\$7.50	\$46,275
10	PICKLEBALL COURTS: CONCRETE, PAINT, NETS	LS	1	\$50,000.00	\$50,000
11	PICKLEBALL LIGHT POLES	EA	6	\$700.00	\$4,200
12	PICKLEBALL LUMINAIRES	EA	8	\$700.00	\$5,600
13	PICKLEBALL ELECTRICAL WORK	LS	1	\$3,000.00	\$3,000
14	4' CHAIN LINK FENCE	LF	208	\$25.00	\$5,200
15	8' CHAIN LINK FENCE	LF	144	\$30.00	\$4,320
16	4' CHAIN LINK GATE	EA	2	\$375.00	\$750
17	CONCRETE SAWING	LF	26	\$20.00	\$520
18	INSTALL NEW PAVILION	LS	1	\$20,000.00	\$20,000
19	PAVILION LIGHTING AND ELECTRICAL	LS	1	\$8,000.00	\$8,000
20	LANDSCAPE RESTORATION	LS	1	\$5,000.00	\$5,000
21	DRINKING FOUNTAIN	LS	1	\$7,000.00	\$7,000
	TOTAL				\$193,067

CONTRACTORS														LOW	HIGH	AVERAGE
CSM CONSTRUCTION		S&L INC.		JEFF MCNIELL & SONS		ROYALTY SERVICES GROUP		JOHNSON & PHILLIPS		JLR CONTRACTORS						
UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT					
\$14,400.00	\$14,400	\$30,000.00	\$30,000	\$7,165.00	\$7,165	\$27,034.05	\$27,034	\$17,000.00	\$17,000	\$34,900.00	\$34,900	\$14,400	34,900	\$21,750		
\$4,025.00	\$4,025	\$5,000.00	\$5,000	\$12,024.00	\$12,024	\$999.00	\$999	\$6,000.00	\$6,000	\$7,980.00	\$7,980	\$999	7,980	\$6,005		
\$13.75	\$8,250	\$5.00	\$3,000	\$11.12	\$6,672	\$11.10	\$6,660	\$17.00	\$10,200	\$10.00	\$6,000	\$3,000	10,200	\$6,797		
\$2,250.00	\$2,250	\$4,000.00	\$4,000	\$6,912.00	\$6,912	\$8,741.25	\$8,741	\$12,500.00	\$12,500	\$4,450.00	\$4,450	\$2,250	12,500	\$6,476		
\$2,250.00	\$2,250	\$800.00	\$800	\$1,194.00	\$1,194	\$666.00	\$666	\$3,000.00	\$3,000	\$4,450.00	\$4,450	\$666	4,450	\$2,060		
\$2.15	\$3,294	\$5.00	\$7,660	\$2.99	\$4,581	\$2.67	\$4,090	\$10.00	\$15,320	\$2.00	\$3,064	\$3,064	15,320	\$6,335		
\$3.13	\$1,500	\$2.00	\$960	\$2.89	\$1,387	\$2.22	\$1,066	\$10.00	\$4,800	\$4.90	\$2,352	\$960	4,800	\$2,011		
\$2.68	\$1,702	\$6.00	\$3,810	\$4.50	\$2,858	\$2.97	\$1,886	\$4.00	\$2,540	\$4.90	\$3,112	\$1,702	3,810	\$2,651		
\$6.99	\$43,128	\$7.50	\$46,275	\$7.85	\$48,435	\$9.21	\$56,826	\$19.30	\$119,081	\$15.25	\$94,093	\$43,128	119,081	\$67,973		
\$45,175.00	\$45,175	\$47,000.00	\$47,000	\$46,680.00	\$46,680	\$41,536.20	\$41,536	\$48,650.00	\$48,650	\$57,935.00	\$57,935	\$41,536	57,935	\$47,829		
\$4,100.00	\$24,600	\$900.00	\$5,400	\$4,370.00	\$26,220	\$4,286.82	\$25,721	\$1,375.00	\$8,250	\$2,330.00	\$13,980	\$5,400	26,220	\$17,362		
\$875.00	\$7,000	\$1,100.00	\$8,800	\$939.88	\$7,519	\$869.41	\$6,955	\$665.00	\$5,320	\$1,985.00	\$15,880	\$5,320	15,880	\$8,579		
\$8,750.00	\$8,750	\$10,000.00	\$10,000	\$8,658.00	\$8,658	\$8,008.65	\$8,009	\$18,000.00	\$18,000	\$18,295.00	\$18,295	\$8,009	18,295	\$11,952		
\$39.13	\$8,139	\$35.00	\$7,280	\$25.78	\$5,362	\$35.48	\$7,380	\$37.00	\$7,696	\$36.75	\$7,644	\$5,362	7,696	\$7,250		
\$54.85	\$7,898	\$50.00	\$7,200	\$86.42	\$12,444	\$53.71	\$7,734	\$57.00	\$8,208	\$50.00	\$7,200	\$7,200	12,444	\$8,448		
\$400.00	\$800	\$500.00	\$1,000	\$428.50	\$857	\$444.00	\$888	\$875.00	\$1,750	\$350.00	\$700	\$700	1,750	\$999		
\$21.19	\$551	\$20.00	\$520	\$23.08	\$600	\$26.64	\$693	\$68.00	\$1,768	\$30.00	\$780	\$520	1,768	\$819		
\$24,650.00	\$24,650	\$32,000.00	\$32,000	\$34,350.00	\$34,350	\$27,417.00	\$27,417	\$37,625.00	\$37,625	\$114,965.00	\$114,965	\$24,650	114,965	\$45,168		
\$9,950.00	\$9,950	\$8,500.00	\$8,500	\$8,856.00	\$8,856	\$8,210.67	\$8,211	\$9,700.00	\$9,700	\$9,025.00	\$9,025	\$8,211	9,950	\$9,040		
\$3,300.00	\$3,300	\$12,000.00	\$12,000	\$2,400.00	\$2,400	\$12,931.50	\$12,932	\$43,100.00	\$43,100	\$28,870.00	\$28,870	\$3,300	43,100	\$17,100		
\$1,410.00	\$1,410	\$6,500.00	\$6,500	\$10,200.00	\$10,200	\$13,342.20	\$13,342	\$7,000.00	\$7,000	\$13,170.00	\$13,170	\$1,410	13,170	\$8,604		
	\$223,022		\$247,705		\$255,374		\$268,785		\$387,508		\$448,844	\$181,787	536,214	\$305,206		

Yellow cells are numbers that do not match up with the bid. Further research is needed.

- 8. Public Hearing — Nuisance Ordinance Updates; Ordinance #2020-4-O.** The City Council will review and consider for approval Ordinance #2020-4-O, updating Lindon City Code Chapter 8.20 Public Nuisances. (15 minutes)

Sample Motion: I move to (approve, deny, continue) Ordinance Amendment #2020-4-O updating Lindon City Code Chapter 8.20 Public Nuisances (as presented, or with changes).

ORDINANCE NO. 2020-4-O

AN ORDINANCE AMENDING CHAPTER 8.20 OF THE LINDON CITY CODE, PROVIDING FOR THE REGULATION AND ABATEMENT OF PUBLIC NUISANCES WITHIN LINDON CITY.

WHEREAS, it is in the best interest of the citizens of Lindon City to ensure that the City has an effective means to identify and correct nuisances within the City; and

WHEREAS, it is appropriate to amend Chapter 8.20 of the Lindon City Code to provide a more fair and effective method for identifying and abating such nuisances; and

WHEREAS, the proposed amendments establish an administrative procedure which may be followed if possible, rather than relying solely on criminal citations for enforcement of Chapter 8.20; and

WHEREAS, the proposed amendments promote, protect and preserve the health, safety and welfare of the public, and foster neighborhood stability by preserving the appearance, character and beauty of the community as well as protecting property values and the general welfare of the City and its citizens.

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

PART ONE: Amendment of Chapter 8.20 of the Lindon City Code.

Chapter 8.20 of the Lindon City Code is amended as follows:

Chapter 8.20
PUBLIC NUISANCES

Sections:

8.20.010	Purpose.
8.20.020	Definitions.
8.20.030	Nuisance – Definitions.
8.20.040	Exceptions.
8.20.050	Nuisance – Abatement by Eviction <u>Health and Safety Officer.</u>
8.20.060	Finding of Nuisance.
8.20.070	Responsibility for Nuisance.
8.20.080	Inspector – Office Created <u>Notice – Record of Service.</u>
8.20.090	Inspector – Duties <u>Enforcement.</u>
8.20.100	Notice – Proof of Service <u>Collection of Administrative Fees and Costs of Abatement.</u>
8.20.110	Hearing <u>Itemized Statement of Costs.</u>
8.20.120	Failure to Comply <u>Failure to Make Payment.</u>
8.20.130	Delivery of Itemized Statement of Expenses <u>Collection by Lawsuit.</u>
8.20.140	Failure to Make Payment <u>Collection through Taxation.</u>
8.20.150	Collection by Lawsuit <u>Remedies Cumulative.</u>
8.20.160	Collection through Taxation <u>Appeals.</u>

~~8.20.170 Remedies Cumulative.~~~~8.20.180 Nuisance Unlawful Penalty.~~**8.20.010 Purpose.**

The purpose of this ~~Chapter ordinance~~ is to provide a means for the City ~~and individuals~~ to identify ~~Nuisances~~ within the City and to provide a means for correcting or ~~A~~ abating ~~said the~~ ~~Nuisances~~. The City needs the ability to ~~a~~ Abate ~~Nuisances~~ in order to protect the health and safety of the public, to foster neighborhood stability, to preserve the appearance, character and beauty of neighborhoods, to encourage community pride, to preserve the value of ~~P~~ Property, and to protect the general welfare of the City and its citizens, businesses and visitors. This ordinance provides for progressive enforcement measures to ~~a~~ Abate ~~Nuisances~~; the most aggressive forms of enforcement are generally reserved for the most ~~recalcitrant~~ repetitive and egregious violators of this ~~Chapter ordinance~~.

8.20.020 Definitions.

1. “Abate or Abatement” means to repair, replace, remove, destroy, correct, or otherwise remedy a condition that constitutes a ~~Nuisance~~ by such means, in such manner, and to such an extent, as the ~~Health and Safety Inspector~~ Health and Safety Officer determines is necessary in the interest of the general health, safety and welfare of the community.
2. “Administrative Citation” means an administrative order, including the assessment of civil fees and penalties, issued by the Health and Safety Officer pursuant to the requirements of § 8.20.090 of this Chapter.
3. “Appeal Authority” means the City Administrator or a hearing officer appointed by the City Administrator pursuant to § 8.20.160 of this Chapter.
4. “Emergency” means a situation which, in the opinion of the ~~Neighborhood Preservation Officer~~ Health and Safety Officer, requires immediate action to prevent or eliminate an immediate threat to the health, ~~or safety, or welfare~~ of a person or ~~P~~ Property.
5. “Health and Safety Inspector/Officer” means the City Administrator, Chief Building Official, Planning Director, Public Works Director, Police Officer, Fire Marshal and other code enforcement staff hired and authorized by the City to enforce provisions of the Lindon City Health and Safety Code.
6. “Notice” means a written communication issued by the City regarding the ~~Health and Safety Officer’s determination in relation to a Nuisance or Administrative Citation or the issuance of a decision from the Appeal Authority.~~
7. “Owner” means any person who, alone or with others, has title to, or interest in, any building or ~~Property~~ premises, with or without ~~accompanying~~ actual possession thereof. For the purpose of giving notice and for seeking Abatement of a Nuisance, the term “Owner” –also includes any person in physical possession of any Property.
“Premises” means a plot of ground, whether occupied or not.
8. “Property” means a building or structure, or the premises on which ~~at~~ the building or structure is located. “Property” also includes a plot of land or ground whether developed or undeveloped, occupied or unoccupied, land.
9. “Public Place” means an area generally visibly to public view and includes alleys, bridges, driveways, parking lots, parks, plazas, sidewalks, streets and buildings open to the general public, including those that sell food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

2.10. ~~“Responsible Person”~~ “Responsible Party” means the person(s) responsible for correcting or Abating a Nuisance pursuant to this ~~Chapter~~ ordinance. The Responsible Person includes the Property Owner and any person, corporation, or business entity, who causes or permits a Nuisance to occur or remain upon Property in the City; “Responsible Party” ~~and also~~ includes, but is not limited to, the Owner(s), lessor(s), lessee(s), or other person(s) entitled to control, use and/or occupy Property where a Nuisance occurs. In cases where there are more than one Responsible Person, the City may proceed against one, some, or all of the Responsible Persons in enforcing the provisions of this Chapter.

8.20.030 Nuisance – Definition.

This Section defines “Nuisance” by providing five general definitions of what constitutes a Nuisance (Subsection 1), and then providing specific examples of situations, conduct, or activities that constitute Nuisances (Subsection 2). The purpose of the general definitions is to allow the City to classify an offending situation, conduct, or activity as a Nuisance, even though the situation, conduct, or activity may not be listed as a Nuisance in the specific examples. The first three general definitions are taken directly from Utah State Law. The purpose of listing the specific examples is to identify some of the specific situations, conduct and activities that the City intends to identify and Abate as Nuisances.

1. *General Definitions of Nuisance.* Any activity that meets any one or more of the ~~five~~ definitions set forth below shall constitute a “Nuisance” if it occurs within the City of Lindon:
 - a. Nuisance as Defined in U.C.A. § 78B-6-1101: “(A)nything which is injurious to health, indecent, offensive to the senses or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property”;
 - b. Nuisance as Defined in U.C.A. § 76-10-801: “-A(A)ny item, thing, manner, or condition whatsoever that it is dangerous to human life or health or renders soil, air, water, or food impure or unwholesome”;
 - c. Nuisance as Defined in U.C.A. § 76-10-803(1): “-U(U)nlawfully doing any act or omitting to perform any duty, which act or omission:
 - i. annoys, injures or endangers the comfort, repose, health, or safety of three or more persons;
 - ii. offends the public decency;
 - iii. unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or
 - iv. _____ in any way renders three or more persons insecure in life or the use of property.
 - d. Nuisance as Defined in U.C.A. § 76-10-803(2): “An act which affects three or more persons in any of the ways specified in this section is still a nuisance regardless of the extent to which the annoyance or damage inflicted on individuals is unequal.”
 - e. “Nuisance”; also means a condition which:
 - i. wrongfully annoys, injures, or endangers the comfort, repose, health, or safety of others; ~~or~~

- ii. unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any public park, square, street, or highway or any other public place; or
 - iii. in any way renders other persons insecure in life, or in the use of property, and which affects the rights of an entire community or neighborhood, although the extent of the damage may be unequal.
 - f. *Specific Nuisances Listed in Subsection 2.* Anything specifically listed as a Nuisance in subsection (2), below.
2. *Nuisances Enumerated.* Every situation, conduct, or activity listed below constitutes a Nuisance and may be Abated pursuant to this Chapter ordinance. The listed examples are not exhaustive; a situation, conduct, or activity not listed below, but coming within one of the general definitions of Nuisances listed above, shall also constitute a Nuisance. ~~The first six listed Nuisances are also listed as Nuisances pursuant to U.C.A. § 78B-6-1107 as may be amended: 78-38-9~~
- a. *Offenses Identified as Eligible for Abatement by Eviction.* The following Nuisances are identified by U.C.A. § 78B-6-1107 and are subject to Abatement by eviction if found to be occurring within Lindon City. Evictions shall be enforced pursuant to § 8.20.090(5) of this Chapter:
 - i. *“Drug House” means:* Every building or Property premises where the unlawful sale, manufacture, service, storage, distribution, dispensing, or acquisition of any controlled substance, precursor, or analog specified in Title 57, Chapter 37 of the Utah Code (Utah Controlled Substances Act) occurs;
 - ii. *“Gambling” means:* Every building or Property premises where gambling is permitted to be played, conducted, or dealt upon as prohibited in Title 76, Chapter 10, Part 11 of the Utah Code (Gambling) which creates the conditions of a Nuisance as defined in ~~Section §~~ 8.20.030(1)(c) of this Section ordinance;
 - iii. *“Gangs” means:* Every building or Property premises wherein criminal activity is committed in concert with two or more persons as provided in ~~Section §~~ 76-3-203.1 of the Utah Code;
 - iv. *“Party House” means:* Every building or Property premises where parties occur frequently which create the conditions of a Nuisance as defined in ~~Section §~~ 8.20.030(1)(a) of this Section ordinance;
 - v. *“Prostitution” means:* Every building or Property premises where prostitution or the promotion of prostitution, ~~is regularly carried on by one or more persons as provided defined~~ is repeatedly carried on by one or more persons;
 - vi. *“Weapons” means:* Every building or Property premises where a violation of Title 76, Chapter 10, Part 5 (Weapons) of the Utah Code occurs on the Property premises.
 - b. ~~Illegal~~ *“Accessory Apartment” means:* Any violation of the City’s accessory apartment ordinance. (§ 17.46.100);

- c. “Accumulation of Junk” means: A an accumulation of the following items, which are kept or stored in a manner so as to be visible from a Public Place street, alley, or adjoining property:
 - i. used or damaged Lumber or scrap wood;
 - ii. junk in any state of disrepair or deterioration;
 - iii. salvage materials;
 - iv. abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, or other fixtures or equipment.
 - v. However, nothing herein shall preclude the placement of stacked firewood for personal non-commercial use on the a Property Premises;
- d. “Alcohol” means: eEvery Property or Premises not licensed under applicable State law or City ordinances where any intoxicating liquors or alcohol are kept for unlawful use, sale, or distribution;
- e. “Animals” means: Nuisance violations with respect to the keeping and maintenance of animals, including odor, shall be regulated by the Lindon City Animal Control Ordinance;
- f. “Attractive Nuisances” means: aAny attractive nuisance dangerous to children and other persons including, but not limited to, abandoned, broken, or neglected household appliances, equipment and machinery, abandoned foundations or excavations or improperly maintained or secured pools;
- g. “Banner Signs” means: kKeeping or allowing banner signs in violation of City ordinances;
- h. “Buildings and Structures” (Improper Maintenance) means: mMaintenance of buildings and/or structures in such condition as to be deemed defective or in a condition of deterioration or disrepair including, but not limited to, the following:
 - i. Any building or structure which is unfit for human habitation or which is an unreasonable hazard to the health of people residing in the vicinity thereof, or which presents an unreasonable fire hazard in the vicinity where it is located;
 - ii. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of City ordinances, or any use of land, buildings or Property Premises in violation of City ordinances;
 - iii. Buildings which are abandoned, partially destroyed or left in an unreasonable state of partial construction for a period of six (6) months or longer. An “unreasonable state of partial construction” is defined as any unfinished building or structure where the appearance or condition of the building or structure does not meet the requirements for finished buildings or structures as ~~required~~ established by applicable City ordinances or building codes. The building or structure shall not be considered to be a Nuisance if it is under active construction;
 - iv. Buildings having dry rot, warping, termite infestation, decay, excessive cracking, peeling, or chalking, as to render the building unsightly and/or in a state of disrepair;

- v. Buildings with missing doors and/or windows containing broken glass and/or no glass at all where the window is of a type which normally contains glass;
 - vi. Building exteriors, walls, fences, gates, driveways, sidewalks, walkways, signs, ornamentations, or alleys maintained in such condition as to render them unsightly and/or in a state of disrepair; or
 - vii. Buildings or conditions that violate any building, electrical, plumbing, fire, housing, or other code adopted by the City.
- ~~h.i.~~ h.i. “City Code Nuisances” means: ~~a~~ Any violation of a Lindon City Code Section that expressly declares a specific situation, conduct, or activity to be a Nuisance;
- ~~i.j.~~ i.j. “Construction Equipment” means: ~~c~~ Construction equipment or machinery of any type or description parked or stored on Property when it is readily visible from a Public Place ~~public street, alley~~ or adjoining Property, except while excavation, construction, or demolition operations covered by an active building permit are in progress on the subject Property or an adjoining Property, or where the Property is zoned for the storage of construction equipment and/or machinery;
- ~~j.k.~~ j.k. “Dangerous Conditions” means: ~~a~~ Any fence, wall, shed, deck, house, garage, building, structure, or any part of any of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit, basement, cellar, sidewalk, subspace, dock, or loading dock; or any lot, land, yard, Property Premises or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb, or Property, or cause any hurt, harm, inconvenience, discomfort, damage, or injury to any one or more individuals in the City, in any one or more of the following particulars:
- i. By reason of being a menace, threat and/or hazard to the general health and safety of the community;
 - ii. By reason of being a Fire Hazard;
 - iii. By reason of being unsafe for occupancy; or use ~~on, in, upon, or about or around the aforesaid Property;~~ or
 - iv. By reason of ~~lack of~~ insufficient or inadequate maintenance of the Property, whether occupied or and/or being vacant, any of which so as to depreciates the enjoyment and use of the surrounding properties in the immediate vicinity to ~~such an~~ the extent that it is harmful to the community in which such Property is situated ~~or such condition exists.~~
- ~~k.l.~~ k.l. “Debris and Trash” (Improper Accumulation) means: ~~an a~~ Accumulation of soil, litter, debris, plant trimmings, or trash; visible from a Public Place ~~the street or an adjoining property;~~
- ~~l.m.~~ l.m. “Dust” means: ~~a~~ Any Property Premises which causes excessive dust due to lack of landscaping, non-maintenance, or other cause;
- ~~m.n.~~ m.n. “Fire Hazard” means: ~~A fire hazard.~~ a condition which increases the potential for an unintentional or uncontrolled fire, including conditions which would impede escape from, or firefighter’s access to, a fire;

- ~~n.o.~~ “Garbage Can” means: ~~t~~The leaving of any garbage can or refuse container in the street, ~~other than on collection day,~~ for more than 24 hours after the collection day assigned for said Property;
- ~~o.p.~~ “Graffiti” means: ~~g~~Graffiti which remains on the exterior of any building, fence, sign, or other structure and is visible from a Public Place ~~public street~~ or an adjoining property;
- ~~p.q.~~ “Gravel, Soils and Debris” (Improper Storage) means: ~~t~~The keeping, storing, depositing, ~~or accumulating,~~ or maintaining of ~~on the Premises,~~ on the ~~or in the public right of way,~~ for an unreasonable period of time any dirt, sand, gravel, concrete, or other similar materials or debris, ~~or maintenance of such material on Property or in a public rights-of-way~~ for an unreasonable period time or in a manner that creates an unreasonable risk to the public’s health, safety, or welfare. Material stored as part of an active construction project shall not be considered a Nuisance;
- ~~q.r.~~ “Hazardous Conditions” means: ~~a~~Any wall, sign, fence, gate, hedge, or structure maintained in such condition of deterioration or disrepair as to constitute a hazard to persons or Property;
- ~~r.s.~~ “Inappropriate Conduct” means: ~~e~~Every Property ~~or Premises~~ where there exists an environment which causes, encourages or allows individuals or groups of individuals to commit one or more of the following acts: ~~on the Property, Premises or adjacent Public Place,~~ including but not limited to:
- i. Illegally consuming intoxicating liquor or alcohol;
 - ii. Public urinating or defecating in a location that can be seen from a Public Place or from an adjoining property;
 - iii. By physical action, intentionally causing or attempting to cause another person to reasonably fear imminent bodily injury or the commission of a criminal act upon their person or upon Property in their immediate possession;
 - iv. Engaging in acts of violence, including fighting amongst themselves;
 - v. Discharging a firearm, ~~or explosive,~~ in violation of City ordinances or State law;
 - vi. Intentionally obstructing pedestrian or vehicular traffic;
 - vii. Soliciting acts of prostitution; or
 - viii. Violating the Lindon City Curfew Ordinance. (Chapter 9.22.)
- ~~s.t.~~ Required “Landscaping” (Failure to Install or Maintain) means: ~~f~~Failure to install or maintain landscaping required by City ordinances;
- ~~t.u.~~ “Noise” (Inappropriate Noise Levels for Time and Place) means it: ~~It~~ shall be unlawful for any person to make, permit, continue, or cause to be made, ~~or to create~~ any unreasonably loud and/or disturbing noise in the City. Any noise which is substantially incompatible with the time and location where said noise is created and to the extent that it creates an actual or imminent interference with the peace and good order of persons of ordinary sensibilities shall be prohibited; Between the hours of 10:30 p.m. and 7:00 a.m., it shall be unlawful for any person or business to:
- i. operate, play, cause, allow, permit, or fail to control the operation or playing of any noise emitting device which disturbs, injures or endangers

- the comfort, repose, health, hearing, peace and safety of persons with ordinary sensitivity; or
- ii. conduct construction or demolition activities within six hundred feet (600') of a residential zone or use.
 - iii. Exceptions to these restrictions may be obtained upon approval from the City.
- ~~u.v.~~ “Noxious Emanations” means: ~~e~~Emanation of noxious or unreasonable odors, fumes, gases, smoke, soot, or cinders;
- ~~v.w.~~ “Noxious Weeds” means: ~~Noxious Weeds-~~ any weed listed on the noxious weed list as identified and published by the Utah County Weed Control Board pursuant to Chapter 17 of Title 4 of the Utah State Code. Noxious Weeds shall also include any weeds growing taller than a height of six (6) inches and that are located on vacant lots or other property visible from a Public Place or an adjoining Property along public sidewalks or the outer edge of any public street, or Noxious Weeds shall also include any weeds, in any other location, that are in such a condition so as to which constitute a Fire Hazard;
- ~~w.x.~~ “Parking on Landscaping” means: ~~p~~Parking in an area required to be landscaped by City ordinances;
- ~~x.y.~~ “Refuse” means: ~~k~~Keeping or storing of any refuse or waste matter which interferes with the reasonable enjoyment of nearby Property;
- ~~y.z.~~ “Signage” (Improper or Illegal) means: ~~i~~Improper maintenance of a sign; or signs, which advertise a business that is no longer extant exists on the Property or any signage maintained in violation of Title 18 of the Lindon City Code;
- ~~z.aa.~~ “Stagnant Water” means: ~~p~~Polluted or stagnant water which constitutes an unhealthy or Unsafe Condition;
- ~~aa.bb.~~ “Unrelated Persons Residing in a Dwelling Unit” Family means: ~~k~~Keeping or allowing people to reside at a Property ~~Premises~~ in violation of the City’s single-family residence requirements ordinance. (§ 17.02.010);
- ~~bb.cc.~~ “Unsafe Conditions” means: ~~a~~A condition that unreasonably or unlawfully affects the health or safety of one or more persons;
- ~~ee.dd.~~ “Unsanitary Conditions” means: ~~d~~discarding or depositing substances or materials which create or allow an Unsafe Condition to arise or persist on any Property, including urinating or defecating anywhere on any Property other than into a plumbing system that is properly connected to the public sewer system or an approved private septic system, or into a properly maintained mobile chemical toilet that keeps the property sanitary and free of health hazards;
- ~~dd.ee.~~ “Vegetation” means: ~~d~~Dead, decayed, diseased, or hazardous trees, weeds, hedges and overgrown or uncultivated vegetation which is in a hazardous condition, is an obstruction to pedestrian or vehicular traffic, or which is likely to harbor rats, vermin, or other pests;
- ~~ee.ff.~~ “Vehicles or Mechanical Equipment” (Improper Parking or Storage) means:
- i. Parking or storage of inoperative, unregistered, abandoned, wrecked, or dismantled vehicles, boats, trailers, mechanical equipment, or vehicle parts, including recreational vehicles, on a Property ~~Premises~~ or in the public right-of-way; or

- ii. Parking or storage of registered vehicles, trailers, **mechanical equipment** or boats in violation of City ordinances.
- iii. Storage or parking that is specifically allowed by the City’s zoning ordinances shall not be considered a Nuisance.

8.20.040 Exceptions.

No act which is done or maintained under the express authority of an authoritative statute, ordinance or court ruling shall be declared a Nuisance.

8.20.050 Nuisance—Abatement by Eviction—Health and Safety Officer.

The office of the Lindon City Health and Safety Officer is created for the purpose of administering the provisions of this Chapter and the powers delegated to this municipality by state and county laws and statutes, subject to such control and review as the City Council may from time to time direct. Until such time as the City Council may otherwise appoint a Health and Safety Officer by resolution, the City Administrator, Public Works Director, Chief Building Official, Planning Director, Police Officer, Fire Marshal, or other code enforcement staff hired by the City may perform the functions of Health and Safety Officer.

1. Duties - The Health and Safety Officer is authorized and directed to inspect and examine Property situated within the municipality for the purpose of determining whether or not a Nuisance, as defined herein, exists upon said Property.
2. If the Health and Safety Officer concludes that such conditions constituting a Nuisance exist in whole, or in part, they shall:
 - a. Ascertain the names of the Owners, and if applicable other Responsible Parties and occupants, and descriptions of the Property where such objects and conditions exist;
 - b. Serve Notice, as provided herein, to the Owners and Responsible Parties, that the City is seeking to have a Nuisance Abated pursuant to the requirements of this Chapter.
 - c. Inform the Owners and/or Responsible Parties of the right to appeal pursuant to § 8.20.160 of this Chapter.
3. The Health and Safety Officer shall implement enforcement of this Chapter pursuant to the authority established in § 8.20.090 of this Chapter.

8.20.050 — Nuisance—Abatement by Eviction.

~~Whenever there is reason to believe that a nuisance under Section 8.20.030(B)(1-6) is kept, maintained, or exists in the City, the City Attorney, Police Department, or any citizen(s) residing in the City, or any person or entity doing business in the City, in his or her own names, may maintain an action in a court of competent jurisdiction to abate the nuisance and obtain an order for the automatic eviction of the tenant of the property harboring the nuisance. The eviction shall take place as specified in Utah law.~~

8.20.060 Finding of Nuisance.

If an the Health and Safety Inspector~~Inspector~~ Officer finds that a Nuisance exists, they ~~Inspector~~ shall attempt to have the Responsible ~~Person~~ Party Abate the Nuisance. Although the ~~Inspector~~ Health and Safety Officer’s first step in correcting or a~~a~~ Abating the Nuisance will

almost always be to seek to obtain a Voluntary Correction Agreement compliance, the Health and Safety Inspector/Officer may pursue any remedy or combination of remedies available pursuant to this Chapter ordinance, State law or common law, in order to Abate the Nuisance. Nothing in this Section shall be interpreted to prohibit the City from engaging in its standard prosecution practices. Therefore, the City may prosecute ~~violators~~ individuals for actions described in this Chapter but which are also criminal offenses under other of City ordinances or State laws without first having to comply with the provisions of this Chapter ordinance, ~~even though the activity or conduct prosecuted may also constitute a Nuisance under this Chapter ordinance.~~ Nothing in this Chapter ordinance shall be interpreted to prevent the City from enforcing applicable City ordinances, building codes, or the Abatement of Dangerous Buildings Code without first treating the offending conduct, situation, or activity as a Nuisance pursuant to this ~~ordinance~~ Chapter.

8.20.070 Responsibility for Nuisances.

EveryThe Responsible Person Party(ies) is responsible for Abating Nuisances pursuant to this Chapter ordinance. Any person, whether as Owner, agent, or occupant, who creates, aids in creating, or contributes to a Nuisance, or who supports, continues, or retains a Nuisance, is responsible for the Nuisance and is therefore a Responsible Person Party pursuant to this Chapter ordinance. Every successive Owner or tenant of a Property or premises who fails to Abate a continuing Nuisance upon or in the use of such Property or premises caused by a former Owner or tenant is responsible therefore in the same manner as the one who first created it.

8.20.080 ~~Inspector—Office Created~~ Notice – Record of Service.

1. One Notice of any violation of this Chapter, shall be served upon a Responsible Party and the Owner to the property owner by the Health and Safety Officer.
2. Notice shall be made either in person or by mailing Notice, postage prepaid, to the Owner and/or Responsible Party at their last known post office addresses, as disclosed by the records of the county assessor, or as otherwise ascertained. If, after due diligence, a mailing address cannot be ascertained, and if the Owner and/or Responsible Party cannot be served in person, Notice shall be served by posting a copy of the Notice in an open and conspicuous location on the affected Property.
3. The Health and Safety Officer, in their reasonable discretion, may elect to bring an enforcement action against a Responsible Party who is not the Owner without being required to also initiate an enforcement action against the Owner of a particular Property. However, regardless of whom the Abatement action is taken against, in all circumstances an Owner shall be given Notice of any finding of a Nuisance or the initiation of any Abatement action affecting their Property.
4. Linton City, shall be deemed sufficient for any violation of this Chapter (8.20.). Notice shall be deemed delivered upon the occurrence of one of the following:
 - a. Upon hand delivery to the Owner and/or Responsible Party;
 - b. Twenty-four (24) hours have passed since posting of the Notice in an open and conspicuous location on the affected Property pursuant to the conditions of this Section; or
 - c. Three (3) days have passed since the Notice was mailed, with the calculation of such time beginning the day after the Notice was placed in the mail.

5. The Health and Safety Inspector Officer shall maintain a record make proof of how service was provided to an Owner and/or Responsible Party by an Official Notice of Mailing

8.20.090 ~~Inspector~~ **Duties. Enforcement.**

1. ~~The Inspector is authorized and directed to inspect and examine real property situated within the municipality for the purpose of determining whether or not it contains the above stated object, or similar objects or conditions and for the purpose of determining whether or not the existence of such objects or similar objects or conditions creates a nuisance as above declared.~~
2. ~~If the Inspector concludes that such conditions exist in whole or in part, he shall:~~
 - a. ~~Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist;~~
 - b. ~~Serve notice in writing upon the owner and occupant of such land, either personally or by mailing notice, postage prepaid, addressed to the owner and occupant at their last known post office addresses, as disclosed by the records of the county assessor, or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate or destroy and remove the same within such time as the Inspector may designate, which shall not be less than 10 days from the date of service of such notice;~~
 - c. ~~Inform the owner or occupant or both by means of such notice or an attached document that in the event he disagrees with the determination of the Inspector and does not wish to remove the objects or objectionable conditions, he may within five days from the date of service of such notice request in writing a hearing before the City Council at a time and place to be set by the City Council. A written application for a hearing shall stay the time within which the owner or occupant must conform to the decision of the Inspector.~~
3. ~~An Inspector may, at his/her discretion, use a Lindon City Uniform Citation and Notice to Appear to commence enforcement action on any violation of this provision. A Citation may be issued in lieu of the process described in 8.20.090(2)(a-c).~~

~~In the event the owner or occupant makes a request for a hearing, the City Council shall set the time and place for hearing such objections and the city recorder shall notify the owner or occupant in writing of the time and place at which he may appear and be heard. The hearing shall not be heard within less than five days from the date of service of mailing of the notice to eradicate, or destroy and remove the nuisance~~

This Chapter shall be administered and enforced by the Health and Safety Officer. Whenever the Health and Safety Officer determines that a Nuisance exists, the following enforcement actions may be used in Abating the Nuisance.

1. **Voluntary Correction Agreement:** Except in the case of an Emergency, before taking other steps to Abate a Nuisance, the Health and Safety Officer shall make a reasonable attempt to secure a Voluntary Correction Agreement to Abate the Nuisance as follows:

- a. Where possible, the Health and Safety Officer shall contact the Responsible Party and explain the Nuisance and request the Responsible Party to Abate the Nuisance;
 - b. If the Health and Safety Officer and the Responsible Party agree to terms for Abating the Nuisance, they shall enter into and sign a Voluntary Correction Agreement. The Voluntary Correction Agreement is a contract between the City and the Responsible Party in which the Responsible Party agrees to Abate the Nuisance within a specified time and according to specified conditions. The Voluntary Correction Agreement shall include the following terms:
 - i. The name and address of the Owner and/or Responsible Party;
 - ii. The street address of the Nuisance, or a description sufficient to identify the building, structure, Property or land upon, or within, which the Nuisance is occurring;
 - iii. A description of the Nuisance;
 - iv. A description of the necessary corrective actions that must be taken, including a date or time by which the corrective actions must be completed;
 - v. An acknowledgment and agreement by the Responsible Party that if the terms of the Voluntary Correction are not met, the City may enter the Property to Abate the Nuisance and recover its associated costs and expenses;
 - vi. An acknowledgment and agreement by the Responsible Party that an Administrative Citation, with a corresponding penalty and fee, may be imposed and or/ criminal prosecution may be initiated pursuant to this Chapter;
 - vii. An acknowledgment and agreement by the Responsible Party that they waive the right to appeal the Health and Safety officer's finding that a Nuisance exists and that they waive the right to appeal the specific corrective actions required in the Voluntary Correction Agreement.
 - c. Extensions. The Health and Safety Officer may grant an extension of time for correcting or Abating the Nuisance if the Responsible Party has shown due diligence and/or substantial progress in correcting or Abating the Nuisance.
 - d. Completion. If the Responsible Party complies with the terms of the Voluntary Correction Agreement, the City shall take no further action against the Responsible Party related to the Nuisance described in the Voluntary Correction Agreement unless the Nuisance reoccurs.
 - e. No Agreement: If the Health and Safety Officer and the Responsible Party cannot agree to terms for correcting or Abating the Nuisance, the officer may Abate the Nuisance using one or more of the procedures set forth in this Chapter or as allowed by state law or common law.
2. **Administrative Citation:** When the City is unable to secure a Voluntary Correction Agreement, or if a Responsible Party fails to successfully complete a Voluntary Correction Agreement, the Health and Safety Officer may issue an Administrative Citation to the Owner and/or Responsible Party as follows:
- a. *Order of Abatement.* If Abatement cannot be achieved through a Voluntary Correction Agreement, or as otherwise authorized in this Chapter, the Health and

- Safety Officer shall issue an Administrative Citation, with an order that the Nuisance be Abated, setting forth the terms and condition which must be followed to bring the subject property back into compliance with this Chapter, including a specific time frame for complying with the order;
- b. Content of Citation. The Administrative Citation shall contain the following information:
- i. The name and address of the Owner and/or Responsible Party;
 - ii. The street address of the Nuisance or a description sufficient for identifying the building, structure, Property or land upon or within which the Nuisance is occurring;
 - iii. A description of the Nuisance;
 - iv. The required corrective actions;
 - v. The completion date for correcting the Nuisance;
 1. Except in the case of an Emergency, the Health and Safety Officer shall allow a reasonable time to Abate a Nuisance, which shall be a minimum of at least ten (10) days.
 - vi. Notice that administrative fees will be assessed if the conditions of the Administrative Citation are not met, including a statement of the maximum daily fee which may be imposed.
 - vii. The citation shall include a statement that monetary penalty or fee will be waived if the required corrective actions are completed in a timely manner.
 1. The statement on the waiver of penalties and fees shall not be included in an Administrative Citation that is being issued after an Owner or Responsible Party has failed to comply with the terms of a Voluntary Correction Agreement;
 - viii. Notice that, in addition to the Administrative Citation Fee, the City may bring criminal charges of maintaining a Nuisance, an Infraction, if the Nuisance continues beyond the completion date, and that each day the Nuisance continues beyond the completion date may be charged as separate offense;
 - ix. Notice that the City may Abate the Nuisance and charge the Responsible Party for all Abatement costs if the Responsible Party does not correct the Nuisance by the completion date; and
 - x. Notice of the right to appeal, including the procedure for filing an appeal.
- c. Imposition of Administrative Fees. The City may impose an Administrative Citation Fee in the amount of \$200.00 a day in a Residential Zone, and \$400.00 a day in a Non-Residential Zone.
- i. A fee may not be imposed if the Nuisance is Abated by the completion date required in the Citation.
 - ii. If the Administrative Citation is issued after an Owner or Responsible Party fails to comply with a Voluntary Correction Agreement, fees may be imposed beginning on the date the Administrative Citation is issued.
 - iii. The Administrative Citation fee may be imposed for each day the Nuisance continues beyond the required completion date as set forth in the citation or in the Voluntary Correction Agreement.

- a-d. Administrative Citation After Failure to Complete a Voluntary Correction Agreement. If an Owner or Responsible Party has entered into a Voluntary Correction Agreement with the City, but has failed to Abate the Nuisance pursuant to the terms of that agreement, the Health and Safety Officer may issue an Administrative Citation and immediately impose fees in the amounts provided for in this Chapter. The Health and Safety Officer shall not be required to grant any additional time to Abate the Nuisance than was previously provided in the Voluntary Correction Agreement.
- e. Administrative Citation without Seeking a Voluntary Correction Agreement. The Health and Safety Officer may issue an Administrative Citation without first seeking to secure a Voluntary Correction Agreement in the following circumstances:
- i. When the Health and Safety Officer determines there is an Emergency that presents a clear and present threat to the health, safety, or welfare of the public; or
 - ii. When a Responsible Party has a history of two or more events in which they have allowed a Nuisance to occur. This shall include Owners who have allow multiple tenants to create or maintain a Nuisance on Property they own or control.
- f. Notice of Administrative Citation. The Health and Safety Officer shall serve the Administrative Citation on a Responsible Party and the Owner pursuant to the requirements of § 8.20.080 of this Chapter.
3. Abatement by the City: The City may Abate a Nuisance in the following circumstances:
- a. The terms of a Voluntary Correction Agreement have not been met by the agreed upon completion date or extension;
 - b. The requirements of an Administrative Citation have not been complied with;
 - c. The requirements of an order by the Appeal Authority, issued pursuant to § 8.20.160 of this Chapter, have not been complied with;
 - d. The Nuisance constitutes an Emergency and is an immediate or emergent threat to the public health, safety, or welfare or to the environment.
 - i. The City may summarily, and without prior notice, remove, correct, or Abate the Nuisance to protect the public health, safety and welfare.
 - e. Notice of the Nuisance and the Abatement actions taken by the City, including the costs of such Abatement efforts, shall be provided to the Owner and Responsible Party as soon as possible after the Abatement.
4. Civil Actions: Either the City or any private person directly affected by a Nuisance may bring a civil action to Abate or enjoin the Nuisance, or for damages for causing or maintaining the Nuisance (including the cost, if any, of cleaning the subject Property). The civil action may be brought pursuant to this Chapter or pursuant to Utah State Law.
5. Abatement by Eviction: Whenever there is reason to believe that a Nuisance under § 8.20.030(2)(a) of this Chapter is kept, maintained, or exists in the City, the city attorney or any citizen residing in the City, or any person or entity doing business in the City, in their own names, may maintain an action in a court of competent jurisdiction to Abate the Nuisance and obtain an order for the automatic eviction of the tenant of the Property harboring the Nuisance. The eviction shall take place as specified in Utah State Law.

6. **Criminal Actions:** It is unlawful for any person, firm, or corporation, either as Owner, agent, or occupant, to maintain or permit to be maintained upon any Property any Nuisance as defined by this Chapter. In addition to any other remedy provided for by this Chapter, any person who shall allow or maintain a Nuisance upon any Property, or who otherwise violates this Chapter, shall be guilty of an Infraction. Each day a Nuisance is permitted to continue or be maintained shall constitute a separate offense.
- a. Upon being found guilty of an offense under this Chapter, the court may impose the following sanctions:
 - i. a fine equivalent to the fees set forth in § 8.20.090(2)(c);
 - ii. an order that the defendant take any steps necessary to Abate the Nuisance;
 - b. If the alleged Nuisance is also a violation of a provision of Lindon City Code (other than this Nuisance Chapter) or state law, the Responsible Party may be charged under the specific provision of City Code or state law, even if the officer did not first attempt to obtain a Voluntary Correction Agreement as provided in § 8.20.090(1) of this Chapter.
 - c. Any person who knowingly obstructs, impedes or interferes with the City or its agents, or with the Responsible Party, in the performance of duties imposed by this Chapter, is guilty of an Infraction and upon conviction, subject to penalty as provided in this Section.

8.20.100 Notice—Proof of Service—Collection of Administrative Fees and Costs of Abatement.

If any R~~esponsible~~ ~~person~~ Party and/or Owner described in such a N~~otice~~, Administrative Citation, or Voluntary Corrective agreement, or decision shall fails or neglects to conform to the requirements thereof relating to the eradication or destruction or removal of such nuisance, the Health and Safety Inspector~~Officer~~ shall employ all reasonably necessary means assistance to a~~Abate~~ such N~~uisance~~ and to cause such offending materials or conditions to be remedied, removed or and destroyed. The Health and Safety Officer shall collect the costs of such Abatement, as well as any Administrative Citation fees that may have been imposed, at the expense of the from the Owner and/or R~~esponsible~~ Party as provided for in this Chapter.

8.20.110 Hearing Itemized Statement of Costs.

1. The Health and Safety Inspector~~Officer~~ shall prepare an itemized statement of all expenses incurred in the City's a~~Abatement~~ of a such N~~uisance~~, including and the removal and destruction of such any offending materials and/or conditions.
2. The statement of costs shall include all direct and incidental costs related to the Abatement, including, but not limited to:
 - a. Personnel costs;
 - b. Materials and supplies;
 - c. Hauling, disposal and storage fees;
 - d. Actual expenses incurred in preparing and inspecting work performed;
 - e. Costs incurred in documenting the violation and Abatement, including printing and mailing; and
 - f. Attorney fees and costs.

3. Such statement of costs shall be mailed a copy thereof to the Owner and Responsible Party or occupant, or both, demanding payment within twenty (20) days of the date of mailing. Such notice shall be deemed delivered when mailed by Certified U.S. Mail addressed to the Owner's and Responsible Party's property owner's or occupants last known address as herein set forth in this Chapter.

8.20.120 ~~Failure to Comply~~ Failure to Make Payment.

In the event the Owner or Responsible person Party fails to make payment of the amount set forth in the Itemized Sstatement of Costs to the municipal treasurer within said twenty (20) days of the Notice, Lindon City the Inspector may do any of the following:

1. May cCause suit to be brought in an appropriate court of law;:-
2. May refer the matter to the county treasurer for collection as a tax as provided in this Chapterchapter;:- or
3. May place a lien, notice of assessment, notice of interest, etc., on the Owner's responsible person's Pproperty to recover costs for a Abatement of the Nuisanceactions, including any reasonable expense for collection of the unpaid fees or costs of Abatement.

8.20.130 ~~Delivery of Itemized Statement of Expenses~~ Collection by Lawsuit.

In the event collection of expenses of ~~destruction and removal~~ the Abatement are pursued through the courts, the eCity shall seek to receive judgment for all expenses of the Abatementdestruction and removal, together with reasonable attorney's fees, interest and court costs, and shall execute upon such judgment in the manner provided by law.

8.20.140 ~~Failure to Make Payment~~ Collection through Taxation.

In the event that Lindon City the Inspector elects to refer the expenses of a Abatement; destruction or removal to the county treasurer for inclusion in the tax notice of the Owner of the Pproperty owner, the City shall make an itemized statement of all expenses incurred in the a Abatement; destruction and removal of the Nnuisance and shall deliver three copies of such statement to the Utah County Ttreasurer and request that within 10 days after the completion of the abatement and work of destroying or removing the nuisance. Thereupon, that reimbursement for the costs of the such Abatement work shall be pursued by the county treasurer within accordance with the provisions of §Section Chapter 11 of Title 10 of the Utah Code., 10-11-4, U.C.A., 1953, as amended., and the owner or occupant shall have such rights and shall be subject to such powers as are therein granted.

8.20.150 ~~Collection by Lawsuit~~ Remedies Cumulative.

All remedies prescribed under this Chapter shall be cumulative, and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Chapter.

8.20.160 ~~Collection Through Taxation~~ Appeals.

1. An Owner or Responsible Party may appeal a finding of a Nuisance by the Health and Safety Officer and/or the issuance of an Administrative Citation. Such an appeal must be

- filed in writing within ten (10) days of the Notice of a finding of a Nuisance or issuance of an Administrative Citation.
2. The Appeal Authority for an appeal under this Chapter shall be the Lindon City Administrator, or a hearing officer appointed by the City Administrator.
 3. The Appeal Authority shall conduct an informal hearing on the appeal within thirty twenty-eight (30) days of the filing of the appeal. The following standards shall apply at any hearing conducted by the Appeal Authority:
 - a. Standard of Review: The Appeal Authority shall presume the decision of the Health and Safety Officer is valid and determine whether the decision was arbitrary, capricious, or illegal;
 - b. The burden of proof is on the appellant; and
 - c. The appellant shall have the right to present such evidence, witnesses and arguments as are pertinent to the question as allowed under this Section.
 4. The Appeal Authority may set aside the decision of the Health and Safety Officer in its entirety only if it finds that the decision was arbitrary, capricious, or illegal. Nevertheless, the Appeal Authority may modify the requirements imposed by the Health and Safety Officer to Abate a Nuisance or may extend the deadline for completing the Abatement when it finds that such modifications are in the best interest of the City.
 5. The Appeal Authority shall render its written decision within ten (10) days of the hearing, a copy of which shall be mailed to or served upon the Owner or Responsible Party.
 - a. If the Appeal Authority modifies the decision of the Health and Safety Officer, the written order shall include details on how and when the modified order must be complied with, including the time frame in which such actions must be completed, which time shall not be fewer than ten (10) days after service of the decision by the Appeal Authority.
 - b. In the event the Appeal Authority upholds the determination of the Health and Safety Officer, the Owner or Responsible Party shall comply with the requirements of the Administrative Citation or Notice of Nuisance within ten (10) days from the date the Notice of the decision on the appeal is provided.
 - c. Delivery of the decision shall follow the standards set forth in §8.20.080.
 6. A properly filed appeal shall automatically stay the time within which the Owner or Responsible Party must conform to the decision of the Health and Safety Officer, unless the Appeal Authority finds the alleged Nuisance constitutes an Emergency that presents threat to public health, safety, or welfare.
 - a. The Appeal Authority shall give notice to the appellant that the automatic stay will not be granted based on the threat to public health, safety, or welfare as soon as practically possible.
 7. Either the City or the appellant may challenge the Appeal Authority 's order by filing a petition for review with the district court as follows:
 - a. The petition must be filed in the Fourth Judicial District Court within thirty (30) calendar days from the date the Appeal Authority 's order was mailed to the appellant;
 - b. In the petition, the appellant may only challenge the Appeal Authority 's order on the basis that the decision was arbitrary, capricious, or illegal;

- c. The Appeal Authority shall transmit to the reviewing court the record of its proceedings, including any minutes, findings, orders and, if available, a true and correct transcript of its proceedings;
- d. The district court may not accept or consider any evidence outside of the Appeal Authority's record unless the evidence was offered to the Appeal Authority and the court determines that it was improperly excluded by the Appeal Authority. If, in the opinion of the district court, there is not a sufficient record to review the hearing officer's order, the court may call witnesses and take evidence; and
- e. No petition or appeal may be filed in district court unless the Responsible Party first appeals to the Appeal Authority pursuant to the terms set forth in this Chapter.

8.20.170 — Remedies Cumulative.

~~All remedies prescribed under this chapter shall be cumulative, and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.~~

8.20.180 — Nuisance Unlawful — Violation Penalty.

~~It is unlawful for any person, firm, or corporation either as owner, agent or occupant to maintain or permit to remain or be maintained upon his premises any nuisance as defined herein. Every such nuisance shall be removed or abated as herein provided for. Any person or persons who shall allow or maintain a nuisance as herein defined, or who shall otherwise be guilty of a violation of any of the provisions of this chapter shall be guilty of a Class C misdemeanor. Each day a nuisance is permitted to remain may be deemed a separate offense.~~

PART TWO: Severability.

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

PART THREE: Effective Date.

This ordinance shall take effect immediately upon its passage and posting as provided by law.

PASSED AND APPROVED AND MADE EFFECTIVE by the City Council of Lindon City, Utah, this ____ day of _____ 2020.

JEFF ACERSON,
Lindon City Mayor

ATTEST:

Kathy Moosman
Lindon City Recorder

- 9. Public Hearing — FY2020 Budget Amendment; Resolution #2020-6-R.** The Council will review and consider various budget amendments to the FY2020 budget. (15 minutes)

Sample Motion: *I move to (approve, deny, continue) Resolution #2020-6-R amending the FY2020 Budget (as presented, or with changes).*

RESOLUTION NO. 2020-___-R

A RESOLUTION OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING VARIOUS SECTIONS OF THE LINDON CITY BUDGET FOR FISCAL YEAR 2019-2020 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Municipal Council of Lindon City finds it prudent and in accordance with sound fiscal policy to amend the Lindon City Budget for Fiscal Year 2019-2020 (FY2020); and

WHEREAS, the on-going budget reports indicate several items which need to be adjusted to actual costs associated with current projects and revenue/expenditure line items updated based on new information and data obtained since the budget was adopted in June of 2019; and

WHEREAS, public notice of the budget amendment has been advertised and public hearing held on March 16, 2020 regarding the proposed amendments; and

WHEREAS, the Municipal Council desires to amend the FY2020 Lindon City Budget to reflect these needed amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Lindon City, Utah County, State of Utah, as follows:

SECTION I. The FY2020 Lindon City Budget is hereby amended as shown on the attached memorandums for specific budgetary line items as listed.

SECTION II. This resolution shall take effect immediately upon passage.

PASSED AND ADOPTED by the Lindon City Council on this the 16th day of March, 2020.

Jeff Acerson, Mayor

ATTEST:

Kathryn A. Moosman, City Recorder

SEAL:

BUDGET AMENDMENT
FISCAL YEAR 2019-2020
 March 16, 2020

Acct #	Note	Description	REVENUES			EXPENDITURES		
			Previous Budget	Amended Budget	Variance	Previous Budget	Amended Budget	Variance
GENERAL FUND								
10-38-900	19	Use of Fund Balance	127,140	742,442	615,302			
10-44-675	1	Purchase of Equipment				6,300	7,300	1,000
10-54-120	2	Salaries - Temp Employees				25,000	30,000	5,000
10-54-222	3	Uniform Expense				13,000	16,000	3,000
10-54-480	3	Special Department Supplies				8,000	11,000	3,000
10-54-510	4	Insurance				4,200	5,000	800
10-60-260	5	Miscellaneous Expense				200	3,400	3,200
10-64-635	6	Tree Purchases & Services				5,000	6,800	1,800
10-64-730	7	Improvements Other than Bldgs				389,300	444,700	55,400
10-64-770	8	Trails Construction & Improvmt				-	12,800	12,800
10-75-901	9	Transfer to Road Fund				300,000	800,000	500,000
10-75-913	10	Trfr to Debt Svc-Pub Sfty Bldg				681,324	710,626	29,302
			<u>127,140</u>	<u>742,442</u>		<u>1,432,324</u>	<u>2,047,626</u>	
NET GENERAL FUND INCREASE					<u>615,302</u>			<u>615,302</u>
ROAD FUND								
11-30-115	11	Transit Tax	-	350,000	350,000			
11-30-800	9	Transfer from General Fund	300,000	800,000	500,000			
11-30-900	19	Use of Fund Balance	664,000	-	(664,000)			
11-40-415	12	Street Lights				15,000	25,000	10,000
11-40-430	13	Crack Sealing				127,000	254,400	127,400
11-40-910	19	Appropriate to Fund Balance				-	48,600	48,600
			<u>964,000</u>	<u>1,150,000</u>		<u>142,000</u>	<u>328,000</u>	
NET ROAD FUND INCREASE					<u>186,000</u>			<u>186,000</u>
DEBT SERVICE FUND								
33-30-755	10	Trfr From Gen Fd-Pub Sfty Bldg	681,324	710,626	29,302			
33-40-440	10	2016 Public Safety Bldg Princ				657,000	686,000	29,000
33-40-445	10	2016 Public Safety Bldg Int				22,724	23,026	302
			<u>681,324</u>	<u>710,626</u>		<u>679,724</u>	<u>709,026</u>	
NET DEBT SERVICE FUND INCREASE					<u>29,302</u>			<u>29,302</u>
PARKS CIP FUND								
47-30-900	19	Use of Fund Balance	80,700	81,300	600			
47-40-718	14	Meadow Park Fieldstone				1,000	1,600	600
			<u>80,700</u>	<u>81,300</u>		<u>1,000</u>	<u>1,600</u>	
NET PARKS CIP FUND INCREASE					<u>600</u>			<u>600</u>

BUDGET AMENDMENT
FISCAL YEAR 2019-2020
 March 16, 2020

Acct #	Note	Description	REVENUES			EXPENDITURES		
			Previous Budget	Amended Budget	Variance	Previous Budget	Amended Budget	Variance
SEWER FUND								
52-30-980	19	Use of Fund Balance	56,966	61,566	4,600			
52-40-510	4	Insurance				8,500	9,000	500
52-40-675	15	Purchase of Equipment				1,000	5,100	4,100
			<u>56,966</u>	<u>61,566</u>		<u>9,500</u>	<u>14,100</u>	
NET SEWER FUND INCREASE					4,600			4,600
STORM WATER DRAINAGE FUND								
54-40-510	4	Insurance				4,880	5,325	445
54-40-675	15	Purchase of Equipment				2,100	5,100	3,000
54-40-990	19	Appropriate to Fund Balance				362,247	358,802	(3,445)
			<u>-</u>	<u>-</u>		<u>369,227</u>	<u>369,227</u>	
NET STORM WATER DRAINAGE FUND INCREASE					-			-
RECREATION FUND								
55-30-900	19	Use of Fund Balance	344,485	396,985	52,500			
55-41-120	16	Aq. Ctr. Salaries - Seasonal Help				344,000	370,000	26,000
55-41-135	16	Aq. Ctr. Benefits - FICA				30,840	32,840	2,000
55-41-320	17	Aq. Ctr. Aquatics Ctr. Program Expenses				-	1,000	1,000
55-41-740	18	Aq. Ctr. Purchase of Capital Asset				-	11,750	11,750
55-42-740	18	Comm. Ctr. Purchase of Capital Asset				-	11,750	11,750
			<u>344,485</u>	<u>396,985</u>		<u>374,840</u>	<u>427,340</u>	
NET RECREATION FUND INCREASE					52,500			52,500
CITYWIDE TOTAL								
			<u>2,254,615</u>	<u>3,142,919</u>		<u>3,008,615</u>	<u>3,896,919</u>	
					888,304			888,304
CHANGE IN REVENUES & EXPENDITURES								
		Change in Citywide Rev. & Exp.	-	350,000	350,000	1,665,044	1,978,891	313,847
		Increase (Decrease) in Interfund Transfers	981,324	1,510,626	529,302	981,324	1,510,626	529,302
		Increase (Decrease) in Use of Fund Bal.	1,273,291	1,282,293	9,002			
		Increase (Decrease) in Appr. to Fund Bal.				362,247	407,402	45,155
		Citywide Totals	<u>2,254,615</u>	<u>3,142,919</u>		<u>3,008,615</u>	<u>3,896,919</u>	
		Net Increase (Decrease) in Rev. & Exp.			888,304			888,304

BUDGET AMENDMENT NOTES
March 16, 2020

- 1 Kathy Moosman needed a new laptop.
- 2 This is the budget amendment for the emergency coordinator position which was previously approved.
- 3 The police department has increased expenses due to hiring new officers.
- 4 Insurance costs for the City are allocated throughout the City's budget. The budget for the insurance needed to be increased slightly in the police, sewer, and storm water accounts.
- 5 The City had to pay rollback taxes on a piece of right of way which we purchased.
- 6 There were tree hazards in the City Center Park which needed to be removed.
- 7 The cost for the Creekside improvements were more than what was budgeted.
- 8 UDOT billed the City for work on the Heritage Trail.
- 9 The City has excess general funds which will be transferred to the Road Fund.
- 10 The City is making extra principal payments on the Public Safety Building debt and is paying the principal payments scheduled for 2024-2026 instead of 2021-2023 as originally budgeted for this fiscal year. It is anticipated that the principal payments for 2021-2023 will be paid in the 2021FY.
- 11 The new Transit Tax was not budgeted for in the original budget.
- 12 There has been an increase in street light repairs.
- 13 This is the budget amendment for the approved change orders for the crack sealing contract.
- 14 The Parks Department purchased a larger sign for Meadow Park than what was originally planned.
- 15 Public Works purchased wireless headphones with microphones to assist with communication while in the vector truck.
- 16 This is the budget amendment for the previously approved changes to pool staff wages.
- 17 The pool programs now have their own expense line item.
- 18 The Recreation Department purchased a cargo van.
- 19 The changes in revenues and expenses are balanced and offset by changes in the use of, or appropriation to, fund balances.

SUMMARY OF CHANGES IN FUND BALANCE UPDATED FOR 3/16/2020 BUDGET AMENDMENT

	Governmental Funds						Proprietary Funds						Total All Funds
	General	RDA	PARC Tax	Roads CIP	Parks CIP	Debt Svc	Water	Sewer	Garbage	Storm	Recreation	Telecomm.	
Beginning Balances	3,310,357	908,877	842,769	4,234,475	1,401,755	-	6,532,881	2,652,769	41,667	991,482	520,168	17,864	21,455,063
Revenues													
Program revenues													
Charges for services	2,479,399						2,704,800	1,656,360	510,000	1,030,000	751,560	54,000	9,186,119
Impact Fees	74,000			60,000	240,000		120,000	90,000		95,000			679,000
Grants and contributions	174,360										5,800		180,160
General revenues													
Property taxes	2,160,069												2,160,069
Sales tax	4,555,600												4,555,600
Other taxes	1,594,000	295,000	630,000	800,000									3,319,000
Other	752,445	19,300	15,000	10,000	20,000		300,000	40,000		10,200	-	-	1,166,945
Total revenues	11,789,873	314,300	645,000	870,000	260,000	-	3,139,300	1,786,360	510,000	1,135,200	757,360	54,000	21,261,393
Transfers In	-	-	-	800,000	11,000	1,174,502	-	-	-	-	1,137,900	-	3,123,402
Expenses													
General government	3,946,815	61,070											4,007,885
Public safety	4,276,358												4,276,358
Streets	483,280			421,400									904,680
Parks and recreation	1,108,460		613,790										1,722,250
Capital projects		30,000		1,200,000	342,300								1,572,300
Debt Service						1,174,502							1,174,502
Water							2,916,228						2,916,228
Sewer								1,847,926					1,847,926
Solid Waste									510,550				510,550
Storm Water Drainage										776,398			776,398
Recreation Fund											2,292,245		2,292,245
Telecomm. Fund												54,000	54,000
Total expenses	9,814,913	91,070	613,790	1,621,400	342,300	1,174,502	2,916,228	1,847,926	510,550	776,398	2,292,245	54,000	22,055,322
Transfers Out	2,717,402	150,000	246,000	-	10,000	-	-	-	-	-	-	-	3,123,402
Ending Balances	2,567,915	982,107	627,979	4,283,075	1,320,455	-	6,755,953	2,591,203	41,117	1,350,284	123,183	17,864	20,661,134
Percent Change	-22.4%	8.1%	-25.5%	1.1%	-5.8%	0.0%	3.4%	-2.3%	-1.3%	36.2%	-76.3%	0.0%	-3.7%

GENERAL FUND:

	<u>Fund Bal.</u>	<u>% of Rev.</u>
6/30/2019	3,310,357	27.23%
6/30/2020	2,567,915	22.09%

Example General Fund Balance Levels based on projected revenues for:

<u>2019-2020</u>		
25%	2,905,918	maximum
22%	2,557,208	
20%	2,324,735	
18%	2,092,261	
5%	581,184	minimum

10. Public Hearing — Zone Height Ordinance Amendment; Ordinance #2020-3-O. The Lindon City Planning Commission made a recommendation to the Lindon City Council to amend Lindon City Code 17.47.040 to increase the allowable height in the Research and Business zone to four stories and sixty feet. Application is made by Mecca Holdings, LLC. (20 minutes)

Sample Motion: *I move to (approve, deny, continue) Ordinance Amendment #2020-3-O (as presented, or with changes).*

General Plan Considerations

When reviewing ordinance changes the planning commission should also consider the goals of the general plan.

- Maintain and enhance the pleasing appearance and environmental quality of existing residential neighborhoods by avoiding encroachment of land uses which would adversely impact residential areas (i.e. increased traffic, noise, visual disharmony, etc.) and by providing adequate screening and buffering of any adjacent commercial or industrial development including parking and service areas.
- Encourage development of commercial facilities, such as hotels, restaurants and vehicle-related services at transportation interchanges.
- Carefully limit any negative impact of commercial facilities on neighboring land use areas, particularly residential development.
- The relationship of planned land uses should reflect consideration of existing development, environmental conditions, service and transportation needs, and fiscal impacts.
- Developed areas should be protected and revitalized by promoting new development and the adaptive reuse of existing community resources.
- Transitions between different land uses and intensities should be made gradually with compatible uses, particularly where natural or man-made buffers are not available.
- Growth should be guided to locations contiguous to existing development to provide city services and transportation in a cost-effective and efficient manner.
- Commercial and industrial uses should be highly accessible, and developed compatibly with the uses and character of surrounding districts.

Height Comparison Table Per Zone

Zone	Height Requirement
Research and Business	No building shall be constructed to a height exceeding three (3) stories with a maximum height of forty-eight (48) feet.
Commercial General	48'
Commercial General – A	48'
Commercial General – A8	80'
Commercial General - S	48'
PC-1 and PC-2	No building or structure shall be higher than forty-eight feet (48') including mechanical appurtenances, which shall be properly screened, above the average grade of the street/sidewalks adjacent to the property within the PC-1 Zone.
Lindon Village	48'
Mixed Commercial	48'
Regional Commercial	80'

Analysis

The adjacent Canopy Business Park has been a very successful office development for Lindon City and the businesses there employ a significant number of employees. Staff likes that the applicant and the adjoining properties owners were able to meet and come to an agreement on items for the City Council to consider. With that said, staff feels that one of the main items that the city council still needs to consider is if the increase in height to 60' (4 stories) rather than 48' (3 stories) will have more impact on the adjacent residential properties. The Research and Business zone currently requires a 30' setback from all property lines. The applicant's site plan shows the building setback approximately 90' from the residential zone. The Research and Business zone also requires 15' of landscaping on the commercial side of the masonry wall when abutting residential. There are three existing buildings in the Canopy Business Park that are adjacent to residential uses. Those buildings are two- and three-story buildings and have a setback range of approximately 57' to 92' feet from the residential zone. See Exhibits 4 and 5. As well, the residents would prefer to have the office building moved to the east to be behind the existing duplexes rather than the single family homes.

Proposed Ordinance Amendment

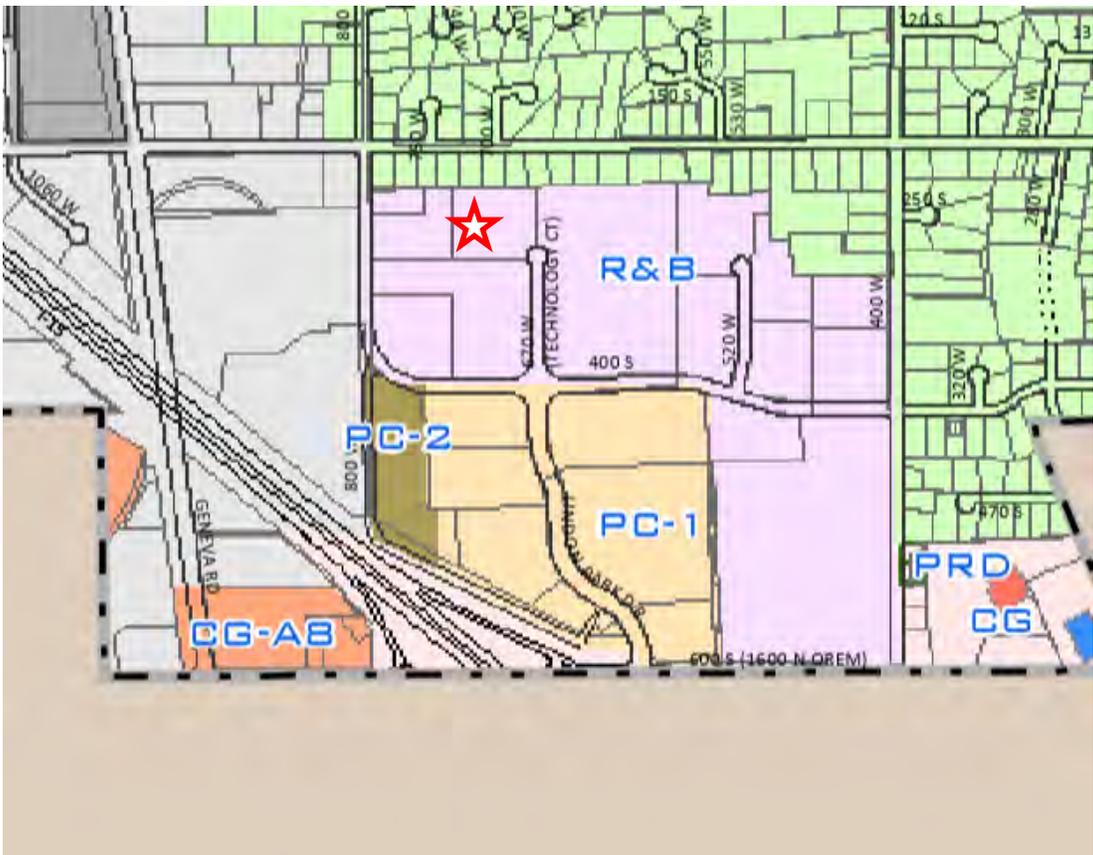
17.47.040 (4)

Building height. No building shall be constructed to a height exceeding three (3) stories with a maximum height of forty-eight (48) feet *unless otherwise approved through a development agreement. With a development agreement, a building shall not exceed four (4) stories with a maximum height of sixty (60) feet. Where a development lot or parcel abuts a residential zone, any development agreement allowing for a four (4) story building shall require greater building setbacks from the building and the residential zone than what is established in section 17.47.040.*

Exhibits

- 1. Zoning map of Research and Business zone area
- 2. Picture of the existing site
- 3. Aerial photo
- 4. Aerial Photo showing proximity of other building in the business park to residential
- 5. Existing buffering between office uses and residential
- 6. Updated site plan after neighborhood meeting
- 7. Previous site plan and renderings
- 8. Draft ordinance

Zoning Map – Exhibit 1



Aerial Photo showing proximity of other building in the business park to residential – Exhibit 4

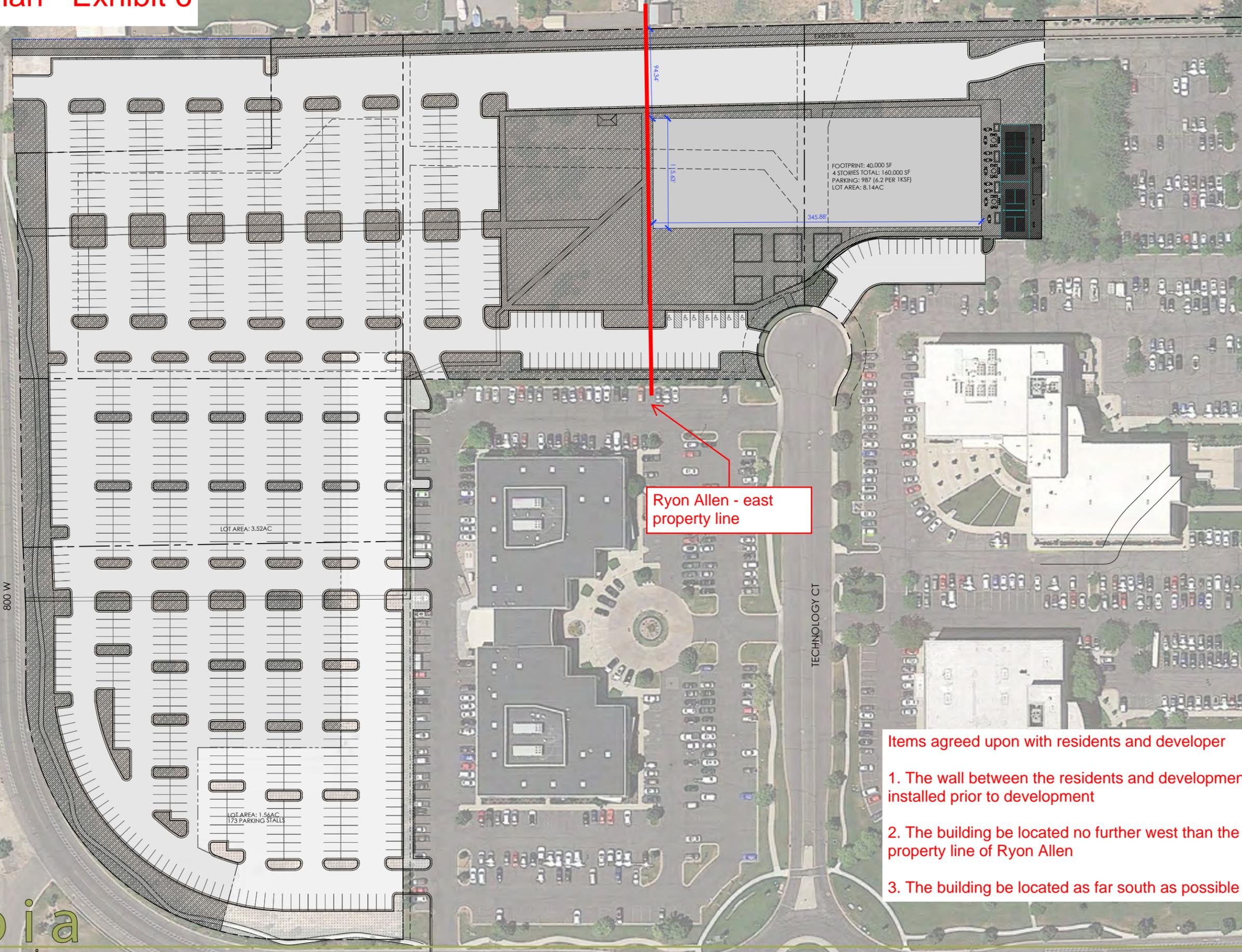


Existing buffering between office uses and residential – Exhibits 5





Update Site Plan - Exhibit 6



- Items agreed upon with residents and developer
1. The wall between the residents and development is installed prior to development
 2. The building be located no further west than the east property line of Ryon Allen
 3. The building be located as far south as possible

Previous site plan prior to neighborhood meeting - Exhibit 7



ae u r b i a
 architects and engineers

31 January 2020 ; AE2018.256 - SITE-006 - COLOR ; SCALE: 1:50









ORDINANCE NO. 2020-3-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLE 17.47 RESEARCH AND BUSINESS (R&B) ZONE AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the proposed amendment is consistent with the goal of the General Plan to maintain and enhance the pleasing appearance and environmental quality of existing residential neighborhoods by avoiding encroachment of land uses which would adversely impact residential areas (i.e. increased traffic, noise, visual disharmony, etc.) and by providing adequate screening and buffering of any adjacent commercial or industrial development including parking and service areas.; and

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

WHEREAS, the proposed amendment is consistent with the goal of the General Plan to encourage the development of high quality, aesthetically pleasing business park areas incorporating major landscape features; and

WHEREAS, on February 11, 2020, the Planning Commission held a properly noticed public hearing to hear testimony regarding the ordinance amendment and again received public comment on the amendment at the planning commission meeting on February 25, 2020; and

WHEREAS, after the public hearing, the Planning Commission further considered the proposed ordinance and recommended that the Council adopt the attached ordinance;

WHEREAS, the Council held a public hearing on March 16, 2020, to consider the recommendation and the Council received and considered all public comments that were made therein.

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

SECTION I: Amendment. Amend Lindon City Code Section 17.47.040 as follows:

1. Lot area. The minimum size of any lot shall be one (1) acres.
2. Building setbacks. Buildings on all lots shall be set back a minimum of thirty (30) feet from any property line.
3. Required open space. All building and parking areas on any lot shall not occupy more than seventy percent (70%) on the total area of the lot. The remaining portion of the lot shall be landscaped appropriately.
4. Building height. No building shall be constructed to a height exceeding three (3) stories with a maximum height of forty-eight (48) feet unless otherwise approved through a development agreement. With a development agreement, a building shall not exceed four (4) stories with a maximum height of sixty (60) feet. Where a development lot or parcel abuts a residential zone, any development agreement allowing for a four (4) story building shall require greater building setbacks from the building and the residential zone than what is established in section 17.47.040.
5. Buildings per lot. More than one (1) main building may be placed on a lot. (Ord. 98-7, adopted, 2000)

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 _____, 2020.

Jeff Acerson, Mayor

ATTEST:

Kathryn A. Moosman,
Lindon City Recorder

SEAL

ADJOURN