Lindon City Planning Commission Staff Report

April 28, 2020

Notice of Meeting
Lindon City Planning Commission

The Lindon City Planning Commission will hold a regularly scheduled meeting on Tuesday, April 28, 2020, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at 6:00 p.m. Due to Covid-19, the meeting will be broadcast electronically through Facebook Live at www.facebook.com/lindoncity. Through Facebook Live, the public will be able to make comments and ask questions. Please contact the Community Development Department with any questions. The agenda will consist of the following items:

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

Agenda
Invocation: By Invitation
Pledge of Allegiance: By Invitation

1. Call to Order

2. Approval of minutes
   Planning Commission 4/14/2020

3. Public Comment

4. Public Hearing for a zone map amendment to Residential Business Overlay zone for the property located at 172 S. Main Street. Application is made by Mike Podzikowski with Island Dance Studio. Parcel # 14:069:0236
   (20 minutes)
5. Site plan approval for Mike Podzikowski with Island Dance Studio – 172 S. Main Street
   Mike Podzikowski requests site plan approval to operate a dance studio under the Residential Business Overlay zone. Parcel # 14:069:0236 *(20 minutes)*

6- Public Hearing for an ordinance amendment to Title 17.76 Planned Residential Development Overlay Zone *(20 minutes)*

7- Public Hearing for an ordinance amendment to Title 17.62 Flood Damage Prevention ordinance and adopting pending FEMA Flood Insurance Study and Flood Insurance Rate Maps. *(25 minutes)*

8. New Business from Commissioners

9. Planning Director Report
   - General City updates

Adjourn

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Planning Department, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our Staff may be contacted directly at (801) 785-7687. 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 Kathy Moosman at 785-5043, giving at least 24 hours notice.

The above notice/agenda was posted in three public places within Lindon City limits and on the State http://www.utah.gov/pmn/index.html and City www.lindoncity.org websites.

**The duration of each agenda item is approximate only*
Posted By: Kathryn Moosman, City Recorder
Date: 4/24/2020
Time: 5:00 pm
Place: Lindon City Center, Lindon Police Station, Lindon Community Center

Lindon City
100 North State Street
Lindon, UT 84042-1808

LINDON
PLANNING & DEVELOPMENT

TEL 801-785-7687
FAX 801-785-4510
www.lindoncity.org

Item 1- Call to Order

Sharon Call
Mike Marchbanks
Rob Kallas
Steve Johnson
Scott Thompson
Jared Schauers
Renee Tribe

The Lindon City Planning Commission held a regularly scheduled *electronic meeting* on **Tuesday, April 14, 2020 beginning at 6:00 p.m.** at the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

REGULAR SESSION – 6:00 P.M.

Conducting:	Sharon Call, Chairperson
Invocation:	Jared Schauers, Commissioner
Pledge of Allegiance:	Anders Bake

PRESENT	**EXCUSED**
Sharon Call, Chairperson	
Rob Kallas, Commissioner	
Mike Marchbanks, Commissioner – arrived 6:45pm	
Steven Johnson, Commissioner	
Scott Thompson, Commissioner	
Jared Schauers, Commissioner	
Renee Tribe, Commissioner	
Mike Florence, Planning Director	
Anders Bake, Associate Planner	
Kathryn Moosman, City Recorder	

1. **CALL TO ORDER** – The meeting was called to order at 6:00 p.m.

2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the Planning Commission meeting of March 24, 2020 were reviewed.

COMMISSIONER THOMPSON MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MARCH 24, 2020 AS PRESENTED. COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

3. **PUBLIC COMMENT** – Chairperson Call called for comments from any audience member who wished to address any issue not listed as an agenda item. There were no public comments.

CURRENT BUSINESS –

4. **Murdock Hyundai Site Plan and Conditional Use Permit Approval – 424 S. Lindon Park Drive.** Murdock Hyundai requests site plan & conditional use permit approval to expand their existing car dealership on to the vacant property located at 424 S. Lindon Park Drive in the Planned Commercial 1 (PC-1) zone. Parcel # 46:786:0001

Mike Florence, Planning Director, led this agenda item by giving an overview stating the applicant, Kevin Hunt, with Murdock Hyundai, is seeking site plan and conditional use permit approval to expand the current Murdock Hyundai dealership.

Mr. Florence noted the proposal is to expand the existing Murdock Hyundai dealership to include the proposed vacant lot (lot size is 3.34 acres) and the city requires a minimum of one acre. The vacant lot will be improved and used as display area only. Lindon City Code 17.48.200, Vehicle Sales Lot, requires that a minimum 1,000 square foot building be on the same property as the sales lot. Because the vacant property is a distinct lot, the Murdock Group will be filing for a plat amendment to consolidate this new lot with the existing dealership property. Mr. Florence indicated as a condition of approval staff requires the plat amendment happen prior to the final site inspection.

Mr. Florence stated the perimeter street lighting has previously been installed and the applicant will be adding parking lot lighting for the display area. Mr. Florence noted the City Engineer is working through technical issues related to the civil engineering plans and will ensure all engineering related issues are resolved before final approval is granted.

Mr. Florence pointed out that over the years there have been a number of proposed uses for this site. He noted Murdock Hyundai currently uses the property for inventory storage and recently, the Larry H. Miller Group proposed an office use of the site but then backed out of the project. He added Murdock Hyundai has been a great business partner and this expansion will help further their success in Lindon City. Mr. Florence then presented the Site Plan and Landscape Plan and went over the conditions of approval followed by discussion. Chairperson Call commented this sounds like it is compliant and appears to meet all requirements.

Chairperson Call called for any further comments or discussion from the Commission. Hearing none she called for a motion.

COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S REQUEST FOR SITE PLAN AND CONDITIONAL USE PERMIT APPROVAL WITH THE FOLLOWING CONDITIONS: 1. THE DEVELOPER WILL CONTINUE TO WORK WITH THE CITY ENGINEER TO MAKE FINAL TECHNICAL CHANGES TO THE ENGINEERING DOCUMENTS; 2. THE APPLICANT WILL CONTINUALLY MEET ALL VEHICLE SALES LOT REQUIREMENTS AS FOUND IN 17.48.200 3. PRIOR TO FINAL INSPECTION AND APPROVAL OF THE SITE IMPROVEMENTS, THE APPLICANT WILL FILE AND OBTAIN APPROVAL FOR A PLAT AMENDMENT TO CONSOLIDATE THE PROPERTIES INTO ONE LOT; 4. IF REQUIRED, COMPLETE (OR POST AN ADEQUATE IMPROVEMENT COMPLETION ASSURANCE), WARRANT AND POST REQUIRED WARRANTY ASSURANCE FOR ALL REQUIRED PUBLIC INFRASTRUCTURE IMPROVEMENTS; 5. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER SCHAUERS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	AYE
COMMISSIONER THOMPSON	AYE
COMMISSIONER SCHAUERS	AYE
COMMISSIONER TRIBE	AYE

THE MOTION CARRIED UNANIMOUSLY.

5. **Conditional Use Permit – 1155 West 135 South.** Penske Truck Leasing Co, L.P. requests conditional use permit approval for a truck rental business, that will include auto repair, in the light Industrial (LI) zone. Parcel # 14:065:0076

Anders Bake, Associate Planner led this agenda item by giving a brief summary explaining the applicants, Mike Barnes and Brandon McDougald, representing Penske Truck Leasing are proposing to operate their truck rental business at 1135 West 135 South in Lindon. He noted the proposed use of the property will be for the operation of motor vehicle and truck leasing including the housing, washing, maintaining to full capacity, and repairing of motor trucks; Penske will also operate an office from the site.

Mr. Bake stated the Standard Land Use Table in the Lindon City Code lists Equipment Rental & Leasing as a permitted use in the Light Industrial zone. However, General Auto/Vehicle Repair is listed as a conditional use in this zone. Because the applicant will be using the property for vehicle repair, they are required to obtain a Conditional Use Permit from the city. He noted a liquid waste storage and management plan has been provided by the applicant. Mr. Bake indicated notices were mailed on April 3, 2020 to adjoining property owners in accordance with Lindon City Code and staff has received no public comments at this time.

Mr. Bake went on to say Penske Truck Leasing will be using a previously developed 1.32-acre property in Lindon's Light Industrial Zone. The property consists of a large parking area and an existing 8,000 square foot building. The building has five garage bays with four being used for equipment repair and one being used as a vehicle washing station. The building will also be used as an office and customer storefront. A 15-foot-wide landscaping strip lines the north end of the property along 135 South with well-maintained grass, bushes and trees. He added the applicant is not planning to do any construction on the building or site.

Mr. Bake pointed out the applicant's business will not increase the parking requirements for the property and the applicant does not propose any changes to the parking lot at this time. The lot does not have any striped parking stalls but does provide space for up to 46 parked vehicles. Mr. Bake stated this meets the parking requirement of 25 spaces for an industrial building with auto repair bays. He noted the applicant was not required to provide engineering plans for the existing parking lot but the parking area is surfaced in asphalt and contains stormwater drains for run-off

Mr. Bake indicated, based on the business description that was provided, it is expected that this business will have a minimal impact on surrounding properties and will be compatible with other uses in the Light Industrial Zone.

Mr. Bake then presented the Penske Business description, Site plan, Aerial photo of the site and surrounding area, Property photos and Proposed liquid waste management plan followed by discussion. He then turned the time over to the applicant for comment.

Mr. Barnes explained they currently operate two other facilities in the Salt Lake area and one in Ogden. He stated they have been looking for property to the south and this property works out good for their operation and they are looking forward to working with the customer base in the area. He also explained their hours of operation noting this model works best for them at this facility.

Chairperson Call called for any further comments or discussion from the Commission. Hearing none she called for a motion.

COMMISSIONER THOMPSON MOVED TO APPROVE THE APPLICANT'S REQUEST FOR A CONDITIONAL USE PERMIT TO USE THE PROPERTY LOCATED AT 1155 WEST 135 SOUTH FOR A TRUCK RENTAL BUSINESS THAT WILL INCLUDE PRIVATE EQUIPMENT REPAIR, WITH THE FOLLOWING CONDITIONS: 1. ALL EQUIPMENT MAINTENANCE, REPAIRS, AND WASHING WILL BE LIMITED TO THE BUSINESSES PRIVATE AND CUSTOMER FLEET AND WILL NOT BE OPEN TO THE GENERAL PUBLIC; 2. NO AUTOMOBILE PARTS WILL BE STORED OUTSIDE OF THE BUILDING; 3. HOURS OF OPERATION WILL BE 7 AM TO 5 PM MONDAY THROUGH FRIDAY AND 8 AM TO 2 PM ON SATURDAY; 4. THE APPLICANT WILL COMPLY WITH THE PROPOSED LIQUID WASTE MANAGEMENT PLAN; AND 5. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER JOHNSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	AYE
COMMISSIONER THOMPSON	AYE
COMMISSIONER SCHAUERS	AYE
COMMISSIONER TRIBE	AYE

THE MOTION CARRIED UNANIMOUSLY.

6. Discussion Item: Draft Ordinance Amendment for the Planned Residential Development Overlay Zone.

Mr. Florence led this discussion item by explaining Lindon City has been approached by developers to build housing on the rear portions of the Lindon Nursery and the Norton Property. He noted the Planning Department made a housing presentation to both the Planning Commission and City Council to discuss whether the City should pursue this option. Subsequent to the presentations, the City set up two meetings with neighborhood representatives who live adjacent to both the Lindon Nursery and Norton Property. Representative of both the planning commission and city council also attended. He then referenced the summary sheet with housing recommendations that came from the housing committee meetings.

Mr. Florence stated the approach is to allowing housing on these deeper lots and to update Lindon City Code 17.76 – Planned Residential Development. The PRD zone currently allows multi-family residential to be constructed on General Commercial properties. He noted the current maximum area allowed for development is one acre with 10 units per acre. Mr. Florence then referenced the summary changes to the code and a draft ordinance followed by discussion. He noted with feedback from the commission, staff would like to set this item for a public hearing on April 28, 2020.

Mr. Florence then went over the Summary of Changes as follows:

- 17.76.030 – calls out types of housing and lot sizes allowed in the PRD zone
  - Lot size of smaller lot single family
  - Caps the number of units in a townhome building to six in a single row
- Consolidates site plan and subdivision sections of the code to make it less repetitive

- 17.76.070(2) - Maintains the density at 10 units per acre
- 17.76.070(5) - Maximum area
  - Divides development proposals into two project types:
    - Residential developments one acre or less
    - Residential developments larger than one acre which are part of a new or existing commercial development and establishes a minimum development size of one acre
- 17.76.070(5) - Establishes a commercial depth of 300'. This depth can be decreased only if viable commercial uses remain for the site, a commercial lot is irregularly shaped, the reduction doesn't limit future redevelopment opportunities of the commercial property
- 17.76.070 (5) - Requires developments over two acres and multiple buildings to provide two different building types differentiated through building materials, color, rooflines, and architectural features
- 17.76.070(7) - Identifies setbacks for residential development as part of new or existing commercial uses
  - 30' from any single-family residence property line, 20' front and rear setbacks, 10' side setbacks.
- 17.76.070(9) - 7' masonry or concrete perimeter fence as a buffer from single-family residential
- 17.76.070(10) - Trees planted as a buffer to single-family residence
- 17.76.070 (11) – Outlines types of lighting required
- 17.76.070 (13) - Parking – requires parking in a garage. 75% of residential units have a two-car garage. 75% of the required visitor parking may be located on the drive-way
- 17.76.070 (16) - Creates architectural design standards for multi-family development
- 17.76.070 (20) – Sets a 20% required open space percentage. Open space to be designed as an integral part of any development
- 17.76.070 (21) – Requires attached units to contain enhanced sound attenuation and sound mitigation construction
- 17.76.070 (22) – Pedestrian connections throughout the development
- 17.76.070 (23) – Provides building frontage, orientation, and entrance requirements
  - Building entrances need to front a street, private driveway designed as a street or common open space
  - Building entrances to be the primary feature of the front façade to identify access to the individual units
  - Requires a stoop or front porch

Mr. Florence then went over the Housing Committee Recommendation for Deep Commercial Lots as follows:

- Commercial Depths

- Maintain at least a 300’ foot commercial depth to preserve commercial land and commercial tax base

Residential Recommendations are as follows:

- Transitions/Height from Commercial to Low Density Residential
  - The more stories the larger the setback needs to be
  - 3 story buildings – 80 - 90-foot setback
  - Max height two floors if less than 80 feet from single family
  - 7’ wall needs to be installed
  - Have as an option to include accesses roads to act as a separation buffer between single family and new housing. This would require the use of rear loaded garage homes
  - 20-30 rear yard backs when adjacent to low density residential
- Land Uses
  - Preference of residential over storage or commercial uses
  - Mixed densities and housing types for residential. Housing ideas:
    - Single family next to single family, smaller lot single family, duplexes, triplexes, four-plexes, etc
- Buffers/Landscaping/Open Space
  - Trees are an important buffer
  - Open space keeps residential feel in the neighborhood
  - Require common area open space or larger rear yard areas when adjacent to single family
  - Require open spaces to be in usable size segments
- Parking
  - Require more than 2 stalls per lot – current city code
  - Require .5 stall per unit for visitor parking
  - Evaluate per bedroom parking ratio
- Development Size
  - One to three acres but consider requiring a minimum of three acres
- Design Standards
  - Main entrances should not face rear yards of low-density residential homes
  - Adopt residential design standards
- Other Items
  - Owner occupancy for residential is recommended but open to a few rentals
  - Maintain the goals and vision of the general plan and street master plan
  - Be careful with transitions
  - Well planned developments
  - Trees on the Norton property are not important and are a nuisance

Mr. Florence then referenced the ordinance changes and additions followed by some general discussion. He noted comments received from Jeff Southard were taken into account and were sent out in an email to commissioners.

Commissioner Johnson asked if these units would be individually owned. Mr. Florence confirmed that statement indicating someone could rent their unit. Chairperson Call commented that we want to be careful when crafting the ordinance that it is not built around a certain developer and to keep the big picture in mind and not become too specific.

Commissioner Thompson stated it is important that we know where the 10-unit requirement came from and if it was an arbitrary number. Mr. Florence stated he would have to pull the prior history when the ordinance was adopted.

Commissioner Kallas stated he would like to see where in the city this overlay could be applied. Mr. Florence replied that currently it would only apply to the Norton property and the Lindon Nursery property. Chairperson Call expressed that it is important that the commercial portion is protected.

There was then some general discussion regarding the proposed ordinance sections including setbacks, building types, utilities, perimeter fencing, landscaping, fence height, architectural design, parking, open space, lighting plan, and frontage orientation and entrances.

Commissioner Kallas mentioned access is a big concern of residents and the additional traffic through neighborhoods; we need to be careful what roads are opened up with these projects we are approving.

Mr. Cowie mentioned 12 years ago they did a speed study on 800 west and it warranted some of the traffic calming devices. Another recent study was done on 200 South and Center Street. He pointed out they now have a newer device to allow city engineers to do studies so they don't have to contract that out.

Mr. Florence stated he would like to schedule a public hearing in two weeks in order to have further discussion and to hear public comment. Following some general discussion, the Commission was in agreement that would be a good plan.

Chairperson Call stated she wants to ensure residents are aware of the meeting and that they can have the opportunity to make comment and contribute even though it will more than likely be an electronic meeting. Mr. Florence added if the commissioners have any further comments to please email him any feedback or items in need of further discussion. Mr. Florence stated he will make the changes and continue to confer with City Attorney, Brian Haws on the legal review aspects.

Chairperson Call called for any further comments or discussion from the Commission. Hearing none she moved on to the next agenda item.

7. **New Business: Reports by Commissioners –** Chairperson Call called for any new business or reports from the Commissioners. Commissioner Johnson informed the commissioners he may be missing the next few meetings due to his upcoming surgery.

Chairperson Call called for any further comments or discussion from the commission, hearing none she moved on to the next agenda item.

8. **Planning Director Report –**
   - General City updates.
   - Next meeting will have the island dance studio for site plan approval and a zone change.

- May bring draft of the ordinance as well.

Chairperson Call called for any further comments or discussion. Hearing none she called for a motion to adjourn.

ADJOURN –

COMMISSIONER MARCHBANKS MADE A MOTION TO ADJOURN THE MEETING AT 8:05 PM. COMMISSIONER SCHAUERS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – April 28, 2020

_____
Sharon Call, Chairperson

_____
Michael Florence, Planning Director

Item: 4 Public Hearing – Zoning Map Amendment 172 South Main Street

Date: April 28, 2020

Project Address: 172 South Main Street
Parcel ID: 14-069-0236
Size: 0.7 acres/ 30,840 square feet

Applicant: Mike Podzikowski
Property Owner: Podzikowski, Micheal and Lani
General Plan: Commercial
Current Zone: General Commercial (CG)
Requesting change to Residential Business Overlay (RBO)

Type of Decision: Legislative
Council Action Required: Yes
Presenting Staff: Anders Bake

Summary of Key Issues

1. Whether to recommend approval of a request to change the Zoning Map designation of the subject property from General Commercial (CG) to Residential Business District Overlay (RBO). The underlying General Commercial zone will stay in effect with the overlay.

Overview

1. The applicant is requesting to rezone the subject property to apply the Residential Business District Overlay (RBO) to the property. The purpose of the request is to allow the applicant to continue using the property as their residence while also allowing them to legally operate their business. The applicant's business, Island Dance Studio, has been in operation for about 3 years at the property and provides dance lessons for up to 45 students at a time.
2. The applicants request to apply the Residential Business District Overlay (RBO) to the property will allow the applicant to legally operate their business from the property if the requirements in the ordinance are followed. The ordinance requires that the applicant receive site plan approval, a building permit, and a business license to demonstrate that the requirements in the ordinance are being met.
3. Title 17.43 is the Residential Business Overlay ordinance

Motion

I move to recommend (*approval, denial, continue*) of ordinance 2020-9-O to amend the Lindon City zoning map at 172 South Main Street (parcel ID number 14-069-0236) to Residential Business District Overlay (RBO), with the following condition(s):

1. The applicant complies with all site plan, building permit, and business license requirements for the Residential Business District Overlay (RBO) and
2. All items of the staff report.

Surrounding Zoning and Land Use

North: General Commercial (CG) – Lindon's Edge business park
East: General Commercial (CG) – residential
South: Orem residential (R-8)/commercial (C2) – residential/North Orem InstaCare
West: Low Density Residential (R1-20) – residential

Background

1. In 2016, Ms. Podzikowski purchased the property on the corner of Main Street and 200 South (172 South Main). At the time, the property had an old home on it and the property was split zoned with a small corner residential and the majority commercial. With plans to build a new home and operate her existing dance company from the home, Ms. Podzikowski felt the property was a good fit with its proximity to commercial operations.
2. Ms. Podzikowski was able to demolish the old home and build a new home under City ordinances allowing such, owing to the small corner of the property being residential. Construction of a new home after demolition of an existing home does not require upgrading public improvements. Upon completion of the home, Ms. Podzikowski obtained a home occupation license and began operating her dance company.
3. Not long after operations began, City Staff became aware that the number of students and contracted staff was well beyond the home occupation allowances. The home occupation requirements limit the space used by the business to 500 square feet, additional staff to one nonresident, and the traffic generated by the business to five vehicles per hour. The applicant would not be able to continue operation of their business the way they currently are under these requirements. After many discussions with City Staff on potential solutions, Ms. Podzikowski decided to apply for a new ordinance that would allow them to continue using the property as their residence while also allowing them to legally operate their business.
4. The applicant submitted an application on May 19,2017 to create the Residential Business District Overlay zone. The application was reviewed by the Planning Commission on 12 June 2018, 10 July 2018, and 14 August 2018 before receiving a favorable recommendation to the City council. The overlay zone then received City Council approval on 21 August 2018.
5. Staff contact the property owners in 2019 to request that they file for the RBO zone change and bring the property into compliance. Since that time the applicant has met with city staff multiple times to discuss the site plan and building requirements that need to be applied to this property in order to operate their business under the Residential Business District Overlay zone.
6. The applicant is now requesting to apply the Residential Business District Overlay zone to their property. They will then be required to receive site plan approval and a building permit to ensure that the requirements of this zone will be met.

Zoning

1. The subject parcel at 172 South Main Street is currently designated in Lindon's General Plan as Commercial. The General Plan states that the purpose of the commercial area to provide areas in appropriate locations where a combination of business, commercial, entertainment, and related activities may be established, maintained, and protected. Commercial use areas should be located along major arterial streets for high visibility and traffic volumes.
2. The proposed zone map amendment would change the zoning of this parcel to the Residential Business District Overlay but leaving the General Commercial zone as the base zone. The Lindon City code states that the purpose of the RBO residential/business district overlay is to allow small scale instruction, service, and office uses oriented to the local area within residential neighborhoods along higher volume streets and/or within or adjacent to nonresidential zones. Development is intended to be pedestrian oriented while acknowledging the need for automobile access and parking. The standards for the district are intended to promote appropriately scaled building and site design that focuses on compatibility with existing uses.

The RBO is not intended to replace home occupation permits available in residential zones throughout the city as outlined in Section 17.04.400.

3. The Residential Business District Overlay zone allows for the following permitted uses upon receipt of a business license and pursuant to the standards specified in the section:
    a. Barbers, cosmetologists, manicurists.
    b. Culinary, bakery, food preparation.
    c. Consultant or professional services with additional employees or contractors.
    d. Contractor, "handyperson," and landscape or yard maintenance contractor; subject to the special conditions that no construction materials or equipment will be stored on the premises outside of an approved structure.
    e. Preschool.
    f. Home instruction including, but not limited to, in-home lessons such as: musical instruments, voice, dance, acting, graphic arts, art, and educational subjects, swimming, tennis, and other athletic instruction.
    g. Other permitted uses include any land use permissions in the underlying zone.

Site Requirements

The following site requirements must be met for a property to be eligible for a rezone to the Residential Business District Overlay zone:

Requirement	Provided	Compliance
At least 50' of frontage along a major collector road	130 feet along 200 South	Yes
Be a minimum of 30,000 square feet	30,840 square feet	Yes
Be adjacent to the General Commercial zone along State Street or within a nonresidential zone.	Currently zones General Commercial	Yes

Exhibits

1. Aerial Photo
2. August 14, 2018 Planning Commission Minutes
3. August 21, 2018 City Council Minutes
4. Surrounding Area Zoning Map

1. Aerial Photo

The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, August 14, 2018 beginning at 7:00 p.m.** at the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

REGULAR SESSION – 7:00 P.M.

Conducting:	Sharon Call, Chairperson
Invocation:	Charlie Keller, Commissioner
Pledge of Allegiance:	Steve Johnson, Commissioner

PRESENT	**EXCUSED**
Sharon Call, Chairperson	Mike Vanchiere, Commissioner
Rob Kallas, Commissioner	
Mike Marchbanks, Commissioner	
Charlie Keller, Commissioner	
Steven Johnson, Commissioner	
Hugh Van Wagenen, Planning Director	
Brandon Snyder, Associate Planner	
Kathy Moosman, Recorder	

1. **CALL TO ORDER** – The meeting was called to order at 7:00 p.m.

2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the Planning Commission meeting of July 10, 2018 were reviewed.

COMMISSIONER JOHNSON MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF JULY 10, 2018 AS PRESENTED. COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

3. **PUBLIC COMMENT** – Chairperson Call called for comments from any audience member who wished to address any issue not listed as an agenda item. There were no public comments.

CURRENT BUSINESS –

4. **Public Hearing — Residential Business Overlay Ordinance.** Lani Podzikowski requests approval of an amendment to Lindon City Code Title 17 Zoning, to adopt a Residential Business District Overlay zone. Recommendation(s) will be forwarded to the City Council for final approval. (Pending Ordinance 2018-7-O) (Item continued from 6/12/18)

COMMISSIONER KALLAS MOVED TO OPEN THE PUBLIC HEARING. COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Hugh Van Wagenen led this agenda item by stating this item was last discussed at the June 12, 2018, Commission meeting. At that time the Commission requested that the Commercial Farm zone to not be considered non-residential in determining parameters for location of the Residential Business Overlay. That requested change has been made to the proposed ordinance. He noted the Commission also requested that the City Attorney, Brian Haws, review the ordinance language allowing exemptions to public infrastructure improvements. He noted the new language from Mr. Haws has been added to the ordinance language per the Commission's request as follows:

"It is clearly within the City Council's authority to grant waivers, but as pointed out to avoid situations where there might be a claim bias or favoritism it is advisable to lay out conditions upon which a waiver can be granted. I have inserted some conditions for you to consider. These come from some other cities from around the country I found that had sidewalk waivers and I which think provide reasonable factors for the council to consider. The 4th condition is a catch all that is based on the same kind of standards used when the board of adjustments granting a variance."

Mr. Van Wagenen then read Mr. Haws suggested language that has been added to the draft ordinance as follows:

a) Property may be required to have street improvements including curb, gutter, and sidewalk along all street frontage; however, an exception may be granted for any or all of these improvements by city council at the time of zoning approval.
   i. The city council may grant a waiver of the street improvements only if it makes a written finding that one of the following conditions exist on the proposed property:

1. Potential pedestrian traffic in area is so minimal that improvements are not warranted or needed to ensure public health and safety;
2. Properties surrounding the proposed property are without curb, gutter, and sidewalks and requiring street improvements would result in disconnected or isolated improvements;
   a. A waiver under this condition may only be granted upon the execution of a development agreement to install the improvements at a later date as required in this Section.
3. The natural topography or vegetation preexisting in the area are desirable to maintain and can be done without creating unreasonable risks to pedestrians; or
4. The requirement to construct the improvements would cause an unreasonable hardship for the applicant that is not necessary to carry out the purpose this Chapter.

a. To grant a waiver under this condition the city council must further find that;

i. There are special circumstances unique to the proposed property which do not generally apply to other similar properties;
ii. The asserted hardship was not self-imposed and
iii. Granting the waiver is within the spirit of this Chapter, will not be contrary to the public interest, and substantial justice will be done.

Mr. Van Wagenen stated this is a request for a new section of code to be added to

Title 17 called Residential Business Overlay (RBO) zone. He pointed out that the ordinance gives greater allowances than current home occupation standards in regards to parking, hours of operation, and clients. Unlike the home occupation ordinance, however, only certain properties will be eligible for the overlay based on frontage, size, and proximity to collector roads and commercial zones. Additionally, any property desiring to use the RBO zone would need to apply for a Zone Map change to apply the overlay to a specific property. Although this request only deals with the zoning text and not the zoning map, it is important to understand why the applicant is making the request and how it pertains to her property.

Mr. Van Wagenen then gave a brief history explaining in 2016, Ms. Podzikowski purchased the property on the corner of Main Street and 200 South (172 South Main). At the time, the property had an old home on it and the property was split zoned with a small corner residential and the majority commercial. With plans to build a new home and operate her existing dance company from the home, Ms. Podzikowski felt the property was a good fit with its proximity to commercial operations. Ms. Podzikowski was able to demolish the old home and build a new home under City ordinances allowing such, in addition to the small corner of the property being residential. At the time, new construction of a home after demolition of an existing home did not require any public improvements. Upon completion of the home, Ms. Podzikowski obtained a home occupation license and began operating her dance company.

Mr. Van Wagenen noted not long after operations began, City Staff became aware that the number of students and contracted staff was well beyond the home occupation allowances. After many discussions with City Staff on potential solutions to the situation, Ms. Podzikowski decided to apply for a new ordinance (the draft is before the commission tonight).

Mr. Van Wagenen stated the creation of a new zoning ordinance is always met conservatively as unintended consequences are feared. To alleviate the concern about proliferation of this zone, parameters for property to even be eligible are included in the text as as follows:

2. Site requirements for zone eligibility:

a) Property must have a minimum of fifty (50) feet of street frontage along a major collector road as identified by the Lindon City Street Master Plan Map.

b) Property must be a minimum of 30,000 square feet.

c) Property must be adjacent to or across the street from a non-residential zone or within a non-residential zone. For purposes of this ordinance, the Commercial Farm zone is not considered a non-residential zone.

Mr. Van Wagenen then referenced the map showing the properties within the City that would be eligible to apply to the zone. Even with eligibility established, an applicant would need approval from the City before the overlay would be in place.

Highlights of the ordinance are as follows:

1. Public improvement requirements can be waived by the City Council.
2. All building and fire codes must be met based on desired occupancy (this can require significant upgrades if using a residence for certain commercial purposes).
3. Business owner must live on-site as primary resident
4. Permitted Uses are:
    a. Barbers, cosmetologists, manicurists.

b. Culinary, Bakery, Food Preparation.
c. Consultant or Professional Services with additional employees or contractors.
d. Contractor, "handyperson", and landscape or yard maintenance contractor; subject to the special conditions that no construction materials or equipment will be stored on the premises outside of an approved structure.
e. Pre-School
f. Home instruction including, but not limited to, in-home lessons such as: musical instruments, voice, dance, acting, graphic arts, art, and educational subjects, swimming, tennis, and other athletic instruction.
g. Other permitted uses include any land use permissions in the underlying zone.

5. Rear Yard Setbacks are 20 feet to residential zones and 10 feet to non-residential zones.
6. Minimum of eight feet of landscaping is required adjacent to public rights of way.
7. Operating hours are from 7:30 am to 9:00 pm.
8. Ten patrons are allowed per hour for most businesses with preschool and home instruction patrons allowed based on occupancy of the structure as determined by building and fire code.
9. Up to five employees not residing on the property are allowed.
10. Off-street parking requirements are based on type of use
11. Only one permanent sign allowed with parameters for temporary signs

Mr. Van Wagenen then referenced Ordinance 2018-8-O Residential Business Overlay Zone draft with Attorney edits, Updated Map of properties that meet parameters to request the overlay, and the Current Zoning Map of 172 South Main followed by discussion.

Chairperson Call pointed out, based on Mr. Haws information, this doesn't fit under the criteria to grant a waiver and for the improvements to not be required at the time of the zoning application. She also asked, as far as direction to the property owner, what they would have to do at this point (if not approved) with the action taken with the overlay in the city and what it does to this specific property. Mr. Van Wagenen replied the property remains as is with a residential home on it, but it would need a business there to come into compliance with existing code. Commissioner Kallas asked how many locations in the city this overlay zone could potentially apply to. Mr. Van Wagenen said there are 14 properties that would have to make a request to the City Council for a rezone, but it is not guaranteed and is fairly limited. He added that even with eligibility established, an applicant would need approval from the City before the overlay would be in place.

Commissioner Kallas stated he can think of a number of properties that adjoin residential that have been required to put in improvements. He feels it seems a little unfair that some should have to comply and not others. If they are in business for a commercial use he feels they should do a pro forma to see the costs involved to determine if it is going to work and then act accordingly.

Ms. Travis explained they are not trying to find a way to get out of doing the improvements as they are more than willing to do improvements this is just another tool

in the cities box to make the transition in areas that are different from a commercial use; this is not a full commercial use. She added the City Council and Planning Commission have the leverage to have the discretion to approve it if they meet the criteria that the city attorney has laid out. And for the most part, if applied, those standards would be applicable.

Chairperson Call then read the conditions provided by the City Attorney noting she struggles a little bit with the unreasonable hardship aspect. Ms. Travis re-iterated they want to make the improvements but it is a timing issue and they would agree to sign a development agreement. There are circumstances involved with the property and other items to look at and they are willing to do that.

Commissioner Johnson asked if there has been any thought on the applicant's part if this is not approved that she may have to apply for a commercial zone. Ms. Travis stated they haven't discussed that, but part of what she is looking for is to be able to have her home on the site as well. Commissioner Kallas inquired if there is any way to accomplish what the applicant wants to do and the city wants her to do without doing a new overlay zone. Ms. Travis expressed that this is a good negotiation tool for the city that allows for opportunities not only for this location but for the future as well. She recognizes there is compromise on both sides. She noted Ms. Podikowski and the dance studio brings a positive influence to the neighborhood and she is more that willing to meet the requirements.

Commissioner Keller stated he understands that they will still put in the improvements and requirements, but it doesn't have the commercial setbacks. He feels it would be a good transition from residential to commercial.

Chairperson Call asked if there were any public comments at this time. Angie Neuwirth expressed her concerns about safety issues at this location as there is not a safe pedestrian walkway. Scott Thompson asked what types of home businesses would trigger this overlay. Chairperson Call stated with this issue it is because of the volume of students and the parking requirements and the fact that part of the property is commercial and part of the property is residential.

Chairperson Call asked if there were any further public comments. Hearing none she called for a motion to close the public hearing.

COMMISSIONER KELLER MOVED TO CLOSE THE PUBLIC HEARING. COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Van Wagenen referenced the map showing residential properties on 800 west that are adjacent to the commercial zones and a collector roadway followed by discussion. Commissioner Marchbanks suggested removing the language "across the street" and use the word "adjacent" instead (first page of ordinance, Paragraph C). He feels there may be more attraction to the City Council to approve this if it falls along those properties that come in conjunction with those along the state street corridor and that would also limit the number of properties that would meet the criteria. Commissioner Johnson suggested adding "adjacent to general commercial." There was then some general discussion regarding the language change.

Chairperson Call asked if we were to approve this ordinance and this applicant comes back in would they still be subject to the improvements and subject to a

development agreement. Mr. Van Wagenen stated they will look at that when the application comes in. Commissioner Kallas asked if we make these changes would the applicant meet all other requirements. Mr. Van Wagenen confirmed there is work to do but it could be handled through staff.

Chairperson Call asked if there were any further comments or discussion. Hearing none she called for a motion.

COMMISSIONER MARCHBANKS MOVED TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE APPLICANT'S REQUEST FOR ORDINANCE 2018-7-O WITH THE CONDITION THAT ADJACENT PROPERTIES ONLY WOULD HAVE TO BE IN THE GENERAL COMMERCIAL ZONE ALONG THE STATE STREET CORRIDOR. COMMISSIONER KELLER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER KELLER	AYE
COMMISSIONER JOHNSON	AYE

THE MOTION CARRIED UNANIMOUSLY.

Commissioner Kallas expressed that he voted aye but he feels work should be done to get commercial uses in commercial zones. Commissioner Johnson agreed and feels this is a good transition but he would hope that this will help these to eventually become commercial.

5. **Site Plan — doTERRA Call Center.** doTERRA International requests approval for a 203,108 s.f. call center on 13.5 acres located in the Regional Commercial zone at 2320 West 400 North.

Hugh Van Wagenen, Planning Director, gave a brief overview of this item stating the applicant proposes to construct a 203,000 s.f. call center, adjacent to the recently approved distribution center. He noted Mr. Mark Ringer and Mr. Neil Valentiner are present as representatives of this application. He noted the facility will house up to 2,300 employees across different shifts. There is still remaining acreage on the overall site for a future building and parking. He added the applicant has completed a traffic impact study regarding both the doTERRA Call Center and Distribution Center. The study shows that upon opening, the street intersection at 2800 West 600 North (attachment 6) will have an "F" level of service for anyone going to and leaving the doTERRA site in the am and pm hours, meaning vehicles will have to wait longer than 50 seconds to get through the intersection. The report states a signal will be warranted when doTERRA begins operations. Until a signal is installed, a four-way stop may be beneficial, but has its drawbacks for traffic existing the freeway. Also, it was suggested that a round-about option deserved further study. Additionally, the report recommended the City promote services that could benefit the employees in the area, reducing the need to drive during the daytime hours. Lindon staff has already begun working with UDOT to identify solutions to the forthcoming problem.

RESIDENTIAL SUBDIVISION TO BE KNOWN AS GARDENS AT ANDERSON FARMS PLAT A WITH THE FOLLOWING CONDITIONS: 1. PROVIDE CONDITIONS, COVENANTS, AND RESTRICTIONS VERIFYING THIS IS A 55+ SENIOR LIVING COMMUNITY AND 2. COMPLY WITH ASPECTS OF DEVELOPMENT AGREEMENT AS LISTED IN THE STAFF REPORT AND 3. PROVIDE A 6-FOOT PEDESTRIAN ACCESS WAY BETWEEN LOTS 131 AND 132 FROM ORCHARD LANE TO ANDERSON BOULEVARD IF THERE ARE NO UTILITY CONFLICTS. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER MAGLEBY	AYE

THE MOTION CARRIED UNANIMOUSLY.

11. **Public Hearing — Residential Business Overlay; (Ordinance 2018-7-O).** Lani Podzikowski requests approval of an amendment to Lindon City Code Title 17 Zoning, to adopt a Residential Business Overlay zone (Ordinance #2018-7-O). The Planning Commission recommended approval following review.

COUNCILMEMBER MAGLEBY MOVED TO OPEN THE PUBLIC HEARING. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Van Wagenen explained this is a request for a new section of code to be added to Title 17 called Residential Business Overlay (RBO) zone. The ordinance gives greater allowances than current home occupation standards in regards to parking, hours of operation, and clients. Unlike the home occupation ordinance, however, only certain properties will be eligible for the overlay based on frontage, size, and proximity to collector roads and commercial zones. Additionally, any property desiring to use the RBO zone would need to apply for a Zone Map change to apply the overlay to a specific property. Although this request only deals with the zoning text and not the zoning map, it is important to understand why the applicant is making the request and how it pertains to her property.

Mr. Van Wagenen gave some background explaining in 2016, Ms. Podzikowski purchased the property on the corner of Main Street and 200 South (172 South Main). At the time, the property had an old home on it and the property was split zoned with a small corner residential and the majority commercial. With plans to build a new home and operate her existing dance company from the home, Ms. Podzikowski felt the property was a good fit with its proximity to commercial operations. Ms. Podzikowski was able to demolish the old home and build a new home under City ordinances allowing such, in addition to the small corner of the property being residential. At the time, new construction of a home after demolition of an existing home did not require any public improvements. Upon completion of the home, Ms. Podzikowski obtained a home occupation license and began operating her dance company.

Mr. Van Wagenen stated not long after operations began, City Staff became aware that the number of students and contracted staff was well beyond the home occupation allowances. After many discussions with City Staff on potential solutions to the situation, Ms. Podzikowski decided to apply for a new ordinance, a draft of which is before you. The creation of a new zoning ordinance is always met conservatively as unintended consequences are feared. To alleviate the concern about proliferation of this zone, parameters for property to even be eligible are included in the text.

1. Site requirements for zone eligibility are as follows:

a) Property must have a minimum of fifty (50) feet of street frontage along a major collector road as identified by the Lindon City Street Master Plan Map.

b) Property must be a minimum of 30,000 square feet.

c) Property must be adjacent to the General Commercial zone along State Street or within a non-residential zone. For purposes of this ordinance, the Commercial Farm zone is not considered a non-residential zone.

Mr. Van Wagenen then referenced the map showing which properties within the City would be eligible to apply to the zone. He noted even with eligibility established, an applicant would need approval from the City before the overlay would be in place. Highlights of the ordinance are as follows:

1. Public improvement requirements can be waived by the City Council under certain circumstances.
2. All building and fire codes must be met based on desired occupancy (this can require significant upgrades if using a residence for certain commercial purposes).
3. Business owner must live on-site as primary resident
4. Permitted Uses are:
    a. Barbers, cosmetologists, manicurists.
    b. Culinary, Bakery, Food Preparation.
    c. Consultant or Professional Services with additional employees or contractors.
    d. Contractor, “handyperson”, and landscape or yard maintenance contractor; subject to the special conditions that no construction materials or equipment will be stored on the premises outside of an approved structure.
    e. Pre-School
    f. Home instruction including, but not limited to, in-home lessons such as: musical instruments, voice, dance, acting, graphic arts, art, and educational subjects, swimming, tennis, and other athletic instruction.
    g. Other permitted uses include any land use permissions in the underlying zone.
5. Rear Yard Setbacks are 20 feet to residential zones and 10 feet to non-residential zones.
6. Minimum of eight feet of landscaping is required adjacent to public rights of way.
7. Operating hours are from 7:30 am to 9:00 pm.
8. Ten patrons are allowed per hour for most businesses with preschool and home instruction patrons allowed based on occupancy of the structure as determined by building and fire code.
9. Up to five employees not residing on the property are allowed.

10. Off-street parking requirements are based on type of use
11. Only one permanent sign allowed; temporary signs allowed under certain parameters

Mr. Van Wagenen then referenced Ordinance 2018-8-O Residential Business Overlay Zone draft, Map of properties that meet parameters to request the overlay, and the Current Zoning Map of 172 South Main followed by discussion. He then turned the time over to Ms. Krishelle Travis, representative of the applicant, for comment.

Ms. Travis explained her children attend Ms. Podzikowski's dance school and she volunteered her services to assist Ms. Podzikowski as she has a vested interest. Ms. Travis stated the home was built to comply with residential standards, not commercial standards, so they worked with the Building Department to draft a list of items that need to be corrected to bring it into compliance with commercial operation standards or for the occupancy dedicated within the building once the zone is overlaid. She noted Ms. Podzikowski's is prepared to make these changes once the overlay is in place.

Ms. Travis stated they are proposing that this ordinance change will also function for other locations as this is a major home occupation which the city lacks and the trend is a need for something like this. They would also like it to be a tool for others to use and for it to work on a broad forum; to look and act like residential but with a higher use. She pointed out that financially this is not a commercial business which is also something to take into consideration. She noted that they did look at several other cities that have major home occupations and she feels the city can feel good about this change. She noted Ms. Podzikowski believes she was open and honest when purchasing this property and it was sold to her as a commercial lot. She noted Ms. Podzikowski was not aware until after purchase that it had a residential component.

Ms. Travis further explained they are not trying to find a way to get out of doing the improvements as they are more than willing to do the improvements this is just another tool in the cities "tool box" to make the transition in the areas that are different from a commercial use; she added this is not a full commercial use. She pointed out the City Council and has the leverage to have the discretion to approve it if they meet the criteria that the city attorney has laid out, and for the most part, if applied, those standards would be applicable.

Ms. Travis re-iterated Ms. Podzikowski wants to make the improvements but it is a timing issue and they would also agree to sign a development agreement if needed; there are circumstances involved with the property and other items to look at and they are willing to do that. Ms. Travis re-iterated that this is a good negotiation tool for the city that allows for opportunities not only for this location but for the future as well; she recognizes there is compromise on both sides. She noted Ms. Podikowski does an excellent job running the dance studio and brings a positive influence to the neighborhood and she is more than willing to meet the requirements. Ms. Travis pointed out that Ms. Podzikowski is doing all she can and is more than willing and prepared to make the required changes and improvements to the property.

There was then some general discussion by the Council including the issues of parking, parking lot requirements and the required improvements (curb, gutter, sidewalks), street improvements, waiving the financial hardship, and the criteria provided by the City Attorney. Following discussion, Mr. Van Wagenen clarified the conditions

he is hearing are as follows: 1. stormwater be handled on site and 2. the landscaping requirements must be clarified with reference to commercial landscaping standards. Ms. Travis stated this action will allow them to start spending money wisely on improvements and allow them to get to the point where they can get things moving in a positive direction.

Mayor Acerson called for any public comments. Hearing none he called for a motion to close the public hearing.

COUNCILMEMBER BRODERICK MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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

COUNCILMEMBER BRODERICK MOVED TO APPROVE THE APPLICANT'S REQUEST FOR ORDINANCE 2018-7-O WITH THE FOLLOWING CONDITIONS: 1. STORMWATER MUST HANDLED/CONTAINED ON SITE AND 2. LANDSCAPING REQUIREMENTS MUST BE CLARIFIED WITH REFERENCE TO COMMERCIAL LANDSCAPING STANDARDS AND GIVE THE MAYOR THE AUTHORIZATION TO SIGN. COUNCILMEMBER MAGLEBY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	NAY
COUNCILMEMBER MAGLEBY	AYE

THE MOTION CARRIED UNANIMOUSLY.

Councilmember Hoyt explained his nay vote citing he has concerns of unintended consequences of future parking lots similar to this one, but he supports the Council's decision.

12. **Public Hearing — Cemetery Ordinance Amendment; (Ordinance 2018-15-O).** The City Council will review and consider Ordinance #2018-15-O amending the cemetery code to update grave marker policies. Brad Jorgenson, Lindon City Cemetery Sexton, will be in attendance for this item.

COUNCILMEMBER HOYT MOVED TO OPEN THE PUBLIC HEARING. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Cowie referenced Ordinance 2018-15-O noting the proposed changes (based on feedback from the City Council) which staff believes meets the intent of the resident requesting an all-granite grave marker while still ensuring compliance with the rules and intent of the code. He noted after checking with seven cities Orem City was the only one

130 SOUTH
70 WEST
MAIN
STATE
172 South Main Street
200 SOUTH
STATE

Item: 5 Site Plan Approval – Island Style Dance 172 South Main Street

Date: April 28, 2020

Project Address: 172 South Main Street
Parcel ID: 14-069-0236

Applicant: Mike Podzikowski
Property Owner: Podzikowski, Micheal and Lani
General Plan: Commercial
Current Zone: General Commercial (CG)
Requesting change to Residential Business Overlay (RBO)

Type of Decision: Administrative
Council Action Required: No
Presenting Staff: Anders Bake

Summary of Key Issues

1. For site plan approval, the planning commission will be evaluating whether the site plan and building meet Title 17 development regulations for the Residential Business District Overlay Zone.

Overview

1. The applicant requests site plan approval to use the property for a residential unit and to operate their business according to the provisions in the Residential Business District Overlay Zone. City staff are recommending that site plan approval be contingent upon the Planning Commission and City Council approving the Residential Business District Overlay zone.
2. The applicant's business, Island Dance Studio, has been in operation at the property for about 3 years. The Residential Business District Overlay Zone allows for home instruction including in-home dance lessons as a permitted use.
3. The applicant will be required to obtain a building permit to ensure that the building meets commercial building requirements.
4. Site improvements on this property will include additional landscaping around the parking area and the installation of curb, gutter, and sidewalk along 200 South and Main Street.
5. Due to financial constraints during this COVID-19 period, the applicant may provide a site phasing plan that would need to be approved by the planning commission.

Motion

I move to (*approve, deny, continue*) the applicant's request for site plan approval with the following conditions:

1. Site plan approval is contingent upon Zone Map Amendment approval from the Lindon City Council to rezone the property to the Residential Business District Overlay Zone (RBO);
2. The plans will meet relevant specifications as found in the Lindon City Development Manual;
3. The applicant will comply with all bonding requirements;
4. The applicant will ensure that customers follow the proposed pick up and drop of requirements as explained in the staff report;
5. The applicant will obtain a building permit and meet commercial building requirements for the primary structure on the property;
6. The business will comply with the maximum occupancy requirements for the primary structure;
7. The applicant will continually hold a business license with Lindon City and will comply with the additional business license requirements for the RBO zone;

8. The applicant will follow the development deadlines in the proposed phasing plan; and
9. All items of the staff report.

Surrounding Zoning and Land Use

North: General Commercial (CG) – Lindon's Edge business park
East: General Commercial (CG) – residential
South: Orem residential (R-8)/commercial (C2) – residential/North Orem InstaCare
West: Low Density Residential (R1-20) – residential

Site Development Standards

Site Requirements

1. The subject property is at the Northwest corner of Main Street and 200 South. The street frontages along this property currently do not have curb, gutter, or sidewalk. Site Plan approval requires that the applicant provide these street improvements. The sidewalk will align with the existing sidewalk in front of the neighboring residential property on 200 South and the future sidewalk that will be installed on Main street as part of the Lindon's Edge development.
2. The applicant will also be installing a Washington Postlite street light as required in the Lindon City Development Manual.

The Residential Business District Overlay Zone also has the following Site and building requirements:

Site Requirements	Compliance
A rear yard setback of 20' when abutting residential zones.	Yes – 30'
All storm water runoff generated on site must be handled on site or properly discharged into the city's storm sewer system.	Yes
The surface coverage of all principal and accessory buildings shall not exceed 60% of the lot area.	Yes
Building Requirements	Compliance
A maximum height of 35 feet.	Yes
The residential character of the exterior is maintained. Materials, colors, and exterior building design of remodeling is consistent with the existing structure.	Yes
Building orientation shall be to the street or side street on corner lots	Yes

Landscaping Standards

1. The Residential Business District Overlay Zone requires that "all front and corner side yards shall be maintained in landscaping with vegetation in a living, healthy condition. A minimum of eight feet (8') of landscaping, measured from back of walk, is required adjacent to all public rights-of-way, with seventy percent (70%) of the said landscaping covered with living vegetation and trees planted every thirty feet (30') on center." An 8-foot-wide landscaped strip is included on the applicants plans along 200 South and Main street. This strip will be covered in sod and will have maple trees planted every 20 feet on center.
2. The landscaping requirements also state that "if the parking areas are within twenty-four feet of the property line, additional landscape buffering or fencing shall be required to shield the parking area." The applicant is proposing more intensive landscaping in the eight-foot landscape strip to provide an additional buffer.

Parking

1. Parking requirements in the Residential Business District Overlay Zone differ from those in commercial zones. Section 17.42.100 states that "parking spaces in an RBO zone are exempted from the surfacing, striping, and interior landscaping requirements as found in Chapter 17.18,

but shall be provided with a dustless, hard surface material such as compacted gravel, asphalt, or concrete and shall be provided with a similar hard surfaced access from a public street."

2. The proposed site plan has a gravel surface for the parking lot and does not include striping for the parking spaces. Railroad ties will be used at the ends of the parking stalls and along the border of the proposed parking lot. The ties will be secured to the ground with a 1-foot long metal stake placed at each end of the railroad tie. A paint mark will be placed on the railroad ties to indicate the location of each parking spot.
3. The interior parking lot landscaping that is normally required in parking lots is not required in this zone. There will only be landscaping along the perimeter of the parking lot.
4. Two ADA compliant parking stalls and an accessible route to the building entrance will also be provided.
5. A home instruction business in the Residential Business District Overlay Zone requires one parking stall per six students on site at peak operational hours. Staff has been told that the maximum number of students that will be in the building at a time is 45 students, requiring 7 stalls. The building official may identify a new occupancy once building plans have been submitted for review. The parking lot contains 40 stalls which should provide plenty of space for customers no matter the occupancy. The applicant's business has already been in operation for three years at the property and the city has not received complaints regarding parking issues.

The Residential Business District Overlay Zone also has the following parking requirements:

Requirements	Compliance
Parking stalls shall be 9' wide by 18' long	Yes
Parking areas shall comply with current ADA standards and Section 17.43.050(4)(a).	Yes
An ADA accessible route shall be required per the applicable ADA building standards.	Yes
Employee/contractor parking shall be provided off street at the rate of one (1) stall per employee on the premises at peak operational hours.	Yes
All residents, visitors, and employees/contractors who arrive at the property shall be legally parked on the lot occupied by the residence/business or on that part of the street that immediately abuts the lot.	Yes

Traffic Circulation

1. For home instruction businesses in this zone, a plan showing pick up and drop off zones with the associated traffic patterns must be submitted and requires city engineer review and approval.
2. The applicant has provided documents showing their traffic circulation plan which have been approved by the city engineer. Customers will enter the property from Main Street and drop off or pick up students in a designated area that is at the south end of the building. Customers will then exit the property onto 200 South. See exhibits 2 and 3.

Development Phasing

1. Lindon City Code requires that after site plan approval from the Planning Commission an applicant has twelve months to obtain final engineering approval of the plans and then twenty-four months to be issued a building permit for construction.
2. The City Code allows for an exception to the expiration timeline through phased developments of Site Plans with Planning Commission approval. A phased development can split a project into phases and requires that each successive phase be completed within twenty-four months of the previous phase with all phases of the site plan being completed within six years. The applicant

may submit a phasing plan and request Planning Commission approval of the plan as part of this application but one has not yet been submitted to Planning Staff.

Engineering Requirements

1. The City Engineer has approved the most recent revision of the site plan and will conduct a final review if the planning commission grants site plan approval.

Staff Analysis

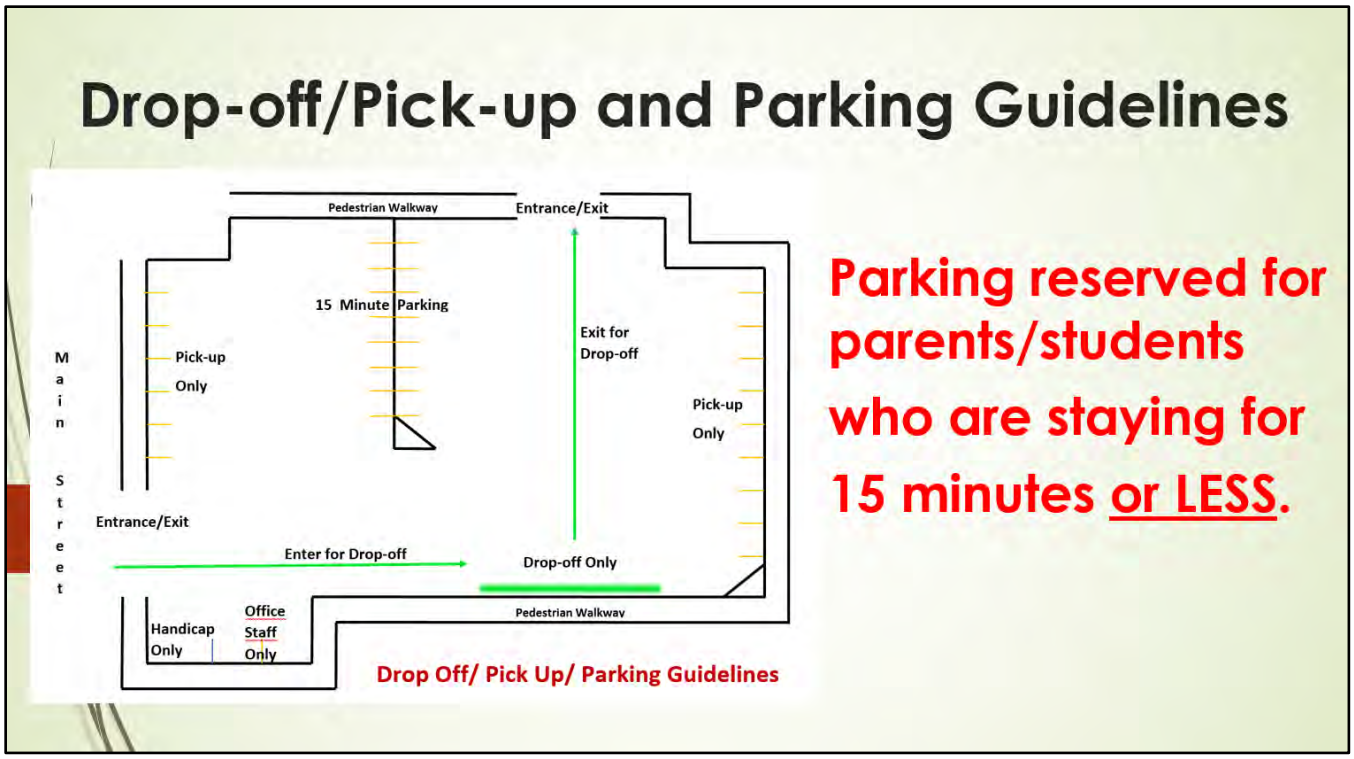
1. It has taken a number of years since the City adopted the RBO zone to get the applicants to file for the zone change and site plan approval. Staff feels like this project is now moving in a good direction. This proposed Site Plan will allow the applicant to operate their business and comply with the zoning requirements of the Residential Business District Overlay Zone. The applicant still needs to submit building plans for the home business. The home was constructed as a single-family home but a majority of the home and garage are now being used for the dance studio. The building official has met with the applicant a number of times about bringing the home into compliance. The proposed improvements will allow the property to meet the site requirements of the RBO zone. The street improvements and additional landscaping will be a benefit to the area and help provide a transition between commercial and residential activities.

Exhibits

1. Aerial photo
2. Parking Plan
3. Traffic Flow Plan
4. Site Plan
5. Landscaping Plan

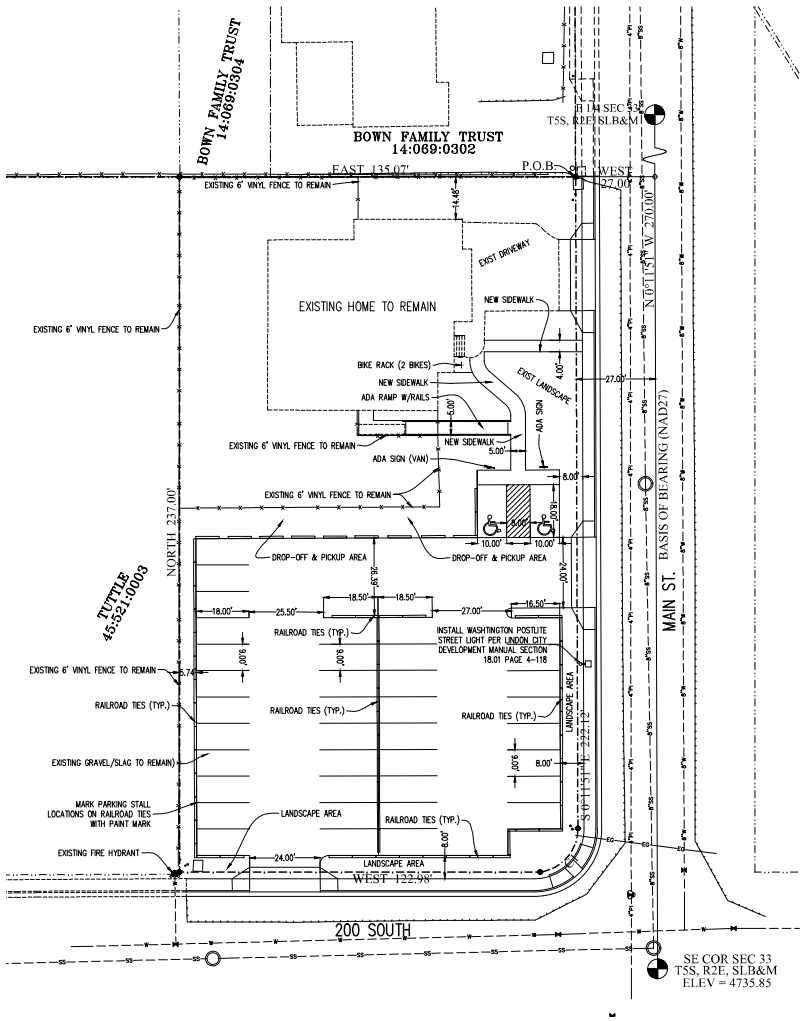
1. Aerial photo

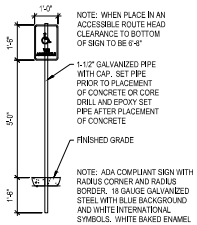
2. Parking Plan



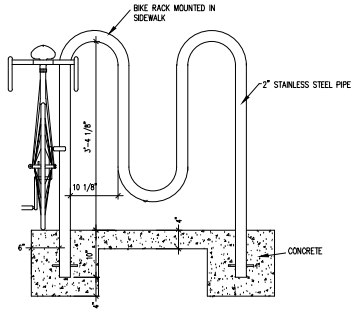
3. Traffic Flow Plan

ISLAND STYLE DANCE STUDIO

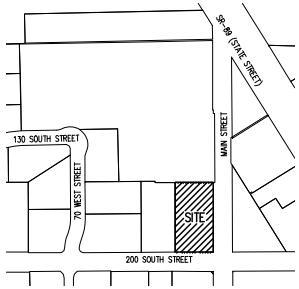




ADA VAN SIGN DETAIL



BIKE RACK DETAIL



VICINITY MAP

Scale 1" = 20'

PARKING TABULATIONS:

TOTAL BUILDING OCCUPANCY IS 205.1 INDIVIDUALS.

THE PARKING REQUIREMENT FOR HOME INSTRUCTION IS 1 PER 6 STUDENTS AT PEAK OPERATIONAL HOURS.

THE PARKING REQUIRED IS 205.1 INDIVIDUALS/6 STUDENTS = 35 STALLS.

TOTAL PARKING STALLS PROVIDED INCLUDING ADA: 40

ADA STALLS REQUIRED AND PROVIDED: 2

BIKE PARKING REQUIRED/PROVIDED: 2

LEGAL DESCRIPTION

Beginning at a point located North 0°11'51" West along section line 270.00 feet and West 27.00 feet from the Southeast Corner of Section 33, Township 5 South, Range 2 East, Salt Lake Base and Meridian;

thence South 00°11'51" East, a distance of 222.12 feet; thence along the arc of a 15.00 feet curve to the right through a central angle of 81°55'22" for 21.45 feet (chord bears South 40°49'53" West 19.67 feet); thence West, a distance of 122.98 feet; thence North, a distance of 237.00 feet; thence East, a distance of 135.07 feet to the point of beginning.

Containing 32,062 square feet or 0.7360 acres, more or less

TABULATIONS:

TOTAL AREA: 32,062 S.F.
LANDSCAPING AREA: 11,367 S.F. = 35.5%
BUILDING/PARKING/CONCRETE AREA: 20,695 S.F. = 64.5%

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	15.00	21.45	81°55'22"	19.67	S 40°49'53" W

GENERAL NOTES:

1. THE APPLICANT IS RESPONSIBLE FOR COMPLIANCE WITH ALL REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT" (ADA).
2. ALL LANDSCAPED AREAS SHALL HAVE AN AUTOMATIC, UNDERGROUND SPRINKLING SYSTEM WITH A BACKFLOW PREVENTION DEVICE AND A BACKFLOW PREVENTION DEVICE TO THE BUILDING, UNLESS LANDSCAPING IS SERVED BY THE SECONDARY WATER SYSTEM.
3. WATER METERS ARE TO BE LOCATED BEHIND BACK OF WALK OR BACK OF CURB IN AN AREA THAT IS ACCESSIBLE, NOT LOCATED BEHIND FENCED AREAS OR UNDER COVERED PARKING.
4. LINDON STANDARD SPECIFICATIONS AND DRAWINGS APPLY TO CONSTRUCTION OF PUBLIC IMPROVEMENTS THAT WILL BE OWNED OR MAINTAINED BY LINDON CITY AND TAKE PRECEDENCE OVER OTHER STANDARDS.
5. ZONE=R1-20 WITH RBO
6. NO NEW UTILITIES ARE REQUIRED FOR THIS SITE
7. THIS LOT IS LOCATED IN ZONE C, FEMA FIRM COMMUNITY PANEL NUMBER 490210 0005 C, EFFECTIVE DATE FEBRUARY 19, 1986.
8. GARBAGE COLLECTION IS HANDLED BY INDIVIDUAL GARBAGE CONTAINERS. NO DUMPSTER ENCLOSURE IS PROPOSED.

LONG TERM STORM WATER POLLUTION PREVENTION MAINTENANCE PLAN NOTE:

WITH ALL ON-SITE DRAINAGE SURFACE FLOWING TO THE PROPOSED RETENTION BASIN, THERE ARE NO STORM WATER FACILITIES THAT REQUIRE MAINTENANCE. ALSO, SINCE THE PARKING LOT IS PROPOSED TO REMAIN AS GRAVEL, THERE ISN'T A PARKING LOT TO SWEEP. THE LONG TERM STORM WATER POLLUTION PREVENTION MAINTENANCE PLAN WILL BE PROVIDED WHEN THE PARKING LOT IS PAVED AND IF ANY UNDERGROUND STORM WATER IMPROVEMENTS ARE ADDED IN THE FUTURE.

SHEET INDEX

C1 SITE & UTILITY PLAN
C2 GRADING PLAN
C3 TBC PLAN/PROFILE
C4 EROSION CONTROL PLAN
C5 BMP DETAILS
C6 BMP DETAILS
C7 DETAIL SHEET

REGISTERED PROFESSIONAL ENGINEER No. 340193 DAVID W. PETERSON STATE OF UTAH

POWER NOTE:

THE DEVELOPER IS RESPONSIBLE FOR PROVIDING USABLE POWER TO ENERGIZE ALL STREET LIGHTS FOR THE DEVELOPMENT.

RAILROAD TIE NOTE:

RAILROAD TIES ARE TO BE USED TO BORDER THE PROPOSED PARKING LOT.

RAILROAD TIES ARE TO BE SECURED TO THE GROUND WITH A 1 FOOT LONG METAL STAKE PLACED AT EACH END OF THE RAILROAD TIE. THE METAL STAKES ARE TO HELP THE RAILROAD TIE FROM SHIFTING IF THEY ARE BUMPED BY A PARKED VEHICLE.

Surveyor: Aztec Engineering, Inc.
c/o Aaron Thomas
801-592-2693

BENCH MARK

SOUTHEAST CORNER, SECTION 33, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN
ELEVATION = 4735.85

REVISIONS

Rev.	Date	Description
1	02/10/20	REVISED PER CITY COMMENTS
2	04/17/20	REVISED PER CITY COMMENTS
3	04/23/20	REVISED PER CITY COMMENTS

Island Style Dance Studio, LLC
c/o Keili Podzikowski
801-785-7288

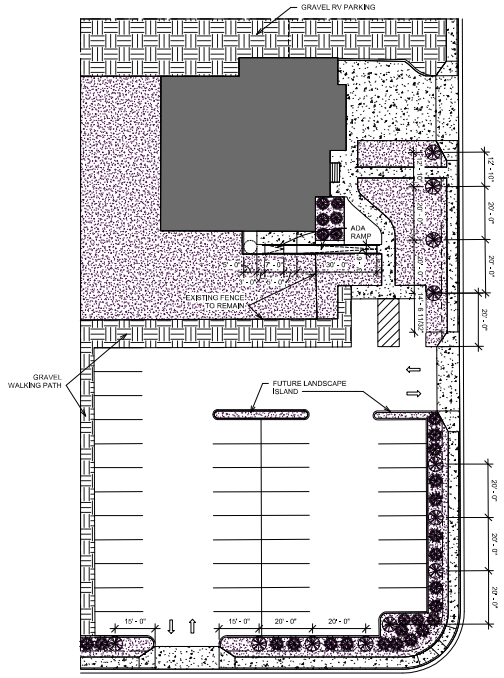
EXCEL ENGINEERING
David W. Peterson, P.E., License #276993
12 West 100 North, Suite 201, American Fork, UT 84003
P: (801) 758-5984; david@excelcivil.com

ISLAND SYTLE DANCE STUDIO
LINDON 172 S. MAIN UTAH

Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

SITE & UTILITY PLAN

Scale: 1"=20'
Date: 11/18/19
C1



LANDSCAPE PLAN
1" = 20'-0"
1
L101

NORWAY MAPLE "EMERALD GREEN" (ACER PLATANOIDES)

COMMON BOXWOOD (BOXUS SEMPERVIRENS)

SHRUBBERY

SOD

CONCRETE

GRAVEL

The Developers Resource, LLC
1085 East 140 North, Lincoln UT 84042
P: 801.785.3714 F: 801.796.9397

www.tdr-ut.com

Structural Engineer
CKR ENGINEERS
1295 N STATE ST
OREM, UT 84057
P: 801.222.0622
e-mail: chadk@ckrengineers.com

Mechanical / Plumbing Engineer
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P: .
e-mail: .

Electrical Engineer
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.
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P: .
e-mail: .

Civil Engineer
EXCEL ENGINEERING
12 WEST 100 NORTH, STE. 201
AMERICAN FORK, UT 84003
P: 801.756.4504
e-mail: david@excelcivil.com

No.	Description	Date

ISLAND STYLE DANCE STUDIO

LANDSCAPE PLAN

Project number	DR-SCV-14-013
Date	01/21/20
Drawn by	TDR
Checked by	MET

L101

Scale	1" = 20'-0"

4/14/2020 9:14:05 PM

Item: 6 - Ordinance Amendment – Planned Residential Development Overlay

Date: April 28, 2020
Applicant: Lindon City
Presenting Staff: Michael Florence

Type of Decision: Legislative

Council Action Required: Yes, the planning commission is the recommending body for this application.

Motion
I move to recommend (*approval, denial, to continue*) (of) ordinance amendment 2020-8-O (*as presented, or with changes*).

Overview:

Staff presented a draft ordinance for feedback only at the April 14, 2020 planning commission meeting. The City has recently studied some of the deeper commercial lots along State Street, make initial housing presentation to both the planning commission and city council, and held two resident committee meetings. City staff reviewed the existing city codes and found that it would be best to update the Planned Residential Development Overlay zone as found in Lindon City Council 17.76. This code currently allows housing, in narrow circumstances, in the General Commercial zone. With feedback from the planning commission at the last meeting, staff has made the following changes:

- 17.76.030 –
    - Allow triplexes as a building type;
    - Increase the single-family lot square footage from 4,000 to 5,000 square feet. Ivory development is approved for 5,000 square foot lots and the homes that they are building are approximately 2,000 sq ft;
    - Clarify subdivision language;
    - Require that building permits and construction commenced for at least 25% of the approved commercial square footage prior to releasing building permits for residential construction.
- 17.76.080(7) – clarification that setbacks are measured from the property line.
- 17.76.080(9) - Staff did not change the seven-foot fence requirement but made it a minimum seven-foot requirement. Staff did call a number of pre-cast fencing companies and the ones that staff called do not make a seven-foot pre-cast fence. However, the ordinance would allow a developer to do a block fence at seven feet.
- 17.76.080(10)(i) – added that accent elements such as trellises, arches, arbors, columns, or low monument features shall be used to demarcate entrances to the development, common open spaces and paseos. Alternative accent elements may be approved by the land use authority. See example below.

- 17.76.080(11) – clarified that homeowners associations and housing units are to control lighting instead of apartments.
- 17.76.080(12) – the two-car garage requirement was reduced to 65% from the discussion at the last planning commission meeting.
- 17.76.080(12) – staff has studied the issue of guest parking and felt like the requirement of allowing 75% of the visitor parking on driveways was too high. Staff looked at the following example:
    - 74 units requires 185 parking stalls (2.5 stalls per unit). The current code requires 2.0 stalls per unit and .5 guest stalls per unit. 148 stalls for the units and 37 guest stalls
    - 37 guest stalls with 75% allowed on the driveway leaves only 10 guest stalls not parked on a driveway. Staff recommends reducing that to 50% which would require 18 guest stalls not on driveways for 74 units. This is a 4 unit to 1stall ratio which is then similar to other developments such as Anderson Farms.
- 17.76.080(20) – requires, to the extent possible, that developments make at least one pedestrian access connection to a public street right-of-way.
- 17.76.080(22) – requires access to be identified on the site plan and subdivision plans. New public streets shall follow the Lindon City Streets Master Plan Map. Projects may be accessed through existing of new commercial uses when appropriate easements or land is secured for access. Proposed developments shall not remove existing single-family homes for access connections to adjacent neighborhoods.

Analysis

The planning commission should review the ordinance to ensure that it both transitions properly from commercial uses to low-density single family and creates the type of development envisioned for Lindon. Regarding the 5,000 square foot lot size, another option for the city would be to allow a maximum density for single family but consider a “cluster” type development around open space similar to Daybreak. Staff did not have sufficient time to research this approach so it is not identified in the ordinance.

City staff was approached by the developer of the Norton Property and asked if the city would consider allowing live/work townhome units on State Street since they would have a commercial component. This can be discussed further at the planning commission meeting. Due to the number of items tentatively scheduled for the May 4th city council meeting, the earliest that this item may be heard by the council is the May 18th meeting. The commission can continue to consider this item at their May 5th meeting if desired.

For the draft ordinance, the items in “red” are the changes discussed at the April 14th meeting. The items in “blue” are updates since the last meeting.

Exhibits

Draft Planned Residential Overlay ordinance
Draft Planned Residential Overlay ordinance with “redline” changes
Summary report from the April 14, 2020 planning commission meeting
Commercial depth map

Updated Draft Ordinance

Chapter 17.76
PLANNED RESIDENTIAL DEVELOPMENT OVERLAY (PRD OVERLAY) ZONE

Sections:

17.76.010 Purpose.

17.76.020 Applicability.

17.76.030 Permitted Uses, Building Types, and Densities.

17.76.040 Site Plan and Conditional Use Approval

17.76.050 17.76.070 Final Plat and Improvement Drawings.

17.76.060 Building Permits

17.76.070 Completion and Maintenance of Site

17.76.080 Development Standards and Requirements

17.76.010 Purpose.

1. The Planned Residential Development (PRD) Overlay Zone promotes the following purposes:
   a. Create diverse and quality housing options in Lindon City.
   b. Effectively develop unique commercial lots and parcels that do not naturally accommodate traditional commercial development patterns;
   c. Allow for appropriate housing transitions from commercial properties to low density single family residential;
   d. Improve the design and livability of residential buildings in the PRD Overlay Zone.
2. The purposes of the PRD Overlay are accomplished by:
   a. Allowing densities higher than a typical low-density residential development, as identified in the Lindon City Land Use Map;
   b. Establishing standards for landscaping, building and site design, public safety, parking, aesthetics, traffic circulation, fencing, lighting, and other similar site improvements; and
   c. Requiring standards that enable PRDs to fit into the surrounding development.

17.76.020 Applicability.

1. The PRD Overlay Zone may be applied to lots or parcels in the General Commercial (CG) Zone after application and approval of a zone map amendment by the City Council after a recommendation from the Planning Commission.

17.76.030 Permitted Uses, Building Types, and Densities.

1. *Permitted Uses.* In addition to uses permitted or conditionally permitted in the underlying General Commercial (GC) zone, a Planned Residential Development (PRD) is a conditionally permitted use in the PRD Overlay Zone and is not permitted in any other zone.

2. PRDs may include detached single family, twin homes, triplexes, multi-unit buildings and townhouses. All Individual residential units shall be subdivided into separate lots or condominium units;
    a. The minimum lot size for detached single family shall be five thousand (5,000) square feet and fifty (50) feet of frontage;
    b. Townhomes building types shall be limited to a maximum of six (6) units in a single row within a single building.
    c. In order to preserve the intent of the General Commercial zone, building permits from Lindon City shall be obtained and construction commenced for at least twenty-five (25) percent of the approved commercial square footages prior to releasing building permits for residential construction.
3. Accessory apartments are not permitted in the PRD Overlay Zone

17.76.040 Zone Map Amendment, Site Plan and Conditional Use Permit Approval.

1. Zone Map Amendment. An application to apply the PRD Overlay Zone shall include a concept site plan, building elevations, and renderings showing the proposed project for the subject site. Any concept plan presented to the Planning Commission and City Council for approval shall first be reviewed by the Development Review Committee to ensure the proposal is technically feasible.
2. *Site Plan.*
    a. Proposed development in the Planned Residential Development (PRD) Overlay Zone shall first submit a Land Use Application for site plan approval. The applicant shall provide all requirements of the site plan to the City before the City considers the application submitted and before action is taken. The application for a site plan shall include all necessary fees and documentation required by this Chapter.
    b. The applicant shall submit the site plan for a PRD to the Planning Department according to site plan submittal requirements-outlined in the Lindon City Land Development Policies, Standard Specifications and Drawings Manual (Development Manual). In addition to the items required in the Development Manual, a complete application shall include building elevations and renderings, open space percentages, site circulation, and project size and density. At that time the applicant shall pay a fee in an amount established in the most recently adopted Lindon City Consolidated Fee Schedule. No development, construction, revisions, or additions shall take place on the site until the Planning Commission has approved the site plan, the site plan is considered finalized by the City, and the developer has obtained the appropriate permits. Applicants for amended site plans for PRDs shall follow the same procedures, pay the same fees, and be bound by the same development standards and requirements as applicants for site plans for PRDs. The Planning Director or designee has the authority to make minor amendments to the site plan where such amendments are in compliance with the ordinance and the site plan is not materially altered.
    c. The procedure for site plan approval shall be as follows:
        i. Development Review Committee. The Planning Department shall forward the proposed site plan to the Development Review Committee for initial review. The Development Review Committee shall review the site plan, civil engineering, and architectural designs while considering whether it complies with the Lindon General Plan and all City ordinances, resolutions, and policies. The site plan and

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architectural designs shall comply with the Lindon General Plan and all City ordinances, resolutions, and policies before the Planning Commission can review the application.

ii. Planning Commission. The Planning Commission shall review the site plan and be the land use authority for all site plans for PRDs. The Planning Commission shall consider whether the proposed site plan complies with City ordinances, resolutions, policies, Lindon City Commercial Design Guidelines, and the General Plan when reviewing a site plan for a PRD.

d. The applicant shall not amend or change any approved site plan without first following the procedure for approval of site plans.

e. The Planning Commission may impose conditions or require further studies ~~on~~ of the site plan to mitigate dangerous hazards or evaluate potential impacts to public infrastructure or surrounding neighborhoods where there is substantiated evidence that a real safety hazard exists.

17.76.050 Final Plat and Improvement Drawings.

1. The form and contents of the final plat and improvement drawings, ~~(~~where applicable~~)~~, shall contain all of the requirements found in Title 17.32 – Subdivisions-Special Requirements and the Lindon City Development Manual. The final plat shall also contain the following information:
   a. A designation of common areas, limited common areas, and private ownership areas.
   b. For condominiums, three dimensional drawings of buildings and building elevations. In the case where the PRD is a condominium project, the developer shall submit a written statement by an attorney who is licensed to practice in Utah. This written statement shall be the attorney's opinion that the condominium declaration, the subdivision plat and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (UCA Sec. 57-8-1, et seq.) as well as all applicable federal, state and local laws and ordinances and that when the office of the Utah County Recorder has recorded the condominium declaration and final plat, the proposed project will be a validly existing and lawful condominium project in all respects.
   c. Plat restrictions, lot restrictions, and other information required by the Planning Commission or City Council.
2. PRD site plans may be built in phases as long as each phase of a PRD complies with all of the requirements of this ordinance. A phase of a PRD may not be less than twenty thousand (20,000) square feet.
3. The Planning Director shall approve the final plat of the PRD provided he/she finds that:
   a. The applicant has redrawn the site plan to incorporate all the requirements as approved by the Planning Commission and has submitted the corrected site plan with the final plat.
   b. The applicant has incorporated all of the improvements and conditions of the approved site plan into the final plat.
   c. The City Engineer has marked the construction drawings of the PRD as finalized.

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4. The City shall record the final plat after it obtains all of the required signatures and after it receives all of the required bonds, fees, and documents.
5. The procedure for subdivision shall be as follows:
    a. The site plan must be approved by the Planning Commission before the final plat can be approved.
    b. Subdivision approval shall be approved by the appropriate land use authority as found in 17.09.
    c. The developer shall submit a Land Use Application for final plat approval of all or part of the PRD together with all required fees. The final plat shall be prepared by the developer's surveyor and engineer.
    d. The Development Review Committee shall review the final plat and give their recommendations to the Planning Director.
    e. The Planning Director is the final approving authority for final plats and shall approve the application request if it meets the requirements of the approved site plan and all applicable City ordinances.
    f. Failure to submit a final plat within two (2) years of the date of approval of the site plan shall terminate all proceedings and render approval of the site plan null and void. The final plat shall expire and be void one (1) year after approval by the City, unless the Office of the Utah County Recorder has recorded the plat.

17.76.060 Building Permits.

The City shall not issue a building permit for any project until the final plat has been recorded by the City.

17.76.070 Completion and Maintenance of Site.

Every PRD shall conform to the approved site plan. The applicant or any other person or entity shall not add any structures or make any improvements or changes to a PRD that did not appear on the approved site plan. The applicant and subsequent owners and applicable associations shall maintain all improvements shown on the site plan in a neat and attractive manner. Failure to complete or maintain a PRD in accordance with this Chapter and with the approved site plan is a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceeding against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer or otherwise, for failure to complete or maintain a PRD in accordance with this Chapter and with the approved site plan.

17.76.080 Development Standards and Requirements.

The City requires the following development standards for all PRDs.

1. *Compliance with Lindon City Code.* A proposed PRD shall comply with the requirements of this Chapter, the Lindon City Development Manual, and with all applicable Lindon City Code provisions and with conditions imposed by the Land Use Authority.
2. *Density.* A PRD may be developed at a maximum density of ten (10) dwelling units per gross acre.

3. *Height.* No lot or parcel of land in a PRD approved pursuant to the PRD Overlay Zone shall have a building or structure used for dwelling which exceeds a maximum average height of thirty-five (35) feet or two stories, measuring the four (4) corners of the structure from finished grade to the highest point of the roof structure. The Planning Director and Chief Building Official shall be responsible for designating and identifying the four corners of a structure. No dwelling shall be erected to a height less than one (1) story above grade.
4. *Minimum Area.* The minimum area required for any PRD shall be twenty thousand (20,000) square feet.
5. *Maximum Area.* The maximum allowable size for any PRD shall be one (1) acre with no more than ten (10) units where development is not part of an existing or new commercial use. Lindon City has a number of deep commercial lots that front State Street. Residential may be allowed on the rear portion of these lots following the development and entitlement requirements in this chapter and when the following requirements are met:
    a. To preserve the commercial use and zoning along State Street, a three hundred (300) foot commercial depth shall remain and residential uses are not allowed within this depth. The Planning Commission and City Council may consider a reduction in this depth upon evaluating the following:
        i. Viable commercial options remain for the site;
        ii. A commercial lot is irregularly shaped;
        iii. The reduction does not limit future redevelopment opportunities of the commercial property.
    b. The minimum area required for any PRD that is part of an existing or new commercial use shall be one (1) acre;
6. Building Types. At least two different building types shall be included in projects larger than two acres and with multiple buildings. Building types shall be differentiated through variations to building materials, color, rooflines, and the use of architectural features such as awnings, light fixtures and eave details
7. *Setbacks.* The following setbacks, as measured from the property line, for primary structures shall apply in the PRD zone:
    a. For residential developments one acre or less not including an existing or new commercial use as part of the project
        i. *Front Setback.* 30 feet
        ii. *Rear Setback.* 30 feet
        iii. *Side Setbacks.* 10 feet and 6 feet for a combined sideyard setback of sixteen (16) feet. For interior units with common walls the setback is zero (0) feet.
    b. For residential developments proposed for a property with new or existing commercial uses
        i. buildings shall be setback a minimum thirty (30) feet from the abutting property line of any single-family residence or R1-20 zone and any commercial building.

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ii. Side Setbacks: 10 feet and 6 feet for a combined sideyard setback of sixteen (16) feet. For interior units with common walls the setback is zero (0) feet.

iii. Corner side setbacks 20 feet

iv. Front: 20

v. Rear: 20

8. *Utilities.* Compliance with the Development Manual and applicable Lindon City Code provisions regarding utility connections to residential units is required. The public sewer system and the public water supply shall serve all dwellings. All utilities shall be underground. The developer shall individually meter natural gas and electricity for each individual dwelling. No water or sewer lines shall be located under covered parking areas. Wall-mounted and ground-based meters, HVAC, and utility equipment serving a building shall be located as close to each other as possible and fully screened from view. Screening shall either be incorporated aesthetically into the design of the building or screened by landscaping.

9. Fences.

   a. *Perimeter Fences.* A minimum seven (7) foot masonry or concrete perimeter fence shall be required as a buffer when abutting single family residential or commercial uses. The Planning Commission may allow alternative materials and location and placement of a perimeter fence. Any fence erected around or within the development shall comply with Lindon City Code section 17.04.310, involving fencing standards. Any perimeter fencing shall have a consistent design throughout the project and shall consist of the same construction materials.

   b. *Patio/Limited Common Area Fences.* A patio or limited common area adjacent to the rear of a dwelling unit may be enclosed with a six-foot (6') high fence.

10. *Landscaping and Open Space*.

   a. All land within a PRD not covered by buildings, driveways, sidewalks, structures, and patios shall be designated as common area and shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practice. All required setback areas adjacent to public streets shall be landscaped. All landscaping shall have a permanent underground sprinkling system.

   b. Development greater than one acre shall include common open space, according the following standards:

   c. At a minimum, twenty (20) percent of the development site, excluding roads or private driveways and required setback areas, shall be in common open space. The land use authority may approve a reduction in the open space requirement by twenty-five (25) percent of the required open space square footage if the site is within one quarter mile, as measured at the closest property lines, of an existing Lindon City park or trail. Private balconies, porches, patios of a minimum sixty (60) square feet may be counted towards a maximum of ten (10) percent of the required open space percentage;

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d. Open spaces should include both active and passives spaces including plazas, courtyards, paseos, landscaped detention basins, playgrounds, pavilions, pools, spa, pool deck, or other areas that can be made into useable areas, and interior spaces available to residents as common area such as a clubhouse;

e. Open spaces should be designed to be an integral part of any development. A majority of the required open space shall be consolidated into a primary central and common open space area. Buildings shall be designed around the common open space edge. Majority open spaces shall not be located in perimeter outlying areas of the development;

f. Where appropriate, the planning commission may approve individual private yard areas in place of common open space. However, development with private open space shall have no net loss of the required open space percentage:

   i. Rear-loaded buildings should provide private open space through porches, balconies, and small front yards;

g. Front-loaded units should provide most private open space as enclosed rear yards.

h. Trees shall be planted along any property line abutting single family residential with trees planted as a buffer every thirty (30) feet. Trees shall be a minimum two (2) inch caliper, measured one (1) foot above the ground and shall be at least six (6) feet in height. Tree species shall be planted as found in the Lindon City Tree Planting Guide. An eight (8) foot landscaped area shall be provided for trees to be planted and allow for future tree growth.

i. Accent elements such as trellises, arches, arbors, columns, or low monument features shall be used to demarcate entrances to the development, common open spaces and paseos. Alternative accent elements may be approved by the land use authority

11. *Lighting Plan.* All PRDs shall include a lighting plan for parking lots, pedestrian walkways and buildings. The lighting plan shall be designed to:

    a. discourage crime;
    b. enhance the safety of the residents and guests of the PRD;
    c. prevent glare onto adjacent properties; and enhance the appearance and design of the project.

    All PRD homeowners' associations and housing units are required to control and meter all outside lighting shown on the lighting plan except for front and back door lighting. The lighting plan shall designate which lighting shall be commonly metered to the association or owner.

12. *Parking.* There shall be a minimum of two (2) parking spaces provided for each dwelling, one of which shall be in a garage. At a minimum, sixty-five (65) percent of the residential units shall have a garage capable of parking two (2) vehicles. Required off-street parking spaces shall not be permitted within the ~~front yard or~~ street-side yard setbacks. There shall ~~also~~ be a minimum of one half (½) parking space for each dwelling for guest parking within the development. Guest parking shall be located on the same lot or parcel of the dwellings served. With approval of the land use authority, a development may count building unit driveways up to fifty (50) percent of the

required spaces toward meeting the quest parking requirement. Parking ratios will be counted up the next whole number. All parking spaces shall measure at least nine (9) feet by eighteen feet (18'). Developers shall pave with asphalt and/or concrete all parking spaces, parking areas, and driveways and provide proper drainage. Drainage shall not be channeled or caused to flow across pedestrian walk ways. The architecture of all covered parking structures shall be the same as the architecture of the main structures within the PRD.

a. Direct access to each parking space shall be from a private driveway and not from a public street unless otherwise granted by the Planning Commission based on the following guidelines:
    i. Topography or other development constraints on the project area are such that a private drive is impractical to serve the project.
    ii. Traffic volumes, safety, and visibility on the public roadway will not create a dangerous situation for direct parking stall access.
    iii. No more than six (6) units shall directly access any public roadway.
b. Driveways used for vehicle parking and leading to individual garages shall be separated from other driveways by a minimum of four (4) feet or other buffer approved by the land use authority to designate individual driveways.

13. *Irrigation Systems.*
    a. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within one hundred (100) feet of a proposed subdivision, complete plans for relocation or covering or other safety precautions shall be submitted with an application for preliminary approval of a plat.
    b. All pressure irrigation systems in or within one hundred (100) feet of a proposed subdivision shall be identified and otherwise color-coded as to pipe and valve color to meet state standards and regulations.
14. *Solid Waste Receptacles.* All solid waste receptacles which are not located within a building, shall be enclosed on at least three sides with the similar materials as used on the exterior of the main structures within the PRD. Central waste receptacles shall only be permitted within a trash enclosure which meets standards found in the Development Manual. Trash enclosures shall be located in the side or rear of the dwelling units, but not the streetside, and must be accessible for garbage trucks.
15. *Architectural Design and Façade Design.* The treatment of building design, materials and exteriors shall be architecturally and aesthetically pleasing and have unique individual, feel and sense of place, while still being architecturally compatible with the surrounding buildings and properties. Buildings within developments shall have a variety of building materials to architecturally set them apart and to create unique and separate buildings. Both vertical and horizontal elements shall be used, as appropriate, to give variety and architectural detail. All sides of buildings shall receive equal design consideration, particularly when fronting pedestrian ways,

park or common open spaces, streets and adjacent single-family properties. The following architectural design requirements shall be applied:

a. Buildings shall contain more than a single-color application and more than a single material application;
b. The following materials may be used as the primary exterior materials of a building consisting of at least sixty (60) percent: wood clapboard, cementitious fiber board, wood board and batten, wood siding, brick, stone, or similar material. The following secondary materials may be used: cementitious fiber board, brick, wood, stone, glass, architectural metal panel, or similar material. EIFS or stucco may be used for up to twenty (20) percent on the front façade of a building and forty (40) percent of the remaining building facades.
c. Each building shall include varied wall plains, recesses, or similar façade design in incorporate wall variation.
d. Changes in materials and color shall correspond to variations in building mass or shall be separated by a building element.
e. Identical buildings with only alternating color schemes should be minimized. Buildings should incorporate a variety of materials and architectural elements to provide variation among the building types.
f. Eaves and rooflines are encouraged to emphasize vertical proportions. They should be broken up with gables, building projections, and articulation to emphasize the individual quality of the units.
g. Garage doors should be designed consistent with the overall style of the building. Material, pattern, and, color to be coordinated with the architectural style. Garages should be recessed from wall plane. Where garage doors are flush with facades, the facade should feature upper level building projections and decorative building elements such as trellises to provide interest and relief. For buildings with front loading garages, garage doors shall include windows to add variety to the door.
h. Stucco-textured foam trim molding should not be used as the only application to enhance building facades
i. All windows along the front façade shall incorporate at least one of the following:
    i. mullions and/or transoms;
    ii. trim or molding at least four inches in width;
    iii. canopies, shutters, or awnings, proportional to window size;
    iv. recessed inset from the front façade by at least two (2) inches.
j. the front façade of any residential building shall not face or front the rear yard or side yard of a single-family home

16. *Roof Pitch.* All structures shall have a minimum roof pitch of five (5) rise to twelve (12) run.
17. *Homeowner's Association.* The applicant shall establish a home owners association for every PRD containing common or limited common property, with more than one owner for the purpose

of maintaining the PRD. The homeowner's association, the individual property owners, and tenants shall maintain the PRD in accordance with the approved site plan.

18. *Existing Homes.* No PRD shall include an existing single-family dwelling. If a single-family dwelling exists on the property where a PRD is proposed, the applicant shall plat separately a lot containing the home. The plat shall comply with the requirements of the Lindon City Development Manual.
19. Each attached unit must contain enhanced sound attenuation and sound mitigation construction;
20. Pedestrian Connections.
    a. The project site plan and development must connect each separate building with internal concrete walkways to provide safe and convenient pedestrian access to common areas and amenities. The width of internal walkways that are adjacent to parking stalls shall be no less than five feet. The width of internal walkways that are not adjacent to parking stalls shall be no less than four feet.
    b. To the extent possible, developments shall make at least one pedestrian access connections to a public street right-of-way.
21. Frontage, Orientation and Entrances.
    a. Building entrances in priority shall front onto streets, private driveways designed as streets or common open spaces. Where an end unit fronts onto a street or private driveway designed as a street, center block residences may front onto a common open space, courtyard, paseos or landscaped pedestrian way;
    b. In order to create neighborhood connections, all residential buildings shall have expansive windows, entryways, balconies, terraces or other architectural design features which are oriented to the street, pedestrian way or open spaces.
    c. Building entrances shall be the primary feature of the front façade and identify access to individual units;
    d. Stoops or front porches, raised a minimum of one foot above the adjacent grade, shall be provided at entrances that face a street, paseo, common open space area, or other public space.
22. Access. Development access shall be identified on the site plan and subdivision plans. New public streets shall follow the Lindon City Streets Master Plan Map. Projects may be accessed through existing of new commercial uses when appropriate easements or land is secured for access. Proposed developments shall not remove existing single-family homes for access connections to adjacent neighborhoods.

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Redlined Draft

Chapter 17.76
PLANNED RESIDENTIAL DEVELOPMENT OVERLAY (PRD OVERLAY) ZONE

Sections:

17.76.010 Purpose.

17.76.020 Applicability.

17.76.030 Permitted Uses, Building Types, and Densities.

17.76.040 ~~Site Plan and Final Plat.~~ Site Plan and Conditional Use Approval

17.76.050 ~~Form and Contents of the Site Plan and Amended Site Plan.~~ 17.76.070 Final Plat and Improvement Drawings.

17.76.060 ~~Site Plan Review and Approval for PRDs.~~ Building Permits

17.76.070 ~~Final Plat and Improvement Drawings.~~ Completion and Maintenance of Site

17.76.080 ~~Building Permits.~~ Development Standards and Requirements

~~17.76.090 Completion of Improvements.~~

~~17.76.100 Completion and Maintenance of Site.~~

~~17.76.110 Development Standards and Requirements.~~

17.76.010 Purpose.

1. The Planned Residential Development (PRD) Overlay Zone promotes the following purposes:
   a. Create diverse and quality housing options in Lindon City.
   b. Effectively develop unique commercial lots and parcels that do not naturally accommodate traditional commercial development patterns;
   c. Allow for appropriate housing transitions from commercial properties to low density single family residential;
   d. Improve the design and livability of residential buildings in the PRD Overlay Zone.
2. The purposes of the PRD Overlay are accomplished by:
   a. Allowing densities higher than a typical low-density residential development, as identified in the Lindon City Land Use Map;
   b. Establishing standards for landscaping, building and site design, public safety, parking, aesthetics, traffic circulation, fencing, lighting, and other similar site improvements; and
   c. Requiring standards that enable PRDs to fit into the surrounding development.

17.76.020 Applicability.

1. The PRD Overlay Zone may be applied to ~~any~~ lots or parcels in the General Commercial (CG) Zone after application and approval of a zone map amendment by the City Council after a recommendation from the Planning Commission.
2. ~~2. An application to apply the PRD Overlay Zone shall include a concept site plan, building elevations, and renderings showing the proposed project for the subject site. Any concept plan presented to the Planning Commission and City Council for approval shall first be reviewed by the Development Review Committee to ensure the proposal is technically feasible. When the City Council approves a zone map amendment applying the PRD Overlay Zone, the amendment shall~~

~~be accompanied by an approved concept site plan, including elevations and renderings, for each site included in the amendment. If a subsequently submitted site plan application proposes significant changes to the approved concept plan, the Planning Commission may deny the site plan application for noncompliance with the Lindon City Code. Significant changes include, but are not limited to, changes in density, parking ratios, landscaped open space, building height, mass, or location~~. Amended and moved to 17.76.040

17.76.030 Permitted Uses, Building Types, and Densities.

1. *Permitted Uses*. In addition to uses permitted or conditionally permitted in the underlying General Commercial (GC) zone, a Planned Residential Development (PRD) is a conditionally permitted use in the PRD Overlay Zone and is not permitted in any other zone.
2. PRDs may include detached single family, twin homes, tri-plexes ~~condominiums~~, multi-unit buildings and townhouses. All ~~buildings and units~~ Individual residential units shall be subdivided into ~~individual~~ separate lots or condominium units ~~prior to issuance of a certificate of occupancy~~;
    a. The minimum lot size for detached single family shall be five thousand (5,000) square feet and fifty (50) feet of frontage;
    b. Townhomes building types shall be limited to a maximum of six (6) units in a single row within a single building.
    c. In order to preserve the intent of the General Commercial zone, building permits from Lindon City shall be obtained and construction commenced for at least twenty-five (25) percent of the approved commercial square footages prior to releasing building permits for residential construction.
3. Accessory apartments are not permitted in the PRD Overlay Zone

17.76.040 Zone Map Amendment, Site Plan and Conditional Use Permit Approval.

1. Zone Map Amendment. An application to apply the PRD Overlay Zone shall include a concept site plan, building elevations, and renderings showing the proposed project for the subject site. Any concept plan presented to the Planning Commission and City Council for approval shall first be reviewed by the Development Review Committee to ensure the proposal is technically feasible.
2. *Site Plan.*
    a. ~~Anyone desiring to develop a~~ Proposed development in the Planned Residential Development (PRD) ~~in the PRD~~ Overlay Zone shall first submit a Land Use Application for site plan approval. The applicant shall provide all requirements of the site plan to the City before the City considers the application submitted and before action is taken. The application for a site plan shall include all necessary fees and documentation required by this Chapter.
    ~~b. The Development Review Committee shall review the site plan and give its recommendations to the Planning Commission.~~ Removed, repetitive with section (c)(i) below
    ~~c. The Planning Commission is the land use authority for all PRD site plans.~~ Removed, repetitive with section (c)(ii) below
    b. The applicant shall submit the site plan for a PRD to the Planning Department according to site plan submittal requirements-outlined in the Lindon City Land Development Policies, Standard Specifications and Drawings Manual (Development Manual). In addition to the items required in the Development Manual, a complete application shall

include building elevations and renderings, open space percentages, site circulation, and project size and density. At that time the applicant shall pay a fee in an amount established ~~by Resolution of the City Council~~ in the most recently adopted Lindon City Consolidated Fee Schedule. No development, construction, revisions, or additions shall take place on the site until the Planning Commission has approved the site plan, the site plan is considered finalized by the City ~~Engineer~~, and the developer has obtained the appropriate permits. Applicants for amended site plans for PRDs shall follow the same procedures, pay the same fees, and be bound by the same development standards and requirements as applicants for site plans for PRDs. The Planning Director or designee has the authority to make minor amendments to the site plan where such amendments are in compliance with the ordinance and the site plan is not materially altered.

c. The procedure for site plan approval shall be as follows:
   i. Development Review Committee. The Planning Department shall forward the proposed site plan to the Development Review Committee for initial review. The Development Review Committee shall review the site plan, civil engineering, and architectural designs while considering whether it complies with the Lindon General Plan and all City ordinances, resolutions, and policies. The site plan and architectural designs shall comply with the Lindon General Plan and all City ordinances, resolutions, and policies before the Planning Commission can review the application.
   ii. Planning Commission. The Planning Commission shall review the site plan and be the land use authority for all site plans for PRDs. The Planning Commission shall consider whether the proposed site plan complies with City ordinances, resolutions, policies, Lindon City Commercial Design Guidelines, and the General Plan when reviewing a site plan for a PRD.

d. The applicant shall not amend or change any approved site plan without first following the procedure for approval of site plans.

e. The Planning Commission may impose conditions or require further studies ~~on~~ of the site plan to mitigate dangerous hazards or evaluate potential impacts to public infrastructure or surrounding neighborhoods where there is substantiated evidence that a real safety hazard exists.

~~. *Final Plat.*~~ Moved to section 17.76.070(5) below

~~a. The site plan must be approved by the Planning Commission before the final plat can be approved.~~

~~b. The developer shall submit a Land Use Application for final plat approval of all or part of the PRD together with all required fees. The final plat shall be prepared by the developer's surveyor and engineer.~~

~~c. The Development Review Committee shall review the final plat and give their recommendations to the Planning Director.~~

~~d. The Planning Director is the final approving authority for final plats and shall approve the application request if it meets the requirements of the approved site plan and all applicable City ordinances.~~

~~e. Failure to submit a final plat within two (2) years of the date of approval of the site plan shall terminate all proceedings and render approval of the site plan null and void. The final plat shall expire and be void one (1) year after approval by the City, unless the Office of the Utah County Recorder has recorded the plat.~~

~~17.76.050 Form and Contents of the Site Plan and Amended Site Plan.~~

~~The applicant shall submit the site plan for a PRD to the Planning Department according to site plan submittal requirements outlined in the Lindon City Land Development Policies, Standard Specifications and Drawings Manual (Development Manual). At that time the applicant shall pay a fee in an amount established by Resolution of the City Council. No development, construction, revisions, or additions shall take place on the site until the Planning Commission has approved the site plan, the site plan is considered finalized by the City Engineer, and the developer has obtained the appropriate permits. Applicants for amended site plans for PRDs shall follow the same procedures, pay the same fees, and be bound by the same development standards and requirements as applicants for site plans for PRDs. The Planning Director or designee has the authority to make minor amendments to the site plan where such amendments are in compliance with the ordinance and the site plan is not materially altered.~~ Moved to section 17.76.040(1)(b) above

~~17.76.060 Site Plan Review and Approval for PRDs.~~ Moved to section 17.76.040(c) above

~~1. The procedure for site plan approval shall be as follows:~~

~~a. *Development Review Committee*. The Planning Department shall forward the proposed site plan to the Development Review Committee for initial review. The Development Review Committee shall review the site plan while considering whether it complies with the Lindon General Plan and all City ordinances, resolutions, and policies. The site plan shall comply with the Lindon General Plan and all City ordinances, resolutions, and policies before the Planning Commission can review the application.~~

~~b. *Planning Commission*. The Planning Commission shall review the site plan and be the land use authority for all site plans for PRDs. The Planning Commission shall consider whether the proposed~~

~~site plan complies with City ordinances, resolutions, policies, Lindon City Commercial Design Guidelines, and the General Plan when reviewing a site plan for a PRD.~~

~~2. The applicant shall not amend or change any approved site plan without first following the procedure for approval of site plans.~~

~~3. The Planning Commission may impose conditions on the site plan to mitigate dangerous hazards where there is substantiated evidence that a real safety hazard exists.~~

17.76.0~~70~~050 Final Plat and Improvement Drawings.

1. The form and contents of the final plat and improvement drawings, ~~(~~where applicable~~)~~, shall contain all of the requirements ~~of the~~ found in Title 17.32 – Subdivisions-Special Requirements and the Lindon City Development Manual. The final plat shall also contain the following information:
    a. A designation of common areas, limited common areas, and private ownership areas.
    b. For condominiums, three dimensional drawings of buildings and building elevations. In the case where the PRD is a condominium project, the developer shall submit a written statement by an attorney who is licensed to practice in Utah. This written statement shall be the attorney's opinion that the condominium declaration, the subdivision plat and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (UCA Sec. 57-8-1, et seq.) as well as all applicable federal, state and local laws and ordinances and that when the office of the Utah County Recorder has recorded the condominium declaration and final plat, the proposed project will be a validly existing and lawful condominium project in all respects.
    c. Plat restrictions, lot restrictions, and other information required by the Planning Commission or City Council.
2. PRD site plans may be built in phases as long as each phase of a PRD complies with all of the requirements of this ordinance. A phase of a PRD may not be less than twenty thousand (20,000) square feet.
3. The Planning Director shall approve the final plat of the PRD provided he/she finds that:
    a. The applicant has redrawn the site plan to incorporate all the requirements as approved by the Planning Commission and has submitted the corrected site plan with the final plat.
    b. The applicant has incorporated all of the improvements and conditions of the approved site plan into the final plat.
    c. The City Engineer has marked the construction drawings of the PRD as finalized.
4. The City shall record the final plat after it obtains all of the required signatures and after it receives all of the required bonds, fees, and documents.
5. The procedure for subdivision shall be as follows:

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a. The site plan must be approved by the Planning Commission before the final plat can be approved.
b. Subdivision approval shall be approved by the appropriate land use authority as found in 17.09.
c. The developer shall submit a Land Use Application for final plat approval of all or part of the PRD together with all required fees. The final plat shall be prepared by the developer's surveyor and engineer.
d. The Development Review Committee shall review the final plat and give their recommendations to the Planning Director.
e. The Planning Director is the final approving authority for final plats and shall approve the application request if it meets the requirements of the approved site plan and all applicable City ordinances.
f. Failure to submit a final plat within two (2) years of the date of approval of the site plan shall terminate all proceedings and render approval of the site plan null and void. The final plat shall expire and be void one (1) year after approval by the City, unless the Office of the Utah County Recorder has recorded the plat.

17.76.0~~80~~060 Building Permits.

The City shall not issue a building permit for any project until the final plat has been recorded by the City.

~~17.76.090 Completion of Improvements.~~

~~The developer must complete all of the improvements required by the approved site plan for the final plat in accordance with the requirements outlined in Lindon City Code 17.38 Bonds for Completion of Improvements to Real Property.~~ Already required in the Development Manual

17.76.~~100~~070 Completion and Maintenance of Site.

Every PRD shall conform to the approved site plan. The applicant or any other person or entity shall not add any structures or make any improvements or changes to a PRD that did not appear on the approved site plan. The applicant and subsequent owners and applicable associations shall maintain all improvements shown on the site plan in a neat and attractive manner. Failure to complete or maintain a PRD in accordance with this Chapter and with the approved site plan is a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceeding against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer or otherwise, for failure to complete or maintain a PRD in accordance with this Chapter and with the approved site plan.

17.76.~~110~~080 Development Standards and Requirements.

The City requires the following development standards for all PRDs.

1. *Compliance with Lindon City Code.* A proposed PRD shall comply with the requirements of this Chapter, the Lindon City Development Manual, and with all applicable Lindon City Code provisions and with conditions imposed by the Land Use Authority.
2. *Density.* A PRD may be developed at a maximum density of ten (10) dwelling units per gross acre.
3. *Height.* No lot or parcel of land in a PRD approved pursuant to the PRD Overlay Zone shall have a building or structure used for dwelling which exceeds a maximum average height of thirty-five (35) feet or two stories, measuring the four (4) corners of the structure from finished grade to the highest point of the roof structure. The Planning Director and Chief Building Official shall be responsible for designating and identifying the four corners of a structure. No dwelling shall be erected to a height less than one (1) story above grade.
4. *Minimum Area.* The minimum area required for any PRD shall be twenty thousand (20,000) square feet.
5. *Maximum Area.* The maximum allowable size for any PRD shall be one (1) acre with no more than ten (10) units where development is not part of an existing or new commercial use. Lindon City has a number of deep commercial lots that front State Street. Residential may be allowed on the rear portion of these lots following the development and entitlement requirements in this chapter and when the following requirements are met:
    a. To preserve the commercial use and zoning along State Street, a three hundred (300) foot commercial depth shall remain and residential uses are not allowed within this depth. The Planning Commission and City Council may consider a reduction in this depth upon evaluating the following:
        i. Viable commercial options remain for the site;
        ii. A commercial lot is irregularly shaped;
        iii. The reduction does not limit future redevelopment opportunities of the commercial property.
    b. The minimum area required for any PRD that is part of an existing or new commercial use shall be one (1) acre;
6. Building Types. At least two different building types shall be included in projects larger than two acres and with multiple buildings. Building types shall be differentiated through variations to building materials, color, rooflines, and the use of architectural features such as awnings, light fixtures and eave details
7. *Setbacks.* The following setbacks, as measured from the property line, for primary structures shall apply in the PRD zone:
    a. For residential developments one acre or less not including an existing or new commercial use as part of the project
        i. *Front Setback.* 30 feet
        ii. *Rear Setback.* 30 feet

iii. *Side Setbacks.* ~~10 feet.~~ 10 feet and 6 feet for a combined sideyard setback of sixteen (16) feet. For interior units with common walls the setback is zero (0) feet.

iv. ~~All primary structures within the PRD Overlay zone shall be set back at least ten (10) feet from any other primary structure.~~

b. For residential developments proposed for a property with new or existing commercial uses

i. buildings shall be setback a minimum thirty (30) feet from the abutting property line of any single-family residence or R1-20 zone and any commercial building.

ii. Side Setbacks: 10 feet and 6 feet for a combined sideyard setback of sixteen (16) feet. For interior units with common walls the setback is zero (0) feet.

iii. Corner side setbacks 20 feet

iv. Front: 20

v. Rear: 20

8. *Utilities.* Compliance with the Development Manual and applicable Lindon City Code provisions regarding utility connections to residential units is required. The public sewer system and the public water supply shall serve all dwellings. All utilities shall be underground. The developer shall individually meter natural gas and electricity for each individual dwelling. No water or sewer lines shall be located under covered parking areas. Wall-mounted and ground-based meters, HVAC, and utility equipment serving a building shall be located as close to each other as possible and fully screened from view. Screening shall either be incorporated aesthetically into the design of the building or screened by landscaping.

9. Fences.

a. *Perimeter Fences.* A minimum seven (7) foot masonry or concrete perimeter fence shall be required as a buffer when abutting single family residential or commercial uses. The Planning Commission may ~~require~~ allow alternative materials and location and placement of a perimeter fence.~~, and may specify the height and construction materials used for the fence, around the development if the Commission finds that the fencing is necessary to mitigate reasonably anticipated detrimental impacts the development may create. Fencing may also be required to buffer the surrounding residential neighborhoods from the PRD and to buffer the PRD from surrounding commercial and manufacturing uses.~~ Any fence erected around or within the development shall comply with Lindon City Code section 17.04.310, involving fencing standards. Any perimeter fencing shall have a consistent design throughout the project and shall consist of the same construction materials.

b. *Patio/Limited Common Area Fences.* A patio or limited common area adjacent to the rear of a dwelling unit may be enclosed with a six-foot (6') high ~~maximum~~ fence.

10. *Landscaping and Open Space.*

a. All land within a PRD not covered by buildings, driveways, sidewalks, structures, and patios shall be designated as common area and shall be permanently landscaped with

trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practice. All required setback areas adjacent to public streets shall be landscaped. All landscaping shall have a permanent underground sprinkling system.

b. ~~At least forty% percent (40%) of the net acreage (area of the development less public and private streets) of the entire development shall remain permanently landscaped.~~

c. Development greater than one acre shall include common open space, according the following standards:

d. At a minimum, twenty (20) percent of the development site, excluding roads or private driveways and required setback areas, shall be in common open space. The land use authority may approve a reduction in the open space requirement by twenty-five (25) percent of the required open space square footage if the site is within one quarter mile, as measured at the closest property lines, of an existing Lindon City park or trail. Private balconies, porches, patios of a minimum sixty (60) square feet may be counted towards a maximum of ten (10) percent of the required open space percentage;

e. Open spaces should include both active and passives spaces including plazas, courtyards, paseos, landscaped detention basins, playgrounds, pavilions, pools, spa, pool deck, or other areas that can be made into useable areas, and interior spaces available to residents as common area such as a clubhouse;

f. Open spaces should be designed to be an integral part of any development. A majority of the required open space shall be consolidated into a primary central and common open space area. Buildings shall be designed around the common open space edge. Majority open spaces shall not be located in perimeter outlying areas of the development;

g. Where appropriate, the planning commission may approve individual private yard areas in place of common open space. However, development with private open space shall have no net loss of the required open space percentage:

    i. Rear-loaded buildings should provide private open space through porches, balconies, and small front yards;

h. Front-loaded units should provide most private open space as enclosed rear yards.

i. Trees shall be planted along any property line abutting single family residential with trees planted as a buffer every thirty (30) feet. Trees shall be a minimum two (2) inch caliper, measured one (1) foot above the ground and shall be at least six (6) feet in height. Tree species shall be planted as found in the Lindon City Tree Planting Guide. An eight (8) foot landscaped area shall be provided for trees to be planted and allow for future tree growth.

j. Accent elements such as trellises, arches, arbors, columns, or low monument features shall be used to demarcate entrances to the development, common open spaces and paseos. Alternative accent elements may be approved by the land use authority

11. *Lighting Plan.* All PRDs shall include a lighting plan for parking lots, pedestrian walkways and buildings. The lighting plan shall be designed to:

a. discourage crime;
b. enhance the safety of the residents and guests of the PRD;
c. prevent glare onto adjacent properties; and enhance the appearance and design of the project.

All PRD homeowners' associations and ~~apartment owners~~ housing units are required to control and meter all outside lighting shown on the lighting plan except for front and back door lighting. The lighting plan shall designate which lighting shall be commonly metered to the association or owner.

12. *Parking.* There shall be a minimum of two (2) parking spaces provided for each dwelling, one of which shall be ~~covered~~ in a garage. At a minimum, sixty-five (65) percent of the residential units shall have a garage capable of parking two (2) vehicles. Required off-street parking spaces shall not be permitted within the ~~front yard or~~ street-side yard setbacks. There shall ~~also~~ be a minimum of one half (½) parking space for each dwelling for guest parking within the development. Guest parking shall be located on the same lot or parcel of the dwellings served. With approval of the land use authority, a development may count building unit driveways up to fifty (50) percent of the required spaces toward meeting the quest parking requirement. All parking spaces shall measure at least nine (9) feet by eighteen feet (18'). Developers shall pave with asphalt and/or concrete all parking spaces, parking areas, and driveways and provide proper drainage. Drainage shall not be channeled or caused to flow across pedestrian walk ways. The architecture of all covered parking structures shall be the same as the architecture of the main structures within the PRD.
    a. Direct access to each parking space shall be from a private driveway and not from a public street unless otherwise granted by the Planning Commission based on the following guidelines:
        i. Topography or other development constraints on the project area are such that a private drive is impractical to serve the project.
        ii. Traffic volumes, safety, and visibility on the public roadway will not create a dangerous situation for direct parking stall access.
        iii. No more than six (6) units shall directly access any public roadway.
13. *Irrigation Systems.*
    a. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within one hundred (100) feet of a proposed subdivision, complete plans for relocation or covering or other safety precautions shall be submitted with an application for preliminary approval of a plat.
    b. All pressure irrigation systems in or within one hundred (100) feet of a proposed subdivision shall be identified and otherwise color-coded as to pipe and valve color to meet state standards and regulations.
14. ~~*Storage Areas and*~~ *Solid Waste Receptacles.* All ~~outside storage areas and all~~ solid waste receptacles which are not located within a building, shall be enclosed on at least three sides with

the ~~same~~ similar materials as used on the exterior of the main structures within the PRD. Central waste receptacles shall only be permitted within a trash enclosure which meets standards found in the Development Manual. Trash enclosures shall be located in the side or rear of the dwelling units, but not the streetside, and must be accessible for garbage trucks. ~~All individual garbage containers shall have the ability to be serviced from a public street.~~

15. ~~*Exterior Finishing Materials*~~*Architectural Design and Façade Design.* ~~The dwellings in a PRD shall comply with the Lindon City Commercial Design Guidelines. The Planning Commission shall have the authority to determine compliance with the Design Guidelines.~~ The treatment of building design, materials and exteriors shall be architecturally and aesthetically pleasing and have unique individual, feel and sense of place, while still being architecturally compatible with the surrounding buildings and properties. Buildings within developments shall have a variety of building materials to architecturally set them apart and to create unique and separate buildings. Both vertical and horizontal elements shall be used, as appropriate, to give variety and architectural detail. All sides of buildings shall receive equal design consideration, particularly when fronting pedestrian ways, park or common open spaces, streets and adjacent single-family properties. The following architectural design requirements shall be applied:
    a. Buildings shall contain more than a single-color application and more than a single material application;
    b. The following materials may be used as the primary exterior materials of a building consisting of at least sixty (60) percent: wood clapboard, cementitious fiber board, wood board and batten, wood siding, brick, stone, or similar material. The following secondary materials may be used: cementitious fiber board, brick, wood, stone, glass, architectural metal panel, or similar material. EIFS or stucco may be used for up to twenty (20) percent on the front façade of a building and forty (40) percent of the remaining building facades.
    c. Each building shall include varied wall plains, recesses, or similar façade design in incorporate wall variation.
    d. Changes in materials and color shall correspond to variations in building mass or shall be separated by a building element.
    e. Identical buildings with only alternating color schemes should be minimized. Buildings should incorporate a variety of materials and architectural elements to provide variation among the building types.
    f. Eaves and rooflines are encouraged to emphasize vertical proportions. They should be broken up with gables, building projections, and articulation to emphasize the individual quality of the units.
    g. Garage doors should be designed consistent with the overall style of the building. Material, pattern, and, color to be coordinated with the architectural style. Garages should be recessed from wall plane. Where garage doors are flush with facades, the facade should feature upper level building projections and decorative building elements such as

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trellises to provide interest and relief. For buildings with front loading garages, garage doors shall include windows to add variety to the door.

h. Stucco-textured foam trim molding should not be used as the only application to enhance building facades

i. All windows along the front façade shall incorporate at least one of the following:

i. mullions and/or transoms;

ii. trim or molding at least four inches in width;

iii. canopies, shutters, or awnings, proportional to window size;

iv. recessed inset from the front façade by at least two (2) inches.

j. the front façade of any residential building shall not face or front the rear yard or side yard of a single-family home

16. *Roof Pitch.* All structures shall have a minimum roof pitch of five (5) rise to twelve (12) run.

17. *Homeowner's Association.* The applicant shall establish a home owners association for every PRD containing common or limited common property, with more than one owner for the purpose of maintaining the PRD. The homeowner's association, the individual property owners, and tenants shall maintain the PRD in accordance with the approved site plan.

18. *Existing Homes.* No PRD shall include an existing single-family dwelling. If a single-family dwelling exists on the property where a PRD is proposed, the applicant shall plat separately a lot containing the home. The plat shall comply with the requirements of the Lindon City Development Manual.

19. Each attached unit must contain enhanced sound attenuation and sound mitigation construction;

20. Pedestrian Connections.

a. The project site plan and development must connect each separate building with internal concrete walkways to provide safe and convenient pedestrian access to common areas and amenities. The width of internal walkways that are adjacent to parking stalls shall be no less than five feet. The width of internal walkways that are not adjacent to parking stalls shall be no less than four feet.

b. To the extent possible, developments shall make at least one pedestrian access connections to a public street right-of-way.

21. Frontage, Orientation and Entrances.

a. Building entrances in priority shall front onto streets, private driveways designed as streets or common open spaces. Where an end unit fronts onto a street or private driveway designed as a street, center block residences may front onto a common open space, courtyard, paseos or landscaped pedestrian way;

b. In order to create neighborhood connections, all residential buildings shall have expansive windows, entryways, balconies, terraces or other architectural design features which are oriented to the street, pedestrian way or open spaces.

c. Building entrances shall be the primary feature of the front façade and identify access to individual units;

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d. Stoops or front porches, raised a minimum of one foot above the adjacent grade, shall be provided at entrances that face a street, paseo, common open space area, or other public space.

22. Access. Development access shall be identified on the site plan and subdivision plans. New public streets shall follow the Lindon City Streets Master Plan Map. Projects may be accessed through existing of new commercial uses when appropriate easements or land is secured for access. Proposed developments shall not remove existing single-family homes for access connections to adjacent neighborhoods.

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Lindon City
100 North State Street
Lindon, UT 84042-1808

LINDON
PLANNING & DEVELOPMENT

TEL 801-785-7687
FAX 801-785-4510
www.lindoncity.org

April 14, 2020

Lindon City has been approached by developers to building housing on the rear portions of the Lindon Nursery and Norton Property. The Planning Department made a housing presentation to both the Planning Commission and City Council to discuss whether the City should pursue this option. Subsequent to the presentations, the City set up two meetings with neighborhood representatives who live adjacent to both the Lindon Nursery and Norton Property. Representative of both the planning commission and city council also attended.

Staff has attached a summary sheet with housing recommendations that came from the housing committee meetings. The approach is to allowing housing on these deeper lots and to update Lindon City Code 17.76 – Planned Residential Development. The PRD zone currently allows multi-family residential to be constructed on General Commercial properties. The current maximum area allowed for development is one acre with 10 units per acre. Below are summary changes to the code and a draft ordinance for discussion purposes. With feedback from the commission, staff would like to set this item for a public hearing on April 28, 2020.

<u>Summary Changes</u>

- 17.76.030 – calls out types of housing and lot sizes allowed in the PRD zone
    - Lot size of smaller lot single family
    - Caps the number of units in a townhome building to six in a single row
- Consolidates site plan and subdivision sections of the code to make it less repetitive
- 17.76.070(2) - Maintains the density at 10 units per acre
- 17.76.080(5) - Maximum area
    - Divides development proposals into two project types:
        - Residential developments one acre or less
        - Residential developments larger than one acre which are part of a new or existing commercial development and establishes a minimum development size of one acre
- 17.76.080(5) - Establishes a commercial depth of 300'. This depth can be decreased only if viable commercial uses remain for the site, a commercial lot is irregularly shaped, the reduction doesn't limit future redevelopment opportunities of the commercial property
- 17.76.080 (6) - Requires developments over two acres and multiple buildings to provide two different building types differentiated through building materials, color, rooflines, and architectural features
- 17.76.080(7) - Identifies setbacks for residential development as part of new or existing commercial uses
    - 30' from any single-family residence property line, 20' front and rear setbacks, 10' side setbacks.
- 17.76.080(9) - 7' masonry or concrete perimeter fence as a buffer from single-family residential
- 17.76.080(10) - Trees planted as a buffer to single-family residence
- 17.76.080 (11) – Outlines types of lighting required

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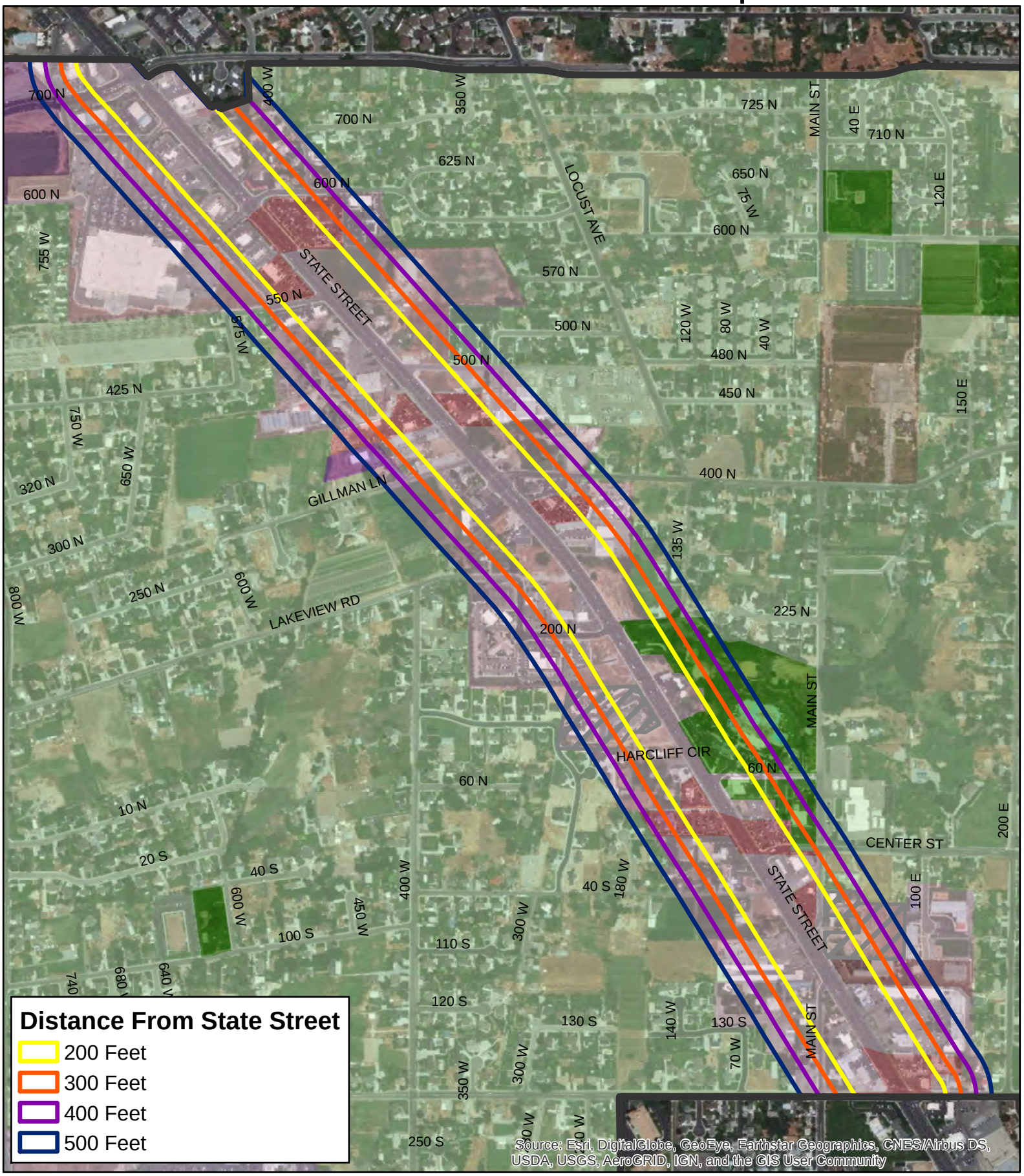
Summary Changes Continued:

- 17.76.080 (12) - Parking – requires parking in a garage. 75% of residential units have a two-car garage. 75% of the required visitor parking may be located on the drive-way
- 17.76.080 (15) - Creates architectural design standards for multi-family development
- 17.76.080 (10) – Sets a 20% required open space percentage. Open space to be designed as an integral part of any development
- 17.76.080 (19) – Requires attached units to contain enhanced sound attenuation and sound mitigation construction
- 17.76.080 (20) – Pedestrian connections throughout the development
- 17.76.080 (21) – Provides building frontage, orientation, and entrance requirements
    - Building entrances need to front a street, private driveway designed as a street or common open space
    - Building entrances to be the primary feature of the front façade to identify access to the individual units
    - Requires a stoop or front porch

Lindon City
State Street Commercial Depths



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LINDON

Item: 7 - Ordinance Amendment - Flood Damage Prevention

Date: April 28, 2020
Applicant: Lindon City
Presenting Staff: Michael Florence

Type of Decision: Legislative

Council Action Required: Yes, the planning commission is the recommending body for this application.

Motion
I move to recommend (*approval, denial, to continue*) (of) ordinance amendment 2020-7-O (*as presented, or with changes*).

Overview:

The National Flood Insurance Program (NFIP) is a voluntary program that Cities elect to participate in and is administered by the Federal Emergency Management Agency (FEMA). According the NFIP website: "the NFIP program aims to reduce the impact of flooding on private and public structures. It does so by providing affordable insurance to property owners, renters and businesses and by encouraging communities to adopt and enforce floodplain management regulations. These efforts help mitigate the effects of flooding on new and improved structures. Overall, the program reduces the socio-economic impact of disasters by promoting the purchase and retention of general risk insurance, but also of flood insurance, specifically." (https://www.fema.gov/national-flood-insurance-program)

FEMA has recently updated their Flood Insurance Study and Flood Insurance Rate Map for Utah County and incorporated areas, such as Lindon. The study and maps become effective on June 19, 2020. Before this date and to remain in the NFIP program, Lindon City is required to update its Flood Damage Prevention ordinance to meet the minimum program requirements and recognize the newest studies and maps published by FEMA. This ordinance affects only those locations in Special Flood Hazard Areas or areas that the Lindon or another agency has studied and know of potential flooding risks.

The Utah Division of Emergency Management provided two model ordinances for communities to follow. One ordinance was similar to Lindon's current minimum standards ordinance and the other was a higher standard ordinance. As the city planning director and engineer evaluated the two ordinances, they felt like the higher standards ordinance outlined review processes better, provided more definitions, and suggested design standards that should be considered when building structures in a Special Flood Hazard Area. City staff did not include all of the higher standards in the model ordinance, only those that could be reasonably applied to Lindon's specific circumstances.

The ordinance update adds the below new sections to the code required by FEMA:

- Stop work order process for a property owner who builds in a floodplain without obtaining a Floodplain Development Permit; See 17.62.160
- Penalties section for constructing, locating, extending, converting or altering a building in the floodplain without obtaining a Floodplain Development Permit; See 17.62.170
- Perquisite requirements for when the Board of Adjustment can grant a variance. See 17.62.220
- Requiring notice to adjacent communities, Utah Division of Water Resources, and FEMA prior to altering or relocating a watercourse that requires a State of Utah permit; See 17.62.240
- New manufactured homes are required to be installed using methods and practices that minimize flood damage and sets forth minimum construction requirements. See 17.62.270(7)
- Recreational vehicles being used for habitation can only be onsite for two weeks within a six-month period. This is consistent with Lindon City Code 17.64.020. See 17.62.270 (8)
- An enclosure is an enclosed walled-in area below the lowest floor of an elevated building and are used for

building access, parking and storage. An example would be a parking garage. See 17.62.207(9)

- Shallow flooding areas are locations with one to three feet of flooding where a known channel doesn't exist and that are unpredictable. The ordinance requires specific construction requirements for Flood Zones AO and AH. Lindon City currently does not have these two zones. However, City staff felt that if FEMA ever adopted these zones in the City then Lindon would already be prepared with ordinance. See 17.62.280

The Utah Division of Emergency Management has recommended that Utah communities consider adopting a number of "higher standards" then what is typically required by the Flood Damage Prevention ordinance. Below is a list of those recommendations:

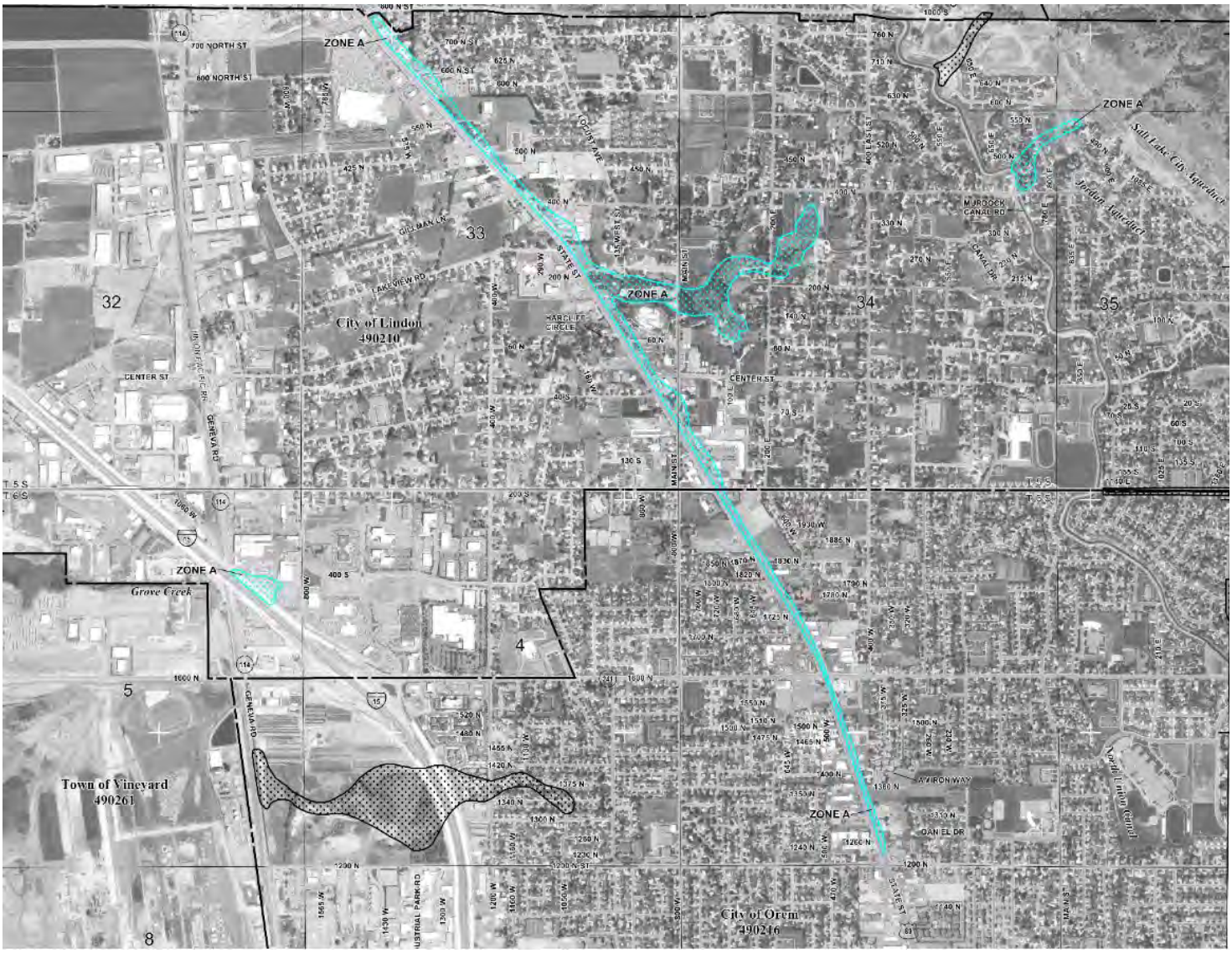
- 17.62.040 add additional definitions which makes the code easier to use in order to find how a term in the ordinance is defined. Staff have reviewed each of definitions it the ordinance update.
- Best Available Data is existing flood data information that the community has that may not be on the Flood Insurance Rate Map. These are areas that have been studied by other agencies, the State or Community and are known to be flood hazard areas. The higher standard allows communities to apply the Flood Damage Prevention ordinance to these areas. See 17.62.040 and 17.62.060;
- Freeboard is a factor of safety that is expressed in feet above the flood level. For example, in ordinance 17.62.270 city staff are recommending a one-foot freeboard requirement above the Base Flood Elevation. The Utah Division of Emergency Management recommends, at a minimum, the City adopt the one-foot Freeboard Requirement among all of the higher standards;
- 17.62.070 states that land annexed into Lindon would be regulated by the City's floodplain ordinance;
- 17.62.190 adds to the responsibilities of the floodplain administrator with the following requirements.
    - Sections 11 and 12 don't apply unless FEMA designates floodplain zones A-30, AE or AH. Staff feels like these sections should be added through in case FEMA ever does come back and designate these areas in Lindon;
    - Section 13 allows the floodplain administrator to require an encroachment analysis when a floodway has not been designated by FEMA but us reasonably believed to cause an adverse impact. The encroachment analysis will create a baseline of existing conditions ad determine potential impacts;
    - Section 14 allows for inspections;
    - Section 15 allows for Best Available Data to be used if there is an area not designated on a floodplain map and has been studied that there are floodplain issues;
    - Section 16 allows the floodplain administrator to require FEMA map revisions if a project is reasonably believed to cause adverse impacts;
    - Section 17 if fill is placed in a Special Flood Hazard Area that it should not result in any net loss of natural floodplain storage or increase in water surface elevations during the base flood.
- 17.62.210 allows for the City to request floodplain elevation certificates during construction phases to ensure that structures are constructed to the correct elevation when built in a Special Flood Hazard Area;
- 17.62.220 does not allow for a variance to reduce the one-foot Freeboard requirement;
- 17.62.250 requires that if structures located in a Special Flood Hazard Area makes substantial improvements to a structure or a structure is damaged up to 50% of the market value then the structure needs to meet the Flood Damage Prevention ordinance. The thought in this is that if additions or repairs exceed 50% of the market value of the structure then it should be brought up to code. This would limit property owners from making significant additions to their home or restoring a home if damaged 50% or greater in a flood event;
- 17.62.270(3) – requires to the extent practicable that non-residential structures, walkways, driveways, and roadways be located not less than the Base Flood Elevation and with dry land access. This requirement ensures that property owners can safely leave their property and emergency personnel can access the property as well.;
- 17.62.270(4) allows for wetproofing of commercial, industrial and non-residential structures. Wetproofing is a design of flood resistant materials and allows for automatic entry and exist of flood waters through the use of opening. Building also need to properly anchored to resist floatation;
- 17.62.270(5) requires an agreement with the city that if a structure is wetproofed it won't be later

converted to residential use;

- 17.62.270(6) allows for a residential or commercial crawlspace if it meets FEMA regulations and standards set out in the ordinance;
- 17.62.270(10) sets requirements for accessory structures that are constructed in specifics floodplain zones

Exhibits

Pending Flood Insurance Rate Map sections for Lindon City
Draft Flood Damage Prevention Ordinance
Draft Flood Damage Prevention Ordinance with “redline” changes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Salt Lake City Aqueduct
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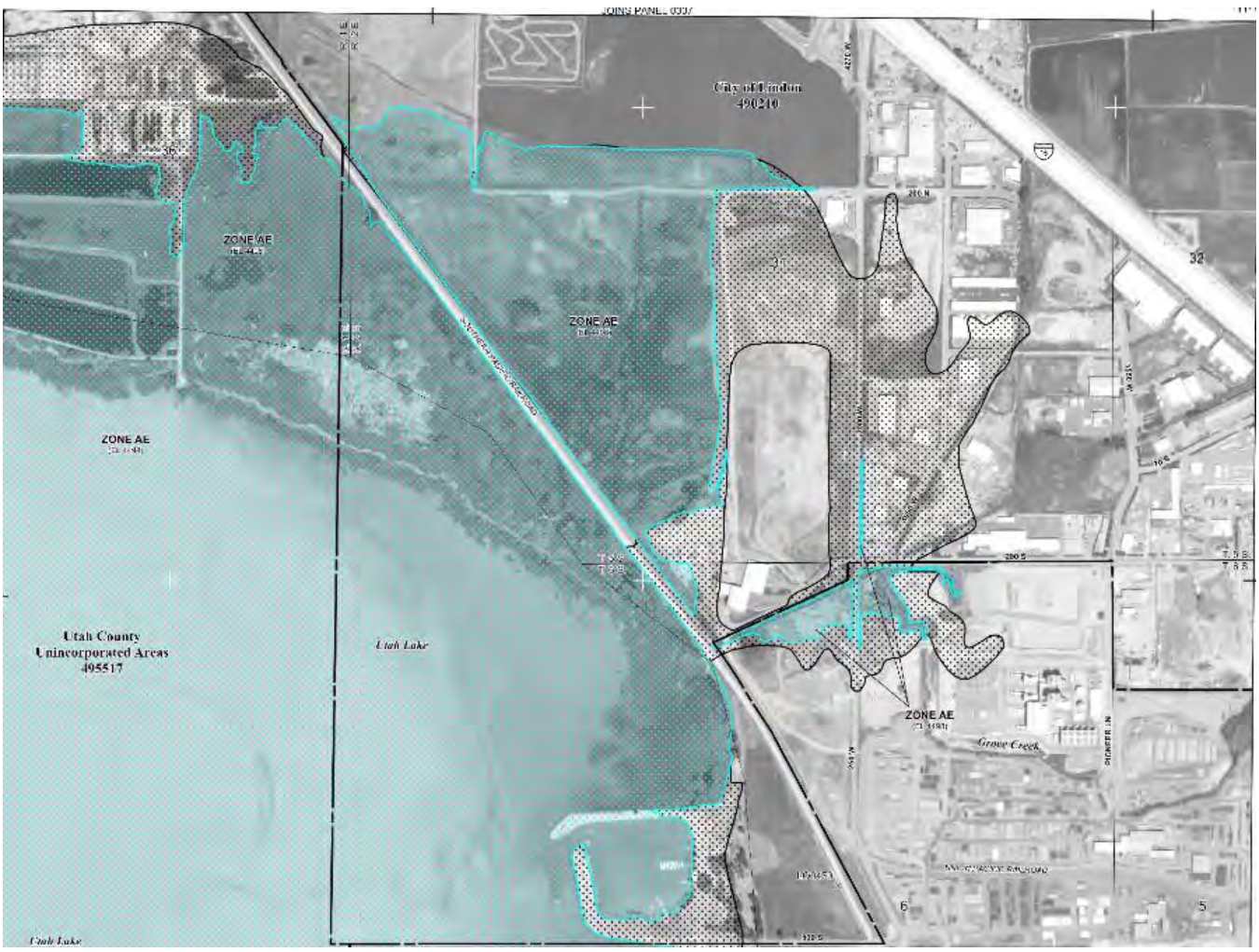
City of Lindon
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Chapter 17.62
FLOOD DAMAGE PREVENTION

Sections:

17.62.010 Statutory authorization.
17.62.020 Finding of Fact
17.62.030 Statement of Purpose
17.62.040 Definitions.
17.62.050 Methods of Reducing Flood Losses
17.62.060 Lands to which this Ordinance Applies
17.62.070 Annexation
17.62.080 Basis for Establishing the Areas of Special Flood Hazard
17.62.090 Use of Best Available Data
17.62.100 Severability
17.62.110 Compliance
17.62.120 Abrogation and Greater Restrictions.
17.62.130 Interpretation
17.62.140 Liability
17.62.150 Establishment of Floodplain Development Permit
17.62.160 Stop Work Order
17.62.170 Penalties for Non-Compliance
17.62.180 Designation of the Flood Plain Administrator
17.62.190 Duties and Responsibilities of the Floodplain Administrator
17.62.200 Requirements to Submit New Technical Data
17.62.210 Use of Elevation Certificates
17.62.220 Variance Procedures
17.62.230 Watercourse Alterations
17.62.240 General Standards
17.62.250 Substantial Improvement, Substantial Damage, and Determinations
17.62.260 Standards for Subdivision Proposals
17.62.270 Specific Standards
17.62.280 Standards for Areas of Shallow Flooding (AO/AH Zones)

17.62.010 Statutory authorization.

The Legislature of the State of Utah has in 10-3-701 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Lindon City Council of Lindon City, Utah, does ordain as follows:

The City of Lindon elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA), a component of the U.S. Department of Homeland Security, and Lindon City's community officials have elected

to join the program, participate, and enforce this Flood Damage Prevention Ordinance and the requirements and regulations of the NFIP. The NFIP, established in the aforesaid act, provides that areas of the Lindon City having a special flood hazard be identified by FEMA, and that floodplain management measures be applied in such flood hazard areas. Furthermore, Lindon City may elect to administer the Flood Damage Prevention Ordinance to areas not identified as Special Flood Hazard Areas (SFHAs) by FEMA on the community's effective Flood Insurance Rate Map (FIRM), if the community has documentation to support that there is an inherent risk of flooding in such areas.

17.62.020 Findings of Fact.

1. The flood hazard areas of Lindon City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare of the inhabitants of Lindon City.

2. These potential flood losses are caused by:

1. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities;
2. The occupancy of flood hazard areas by structures vulnerable to floods because they are inadequately elevated or otherwise unprotected from flood damages; and
3. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

17.62.030 Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare of the community, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize public expenditure on flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and are generally undertaken at the expense of the public;
4. Minimize prolonged business interruptions caused by flooding;
5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; streets; and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas;
7. Promote that potential buyers are notified if properties are a flood area;
   Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
8. Minimize damage to public infrastructure, including but not limited to utilities, streets, and bridges that are susceptible to flooding; and

9. Protect and safeguard the welfare and safety of first responders should an emergency response be needed.

17.62.040 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. Where terms are not defined, definitions as most currently adopted by FEMA will be used.

“Accessory Structure” is a structure that is detached from a principal building and customarily incidental and subordinate to the principal building or use. An accessory structure is a non-residential structure of typically lesser value than the principal building or use and is used for the parking of vehicles and storage of tools, materials, or equipment.

“Addition” is any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions added to the side, front, or rear of a structure; vertical additions added on top of a structure; and enclosures added underneath a structure.

“Alluvial Fan Flooding” means flooding occurring on the surface of an alluvial fan or similar landform that originates at the apex. It is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

“Apex” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

“Appurtenant Structure”—see Accessory Structure.

“Area of Future-Conditions Flood Hazard” means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.

“Area of Shallow Flooding” means a designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of Special Flood-Related Erosion Hazard” is the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area, in preparation for publication of the FIRM, Zone E may be further refined.

“Area of Special Flood-Related Erosion Hazard” is the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-

related erosion hazard area, in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone E may be further refined.

“Area of Special Flood Hazard (SFHA)” is the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

“Base Flood” means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” is the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides..

“Best Available Data” is existing flood hazard information adopted by a community and reflected on an effective Flood Insurance Rate Map (FIRM), Flood Boundary and Floodplain Map (FBFM), and/or within an Flood Insurance Study (FIS) report; or draft or preliminary flood hazard information supplied by Federal Emergency Management Agency (FEMA) or from another source. Other sources may include, but are not limited to, state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community. Refer to section 17.62.090

“Building” — see Structure.

“Channelization” means the artificial creation, enlargement, realignment, or alteration of a stream channel’s slope, shape, or alignment. Streambank restoration may be deemed as channelization.

“Crawlspace” means an under-floor space that has its interior floor area (finished or not) no more than 4 feet from the bottom floor joist the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation. Refer to section 17.62.270.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving,

demolition, excavation or drilling operations, or storage either temporary or permanent of equipment or material.

“Elevated Building” is a non-basement building built, in the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (post and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, an “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

“Enclosure” refers to an enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.

“Erosion” means the process of the gradual wearing away of land masses by wind, water, or other natural agents.

“Existing Construction” refers to structures for which the “start of construction” commenced before the effective date of the Flood Insurance Rate Map (FIRM) or before January 1, 1975, for FIRMs effective before that date. It may also be referred to as Existing Structures.

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Existing Structures” — see Existing Construction.

“Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“FEMA” means the Federal Emergency Management Agency.

“Fill” refers to the placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained from. The common practice of removing unsuitable material and replacing with engineered material is not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to the area being mapped as a flood hazard area is not deemed as fill.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters; ~~and/or surface waters from any source.~~

b. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

"Flood Insurance Study (FIS)" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map (if applicable), Flood Insurance Rate Map and supporting technical data.

"Floodplain Development Permit" is a community issued permit or document that is used for any development that occurs within a Special Flood Hazard Area (SFHA) identified by Federal Emergency Management Agency (FEMA) or the community. It is used to address the proposed development to ensure compliance with the community's ordinance.

"Floodplain or Flood-Prone Area" means any land area susceptible to being inundated by water from any source whether or not identified by Federal Emergency Management Agency (FEMA) (see definition of Flooding).

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, mitigation plans, and floodplain management regulations.

"Floodplain Management Regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for flood damage prevention and reduction.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to an SFHA and to reduce the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized, flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" (Regulatory Floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Floodway Encroachment Lines" mean the lines marking the limits of floodways on federal, state, and local flood plain maps.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a development that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and repair facilities. It does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic reservation programs that have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a. By an approved state program as determined by the Secretary of the Interior, or
    b. Directly by the Secretary of the Interior in states without approved programs.

"Levee" means a man-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Adjacent Grade (LAG)" means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle;” however, a manufactured home may be used for both residential and non-residential use.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map” means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by Federal Emergency Management Agency (FEMA).

“Mean Sea Level” means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a community's FIRM are referenced.

“New Construction” means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

“New Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

“No-Rise Certifications” are formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (0.00 feet) in flood levels within the community during the occurrence of a base flood event.

“Physical Map Revision (PMR)” is FEMA’s action whereby one or more map panels are physically revised and republished.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.

“Special Flood Hazard Area (SFHA)” — see Area of Special Flood Hazard.

"Start of Construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means, for flood plain management purposes, a walled and roofed building, culvert, bridge, dam, or a gas or liquid storage tank that is principally above ground, as well as a manufactured home. Structure for insurance purposes mean:

1. A building with two or more outside rigid walls and a fully secured roof, which is affixed to a permanent site;
2. A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
3. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For insurance purposes, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. Refer to section 17.62.250

a. The term does not, however, include either:

i. Any project for improvement of a structure to comply with correct existing violation of state or local health, sanitary, or safety code specifications that have been identified by

the local code enforcement official and are the minimum necessary to assure safe living conditions; or

ii. Any alteration of a "historic structure," if the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief by a community from the terms of a flood plain management regulation. Reference: 17.62.220.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the flood plains of coastal or riverine areas.

"Watercourse" means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

17.62.050 Method of Reducing Flood Losses.

To accomplish the purposes outlined in 17.62.030 Statement of Purpose, this ordinance applies the following methods:

1. Restricts or prohibits land uses that are dangerous to health, safety, or property in times of flooding, cause excessive increases in flood heights or velocities;
2. Requires that land uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Controls the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Controls filling, grading, dredging, and other development that may increase flood damage; and
5. Prevents or regulates the construction of flood barriers that will unnaturally divert flood waters or may increase flood hazards to other areas. (Ord. 110 §1.4, amended, 1984)

17.62.060 Lands to which this Ordinance Applies.

This ordinance shall apply to all areas of special flood hazards identified by Federal Emergency Management Agency (FEMA) or, if elected in Section 17.62.090, Use of Best Available Data, areas identified and documented flood risk supported using Best Available Data within the Jurisdiction of Lindon City. (Ord. 110 §3.1, amended, 1984)

17.62.070 Annexation.

When the community annexes any land from a neighboring jurisdiction, Lindon City will manage and regulate the annexed land under this ordinance.

17.62.080 Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled, “Flood Insurance Study for Utah County, Utah and Incorporated Areas”, dated June 19, 2020, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FMFM) and any revisions thereto are hereby automatically adopted by reference and declared to be a part of this ordinance. The Flood Insurance Rate Map and Flood Insurance Study (FIS) are on file at 100 N. State Street, Lindon, Utah. (Ord. 160 §12, amended, 1987)

17.62.090 Use of Best Available Data

The community has elected to adopt Best Available Data, defined in Section 17.62.060, Lands to Which this ordinance applies, to regulate floodplain development in addition to utilizing the effective Flood Insurance Rate Maps (FIRMs), Flood Insurance study (FIS), and/or Flood Boundary and Floodway Map (FBFM). Where Best Available Data contradicts the FIRMs, FIS, and/or the FBFM, the more restrictive data shall be utilized.

17.62.100 Severability

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

17.62.110 Compliance.

No structure or developments including buildings, recreational vehicles, or manufactured homes or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Nothing herein shall prevent the Lindon City Council from taking such lawful action as is necessary to prevent or remedy any violations. (Ord. 110 §3.3, amended, 1984)

17.62.120 Abrogation and greater restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 110 §3.4, amended, 1984)

17.62.130 Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 110 §3.5, amended, 1984)

17.62.140 Warnings and Disclaimer or Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes.

This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the city~~,~~ or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder. (Ord. 160 §12, amended, 1987)

17.62.150 Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

Application for a Floodplain Development Permit shall be made on forms furnished by City and may include, but not be limited to:

1. Duplicated plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations;
2. Duplicated plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes;
3. Location of the foregoing in relation to SFHAs;
4. Elevation (in relation to mean sea level), of the lowest floor (including basement and crawlspace) of all new and substantially improved structures, if applicable;
5. Elevation (in relation to mean sea level), to which any nonresidential structure (if applicable) has been flood-proofed;
6. A certificate from a registered professional engineer or architect that the nonresidential structure (if applicable) shall meet the flood-proofing criteria of this ordinance and the NFIP Regulations;
7. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development, if applicable;
8. At the community's discretion, the community may charge a fee for issuance of Floodplain Development Permits;
9. Copies of all Floodplain Development Permits and the associated documents shall become property of the community and a permanent record.
   (Ord. 110 §4.1, amended, 1984)

Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area;

17.62.160 Stop Work Order.

1. Authority. Whenever the floodplain administrator or other community official discovers any work or activity regulated by this ordinance being performed in a manner contrary to the provision of this ordinance, the floodplain administrator is authorized to issue a stop work order.
2. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
3. Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by local or state law including but not limited to the penalties outlined.

17.62.170 Penalties for Non-Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a Class C misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $200.00 in a residential zone and 400.00 in a commercial or industrial zone, for each violation assessed daily, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Lindon City from taking such other lawful action as is necessary to prevent or remedy any violation.

17.62.180 Designation of the Flood Plain Administrator.

The Planning Director is hereby appointed the Flood Plain Administrator to administer and implement this ordinance and other appropriate sections of the National Flood Insurance Program (NFIP) regulations and 44 CFR pertaining to floodplain management. (Ord. 110 §4.2, amended, 1984)

17.62.190 Duties and Responsibilities of the Floodplain Administrator.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following: (Ord. 110 §4.3, amended, 1984)

1. Uphold the goals of the community and the National Flood Insurance Program (NFIP) to reduce risk when possible and increase the community's resistance to future disasters.
2. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this ordinance.
3. Review all Flood Plain Development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
4. Assure that the flood carry capacity with the altered or relocated portion of any watercourse is maintained.
5. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation of the lowest floor (including basement or crawlspace) of all new or substantially improved structures and any floodproofing certificates, including the data supporting such certificates.
6. Maintain and hold open for public inspection maps that identify and locate the boundaries of the Special Flood Hazard Area's (SFHAs) to which this ordinance applies, including, but not limited to, the Flood Insurance Rate Map (FIRM).
7. Review development proposals to determine whether a proposed building site, including sites designed for the placement of manufactured homes, will be reasonably safe from flooding.
8. Ensure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 and the Endangered Species Act of 1973) from which prior approval is required.
9. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.
10. When Base Flood Elevation (BFE) data has not been provided by Federal Emergency Management Agency (FEMA), the Floodplain Administrator shall obtain, review, and reasonably utilize any BFE data and floodway data available from a federal, state, or other source including data provided by the applicant, in order to administer the provisions of this ordinance.
11. When a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30, AE, and AH on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and

anticipated development, will not increase the water surface elevation of the base flood more than 0.50 foot at any point within the community unless the community has adopted higher standard options.

12. Under the provisions of 44 CFR Chapter 1, Section 65.12 of the NFIP Regulations, a community may approve certain development in Zones A1-30, AE, and AH on the community's FIRM, which increases the water surface elevation of the base flood by more than 0.50 foot, provided that the community first meets the requirements of Section 65.12 for a conditional FIRM revision through FEMA's Conditional Letter of Map Revision process.
13. Zone A Areas: When a regulatory floodway has not been designated and if the project is determined or reasonably believed to cause an adverse impact, the Floodplain Administrator may require new construction, substantial improvements, or other development (including fill, grading or excavation) permitted in a Zone A to have an encroachment analysis done prior to issuance of a Floodplain Development Permit. The encroachment analysis shall create a baseline of existing conditions model and compare it to the proposed conditions model to determine the potential impact of the project. Based on the findings, the floodplain administrator may require as a condition of the permit a Conditional Letter of Map Revision (CLOMR) to be submitted and approved prior to any work occurring and/or that a Letter of Map Revision (LOMR) be submitted to FEMA within 6 months of completion of the development.
14. May inspect development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of structures.
15. In addition to utilizing the effective Flood Insurance Rate Maps (FIRMs), Flood Insurance Study (FIS), Flood Boundary and Floodway Map (FBFM), permit reviews may utilize Best Available Data. See section 17.62.090.
16. If the project is determined or reasonably believed to cause an adverse effect on the BFE(s), boundaries of the floodplain or any insurable structures, technical justification for the proposed development shall be submitted and the community may require a CLOMR or LOMR to be submitted prior to the permit approval or as a requirement of the permit.
17. Fill placed within the Special Flood Hazard Area (SFHA) should not result in any net loss of natural floodplain storage or increase in water surface elevations during the base flood. The City may require that the volume of the loss of floodwater storage due to filling in the SFHA be offset by providing an equal volume of flood storage by excavation or other compensatory measures at or adjacent to the development site.

17.62.200 Requirement to Submit New Technical Data.

1. The property owner or developer shall notify Federal Emergency Management Agency (FEMA) by submittal of a Letter of Map Revision (LOMR) within 6 months of project completion when an applicant had obtained a Conditional Letter of Map Revision (CLOMR) from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevation (BFE).
2. The property owner or developer shall be responsible for preparing technical data to support the CLOMR or LOMR application and paying any processing or application fees to FEMA. The property owner or developer is responsible for submitting the CLOMR

and LOMR to FEMA and shall provide all necessary data to FEMA if requested during the review process to ensure the CLOMR or LOMR is issued.

3. The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this ordinance and all applicable state federal, and local laws.

17.62.210 Use of Elevation Certificates.

Lindon City may require that the following Elevations Certificates be completed for any new residential or non-residential building construction within the Special Flood Hazard Area (SFHA):

1. Proposed Conditions: A proposed conditions Elevation Certificate is required to be completed by a professional and licensed engineer, surveyor, or architect as part of the Floodplain Permit package;
2. Building Under Construction: a building under construction Elevation Certificate is required to be completed by a professional and licensed engineer, surveyor, or architect after foundation has been poured; and
3. Finished Construction: a finished construction Elevation Certificate is required to be completed by a professional and licensed engineer, surveyor, or architect once the structure is completed, utilities are installed, and grading and landscaping has been completed.

17.62.220 Variance Procedures.

The Lindon City Board of Adjustment, as established by Lindon City, shall hear and render judgment on requests for variances from the requirements of this ordinance after a Floodplain Development Permit has been denied.

1. Any person or persons aggrieved by the decision of the Lindon City Board of Adjustment may appeal such decision in the courts of competent jurisdiction.
2. The Board of Adjustment shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement of administration of this ordinance.
3. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to Federal Emergency Management Agency (FEMA) and the State Coordinating Agency upon issuing a variance.
4. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in 17.62.220 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

5. Upon consideration of the factors noted above and the intent of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
7. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. The term ‘‘substantial improvement’’ does not include any alteration of a structure or facility listed on the National Register of Historic Places or a State Inventory of Historic Places.

Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances shall only be issued upon:
    a. Showing a good and sufficient cause;
    b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, conflict with existing local laws or ordinances, considers the need of ingress and egress during times of floods, and does not jeopardize first responders’ health and welfare.
2. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the BFE, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
3. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
    a. The criteria outlined in 17.62.220 are met; and
    b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
4. Variance Procedures for Freeboard and Allowable Increases
    a. Variances shall not be issued to:
        i. Reduce the freeboard requirement as described in section 17.62.270 for residential and non-residential structures; or
        ii. Reduce allowed increase in BFE for floodplain Zones A1-30, AE, and AH as described in section 17.62.190 subsection 12.

17.62.230 Watercourse Alterations.

The Floodplain Administrator shall:

1. Notify adjacent communities and the Utah Division of Water Resources prior to any alteration or relocation of a watercourse requiring a State issued stream alteration permit and submit evidence of such notification to the Federal Emergency Management Agency.

2. Require that maintenance is provided within the altered or relocated portion of such watercourse so that the flood-carrying capacity is not diminished. (Ord. 160 §12, amended, 1987)

17.62.240 General Standards.

In all areas of special flood hazards, the Following provisions are required for all new construction and substantial improvements: (Ord. 110 §5.1, amended, 1984)

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
7. On-site waste disposal systems shall be designed or located to avoid impairment to them or contamination from them during flooding.

17.62.250 Substantial Improvement, Substantial Damage, and Determinations within a Special Flood Hazard Area (SFHA).

1. Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, if the cumulative cost of the entire project equals or exceeds fifty (50) percent of the market value of the structure only (not of the structure and land value combined) before the improvement or repair is started then the work shall be considered as substantial improvement. If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed. The term does not, however, include either:
   a. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; and
   b. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

2. Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50) percent of the market value of the structure only, unless a higher standard option is selected, before the damage occurred. This term also applies to structures which have incurred any damage that equals or exceeds fifty (50) percent of the structure's market value regardless of the actual repair work performed. When a structure or building has been determined as substantially damaged, any work or repair on said structure or building will be considered as substantial improvement and will be required to meet the development requirements set forth within this ordinance for substantial improvement.
3. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the applicable community officials and staff, shall:
    a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure only, not of land and building, before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
    b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.
    c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in this ordinance.
    d. Utilize Federal Emergency Management Agency (FEMA's) Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
    e. The substantial improvement regulations apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.
    f. Notify the applicant that if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood, this ordinance is required.

17.62.260 Standards for Subdivision Proposals.

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with the provisions of this ordinance;
2. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;

3. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of this ordinance;
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood damage;
5. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions, which is greater than fifty (50) lots or five acres (whichever is less); and
6. New subdivision development proposals shall be designed, to the maximum extent practicable, so residential buildings sites, walkways, driveways, and roadways are located on land with elevation not less than the BFE and with dry land access.

(Ord. 110 §5.1-4, amended, 1984)

17.62.270 Specific Standards

In all Special Flood Hazard Area's (SFHA's), and if 17.62.090 – Use of Best Available Data has been selected, areas of known or suspected flood risk areas the following provisions are required:

1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to the Base Flood Elevation (BFE), unless a freeboard option is noted below. If a freeboard option is noted, new construction and substantial improvement shall have the lowest floor (including basement) elevated to the freeboard elevation. A registered professional engineer, architect, or land surveyor shall submit certified elevations to the Floodplain Administrator that the standards of this ordinance are satisfied.
    a. Lindon City has elected to adopt a freeboard option for new construction and substantial improvement of any residential structure. The freeboard option requires that lowest floor elevation to be built above the BFE by the height selected. Lindon City has elected a one (1) foot of freeboard meaning the lowest floor must be built one (1) foot above the BFE.
2. Non-residential Construction. New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to the base flood level, unless a freeboard option is noted below, or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the dry floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this ordinance, Section 17.62.260(1). As

such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction requirements of this ordinance.

a. Lindon City has elected to adopt a freeboard option for new construction and substantial improvement of any nonresidential structure. The freeboard option requires that lowest floor elevation to be built above the BFE by the height selected. Lindon City has elected a one (1) foot of freeboard meaning the lowest floor must be built one (1) foot above the BFE.

3. Non-residential Construction Access (Ingress and Egress). New development proposals will be designed, to the maximum extent practicable, so non-residential building sites, walkways, driveway, and roadways are located on land within elevation not less than the BFE and with dry land access.
4. Non-residential Construction Wet Floodproofing. New construction and substantial improvements of any commercial, industrial, or other non-residential structure including but not limited to detached garages, agricultural buildings, and storage buildings may be allowed to be wet floodproof provided that:
    a. The structure is strictly a nonresidential structure used for building access, parking or storage only;
    b. The structure is an accessory or appurtenant structure of low value;
    c. Designed to allow for the automatic entry and exit of flood waters through the use of openings;
    d. Be constructed of flood resistant materials;
    e. Be properly anchored to resist flotation, collapse, and lateral movement;
    f. Mechanical and utility equipment must be elevated or floodproofed to or above the BFE;
    g. Must comply with the floodway encroachment provisions of the National Flood Insurance Program (NFIP) and this ordinance; and
    h. Designed and built to adhere to Federal Emergency Management Agency (FEMA) Technical Bulletins 1, 2, and 7.

A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the wet floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this ordinance, section 17.62.206, As such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction of this ordinance.

5. Wet Floodproofing Non-conversion Agreement. For any nonresidential construction that has been wet floodproofed, a non-conversion agreement must be completed as part of the permitting process. The non-conversion agreement:
    a. Acknowledges the risk associated with this building practice;

b. Acknowledges the use of the area that was wet floodproof will be used solely on nonresidential accessory or appurtenant structure of low value whose usage is only for building access, parking or storage; and
c. Allows for community, state and/or federal officials to conduct periodic inspections to ensure compliance.
d. This section shall follow Federal Emergency Management Agency Policy # 104-008-03, Floodplain Management Requirements for Agricultural Structures and Accessory Structures or as periodically updated by FEMA. A copy is on file at the Lindon City Community Development Office.

6. Crawlspace. New construction and substantial improvements built on a crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed and meets or exceeds the standards found in Federal Emergency Management Agency's (FEMA's) Technical Bulletins 1, 2, and 11, which include but are not limited to the following:
    a. The structure must be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;
    b. The crawlspace is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the Lowest Adjacent Grade (LAG);
    c. The crawlspace enclosure must have proper openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of floodwaters. To achieve this, a minimum of one (1) square inch of flood opening is required per one (1) square foot of the enclosed area subject to flooding;
    d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, piers, or other materials that extend below the BFE. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters;
    e. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions;
    f. The interior grade of a crawlspace below the BFE must not be more than Two (2) feet below the LAG;
    g. The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor cannot exceed four (4) feet at any point;
    h. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event; and

i. Buildings with below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the LAG.

7. Manufactured Homes.
    a. Require that all manufactured homes to be placed within Zone A on a community's Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
    b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites outside of a manufactured home park or subdivision;) in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the Base Flood Elevation (BFE), unless a higher standard option was selected, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
    c. In A-1-30, AH, AO and AE Zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated so that the lowest floor is at or above the BFE, unless a higher standard option was selected; or the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored.
8. Recreational Vehicles. Require that recreational vehicles placed on sites and where temporarily being used for human occupancy within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map (FIRM) either:
    a. Be on the site for two (2) weeks within a six (6) month time frame and be fully licensed and ready for highway use. See also 17.64.020;
        i. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
9. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
    a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
    b. The bottom of all openings shall be no higher than one-foot above grade or Base Flood Elevation (BSE); and

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters

10. Accessory Structures. Accessory structures located within zones A, A1-A30, AH, AO, or AE must be:
    a. Detached from a residence;
    b. On the same parcel of property as the principal structure to be insured;
    c. Incidental to the use of the principal structure;
    d. Is solely used for parking or limited storage and not human habitation;
    e. Is low valued, represents a minimal investment, and must be unfinished on the interior;
    f. As required in the 44 CFR Section 60.3(a)3:
        i. "be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy;"
        ii. "be constructed with materials resistant to flood damage" below the BFE, be designed to allow for the automatic entry of flood waters and meet all applicable building codes;"
        iii. "be constructed by methods and practices that minimize flood damages;"
        iv. "be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.".
    g. Comply with the floodway encroachment "no-rise" provisions of the National Flood Insurance Program (NFIP) regulations;
    h. Not be used for human habitation including but not limited to working, sleeping, and living;
    i. Include, in the submittal for Floodplain Development Permit, sufficient documentation demonstrating full compliance with this section, including, but not limited to, the use of flood resistant materials, anchoring, and flood openings.
    j. This section shall follow Federal Emergency Management Agency Policy # 104-008-03, Floodplain Management Requirements for Agricultural Structures and Accessory Structures or as periodically updated by FEMA. A copy is on file at the Lindon City Community Development Office.

17.62.280 Standards for Areas of Shallow Flooding (AO/AH Zones).

Located within the areas of special flood hazard are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. Require within Zone AO that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as

2. high as the depth number specified in feet on the community's Flood Insurance Rate Map (FIRM) (at least two feet if no depth number is specified).
3. Require within Zone AO that all new construction and substantial improvements of non-residential structures;
    a. have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
    b. together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section and Section 17.62.200 are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

Chapter 17.62
FLOOD DAMAGE PREVENTION

Sections:

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~~17.62.270 Residential construction and non-residential construction~~.

17.62.010 Statutory authorization.

~~The Legislature of the State of Utah has, in Title 10, UCA, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of the city does ordain as set forth in this chapter. (Ord. 110 §1.1, amended, 1984)~~

The Legislature of the State of Utah has in 10-3-701 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Lindon City Council of Lindon City, Utah, does ordain as follows:

The City of Lindon elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA), a component of the U.S. Department of Homeland Security, and Lindon City's community officials have elected to join the program, participate, and enforce this Flood Damage Prevention Ordinance and the requirements and regulations of the NFIP. The NFIP, established in the aforesaid act, provides that areas of the Lindon City having a special flood hazard be identified by FEMA, and that floodplain management measures be applied in such flood hazard areas. Furthermore, Lindon City may elect to administer the Flood Damage Prevention Ordinance to areas not identified as Special Flood Hazard Areas (SFHAs) by FEMA on the community's effective Flood Insurance Rate Map (FIRM), if the community has documentation to support that there is an inherent risk of flooding in such areas.

17.62.020 Findings of Fact

1. The flood hazard areas of Lindon City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare of the inhabitants of Lindon City.

~~2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 110 §1.2, amended, 1984)~~

2. These potential flood losses are caused by:

1. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities;
2. The occupancy of flood hazard areas by structures vulnerable to floods because they are inadequately elevated or otherwise unprotected from flood damages; and
3. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

17.62.030 Statement of Purpose.

It is the purpose of this ~~chapter~~ ordinance to promote the public health, safety, and general welfare of the community, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. ~~To p~~Protect human life and health;
2. ~~To m~~Minimize public expenditure on ~~of public money for costly~~ flood control projects;
3. ~~To m~~Minimize the need for rescue and relief efforts associated with flooding and are generally undertaken at the expense of the ~~general~~ public;
4. ~~To m~~Minimize prolonged business interruptions caused by flooding;
5. ~~To m~~Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; streets; and bridges located in areas of special flood hazard;
6. ~~To h~~Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner ~~of special flood hazard so~~ as to minimize future flood blight areas;
7. ~~To ensure~~ Promote that potential buyers are notified ~~that~~ if ~~property~~ properties are a flood area ~~is in an area of special flood hazard~~; ~~and~~
8. ~~To e~~Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
9. Minimize damage to public infrastructure, including but not limited to utilities, streets, and bridges that are susceptible to flooding; and
10. Protect and safeguard the welfare and safety of first responders should an emergency response be needed.

17.62.040 Definitions.

Unless specifically defined ~~in this section~~ below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this ~~chapter~~ ordinance its most reasonable application. Where terms are not defined, definitions as most currently adopted by FEMA will be used.

"Accessory Structure" is a structure that is detached from a principal building and customarily incidental and subordinate to the principal building or use. An accessory structure is a non-residential structure of typically lesser value than the principal building or use and is used for the parking of vehicles and storage of tools, materials, or equipment.

"Addition" is any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions added to the side, front, or rear of a structure; vertical additions added on top of a structure; and enclosures added underneath a structure.

"Alluvial Fan Flooding" means flooding occurring on the surface of an alluvial fan or similar landform that originates at the apex. It is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appurtenant Structure"—see Accessory Structure.

"Area of Future-Conditions Flood Hazard" means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.

"Area of Shallow Flooding" means a designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood-Related Erosion Hazard" is the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area, in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone E may be further refined.

"Area of Special Flood-Related Erosion Hazard" is the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area, in preparation for publication of the FIRM, Zone E may be further refined.

"Area of special flood hazard" ~~means~~ is the the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

"Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" is the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Best Available Data" is existing flood hazard information adopted by a community and reflected on an effective Flood Insurance Rate Map (FIRM), Flood Boundary and Floodplain

Map (FBFM), and/or within an Flood Insurance Study (FIS) report; or draft or preliminary flood hazard information supplied by Federal Emergency Management Agency (FEMA) or from another source. Other sources may include, but are not limited to, state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community. Refer to section 17.62.090

"Building" — see Structure.

"Channelization" means the artificial creation, enlargement, realignment, or alteration of a stream channel's slope, shape, or alignment. Streambank restoration may be deemed as channelization.

"Crawlspace" means an under-floor space that has its interior floor area (finished or not) no more than 4 feet from the bottom floor joist the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation. Refer to section 17.62.270.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, demolition, excavation or drilling operations, or storage either temporary or permanent of equipment or material. ~~located within the areas of special flood hazard.~~

"Elevated Building" is a non-basement building built, in the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (post and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, an "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Enclosure" refers to an enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.

"Erosion" means the process of the gradual wearing away of land masses by wind, water, or other natural agents.

"Existing Construction" refers to structures for which the "start of construction" commenced before the effective date of the Flood Insurance Rate Map (FIRM) or before January 1, 1975, for FIRMs effective before that date. It may also be referred to as Existing Structures.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Existing Structures" — see Existing Construction.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FEMA" means the Federal Emergency Management Agency.

"Fill" refers to the placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained from. The common practice of removing unsuitable material and replacing with engineered material is not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to the area being mapped as a flood hazard area is not deemed as fill.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters; ~~and/or surface waters from any source.~~
b. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

"Flood Insurance Study (FIS)" is the official report provided by the Federal Emergency

Management Agency. The report contains flood profiles, water surface elevation of the base

flood, as well as the Flood Boundary-Floodway Map (if applicable), Flood Insurance Rate Map and supporting technical data.

"Floodplain Development Permit" is a community issued permit or document that is used for any development that occurs within a Special Flood Hazard Area (SFHA) identified by Federal Emergency Management Agency (FEMA) or the community. It is used to address the proposed development to ensure compliance with the community's ordinance.

"Floodplain or Flood-Prone Area" means any land area susceptible to being inundated by water from any source whether or not identified by FEMA (see definition of Flooding).

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, mitigation plans, and floodplain management regulations.

"Floodplain Management Regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The

term describes such state or local regulations, in any combination thereof, which provide standards for flood damage prevention and reduction.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to an SFHA and to reduce the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized, flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" (Regulatory Floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Floodway Encroachment Lines" mean the lines marking the limits of floodways on federal, state, and local flood plain maps.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a development that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and repair facilities. It does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic reservation programs that have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a. By an approved state program as determined by the Secretary of the Interior, or
    b. Directly by the Secretary of the Interior in states without approved programs.

"Levee" means a man-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Adjacent Grade (LAG)" means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when ~~connected~~ attached to the required utilities. ~~For flood plain management purposes~~ ~~t~~The term "manufactured home" ~~also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles~~ " does not include a "recreational vehicle;" however, a manufactured home may be used for both residential and non-residential use..

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by Federal Emergency Management Agency (FEMA).

"Mean Sea Level" means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a community's FIRM are referenced.

"New Construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes

any subsequent improvements to such structures. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

"No-Rise Certifications" are formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (0.00 feet) in flood levels within the community during the occurrence of a base flood event.

"Physical Map Revision (PMR)" is FEMA's action whereby one or more map panels are physically revised and republished.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.

"Special Flood Hazard Area" — see Area of Special Flood Hazard.

"Start of Construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means, for flood plain management purposes, a walled and roofed building, ~~or mobile home that is principally above ground.~~ culvert, bridge, dam, or a gas or liquid storage tank that is principally above ground, as well as a manufactured home. Structure for insurance purposes mean:

1. A building with two or more outside rigid walls and a fully secured roof, which is affixed to a permanent site;
2. A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
3. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For insurance purposes, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

~~"Substantial Improvement."~~

~~a.~~ "Substantial improvement" means any ~~repair~~, reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure ~~either:~~ before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. Refer to section 17.62.250

~~i. Before the improvement or repair is started; or~~

~~ii. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

~~b.~~ a. The term does not, however, include either:

i. Any project for improvement of a structure to comply with correct existing violation of state or local health, sanitary, or safety code specifications ~~which are solely necessary to assure safe living conditions~~ that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or

ii. Any alteration of a "historic structure," ~~listed on the National Register of Historic Places or a state inventory of historic places. (Ord. 160 §12, amended, 1987)~~ if the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief by a community from the terms of a flood plain management regulation. Reference: 17.62.220.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 44

CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the flood plains of coastal or riverine areas.

"Watercourse" means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

17.62.050 ~~Flood loss reduction—Methods~~. Method of Reducing Flood Losses

~~In order~~ ~~t~~To accomplish ~~it's~~ the purposes outlined in 17.62.030 Statement of Purpose, this ~~chapter~~ ordinance ~~includes~~ applies ~~and provisions for~~ the following methods:

1. Restrict~~ing~~s or prohibit~~ing~~s land uses ~~which~~ that are dangerous to health, safety, ~~and~~ or property ~~due to water or erosion hazards~~ in times of flooding, ~~or which result in damaging increases in erosion or~~ cause excessive increases in flood heights or velocities;
2. Requir~~ing~~es that land uses vulnerable to floods, including facilities ~~which~~ that serve such uses, be protected against flood damage at the time of initial construction;
3. Control~~ling~~s the alteration of natural flood plains, stream channels, and natural protective barriers, which ~~help accommodate or channel flood water~~ are involved in the accommodation of flood waters;
4. Control~~ling~~s filling, grading, dredging, and other development ~~which~~ that may increase flood damage; and
5. Prevent~~ing~~s or regulat~~ing~~s the construction of flood barriers ~~which~~ that will unnaturally divert flood waters or ~~which~~ may increase flood hazards ~~in~~ to other areas. (Ord. 110 §1.4, amended, 1984)

17.62.060 ~~Applicability.~~ Lands to which this Ordinance Applies

This ~~chapter~~ ordinance shall apply to all areas of special flood hazards ~~within the jurisdiction of the city.~~ identified by Federal Emergency Management Agency (FEMA) or, if elected in Section 17.62.090, Use of Best Available Data, areas identified and documented flood risk supported using Best Available Data within the Jurisdiction of Lindon City. (Ord. 110 §3.1, amended, 1984)

17.62.070 Annexation

When the community annexes any land from a neighboring jurisdiction, Lindon City will manage and regulate the annexed land under this ordinance.

17.62.0~~70~~80 ~~Flood hazard areas—Basis for establishment.~~ Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in ~~it's~~ a scientific and engineering report entitled, "Flood Insurance ~~Rate Map (FIRM~~) Study for Utah County, Utah and Incorporated Areas", ~~Ord. 4902100005-C~~, dated ~~February 19, 1986~~ June 19, 2020, ~~are adopted by reference and declared to be a part of this chapter as if set out in full.~~ with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FMFM) and any revisions thereto are hereby automatically adopted by reference and declared to be a part of this ordinance. The Flood Insurance Rate Map and Flood Insurance Study (FIS) are ~~is~~ on file at ~~383 West 300 North Lakeview Road~~ 100 N. State Street, Lindon, Utah. (Ord. 160 §12, amended, 1987)

17.62.090 Use of Best Available Data

The community has elected to adopt Best Available Data, defined in Section 17.62.060, Lands to Which this Ordinance Applies, to regulate floodplain development in addition to utilizing the effective Flood Insurance Rate Maps (FIRMs), Flood Insurance study (FIS), and/or Flood Boundary and Floodway Map (FBFM). Where Best Available Data contradicts the FIRMs, FIS, and/or the FBFM, the more restrictive data shall be utilized.

17.62.100 Severability

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

17.62.~~080~~110 Compliance.

No structure or developments including buildings, recreational vehicles, or manufactured homes or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ~~chapter~~ ordinance and other applicable regulations. Nothing herein shall prevent the Lindon City Council from taking such lawful action as is necessary to prevent or remedy any violations. (Ord. 110 §3.3, amended, 1984)

17.62.~~090~~120 Abrogation and greater restrictions.

This ~~chapter~~ ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ~~chapter~~ ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 110 §3.4, amended, 1984)

17.62.~~100~~130 Interpretation.

In the interpretation and application of this ~~chapter~~ ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 110 §3.5, amended, 1984)

17.62.~~110~~140 Warnings and Disclaimer or Liability.

The degree of flood protection required by this ~~chapter~~ ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. ~~Larger floods can and will occur~~ ~~o~~On rare occasions, greater floods can and will occur and ~~F~~flood heights may be increased by man-made or natural causes.

This ~~chapter~~ ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ~~chapter~~ ordinance shall not create liability on the part of the city~~,~~ or any ~~officer~~ official or employee thereof~~, or the Federal Emergency Management Agency,~~ for any flood damages that result from reliance on this ~~chapter~~ ~~ordinance~~ or any administrative decision lawfully made thereunder. (Ord. 160 §12, amended, 1987)

17.62.~~120~~150 ~~Permit—Establishment—Information required.~~ Establishment of Floodplain Development Permit

A Floodplain ~~d~~Development permit shall be ~~obtained~~ required ~~before construction or development begins within any area of special flood hazard established in Section 17.62.070~~. to ensure conformance with the provisions of this ordinance.

Application for a ~~f~~Floodplain ~~d~~Development ~~p~~Permit shall be made on forms furnished by the ~~building and zoning officer~~ City and may include, but not be limited to: ~~plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:~~

1. Duplicated plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations;
2. Duplicated plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes.
3. Location of the foregoing in relation to SFHAs.
4. ~~1.~~ Elevation (in relation to mean sea level), of the lowest floor (including basement and crawlspace) of all new and substantially improved structures, if applicable;
5. ~~2.~~ Elevation (in relation to mean sea level), to which any nonresidential structure (if applicable) has been flood-proofed;
6. ~~3.~~ A ~~Certification~~ certificate ~~by~~ from a registered professional engineer or architect that the ~~flood-proofing methods for any~~ nonresidential structure (if applicable) shall meet the flood-proofing criteria ~~in Section 17.62.280~~ of this ordinance and the NFIP Regulations; ~~and~~
   ~~a. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.~~
   ~~b. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer) for the proposed development shall be required.~~
   ~~c. If the proposed development is a building, then the provisions of this chapter shall apply. (Ord. 110 §4.3-1, amended, 1984)~~
7. 4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development, if applicable;

8. At the community's discretion, the community may charge a fee for issuance of Floodplain Development Permits.
9. Copies of all Floodplain Development Permits and the associated documents shall become property of the community and a permanent record.
(Ord. 110 §4.1, amended, 1984)

Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage.
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
3. The danger that materials may be swept onto other lands to the injury of others.
4. The compatibility of the proposed use with existing and anticipated development.
5. The safety of access to the property in times of flood for ordinary and emergency vehicles.
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems.
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
8. The necessity to the facility of a waterfront location, where applicable.
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
10. The relationship of the proposed use to the comprehensive plan for that area.

17.62.160 Stop Work Order

1. Authority. Whenever the floodplain administrator or other community official discovers any work or activity regulated by this ordinance being performed in a manner contrary to the provision of this ordinance, the floodplain administrator is authorized to issue a stop work order.
2. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
3. Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by local or state law including but not limited to the penalties outlined

17.62.170 Penalties for Non-Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a Class C misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $200.00 in a residential zone and 400.00 in a commercial or industrial zone, for each violation assessed daily, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Lindon City from taking such other lawful action as is necessary to prevent or remedy any violation.

17.62.~~130~~ 180 ~~Building and zoning officer—Authority.~~ Designation of the Flood Plain Administrator

The ~~building and zoning officer~~ Planning Director is hereby appointed the Flood Plain Administrator to administer and implement this ~~chapter by granting or denying development permit applications in accordance with its provisions~~. ordinance and other appropriate sections of the National Flood Insurance Program (NFIP) Regulations and 44 CFR pertaining to floodplain management. (Ord. 110 §4.2, amended, 1984)

17.62.~~140~~ 190 ~~Building and zoning officer—Duties.~~ Duties and Responsibilities of the Floodplain Administrator

Duties and responsibilities of the ~~building and zoning officer~~ Floodplain Administrator shall include, but not be limited to, ~~those provisions set out in Sections 17.62.150 through 17.62.190.~~ the following: (Ord. 110 §4.3, amended, 1984)

~~17.62.150 Permit—Review.~~

~~The building and zoning officer shall:~~

1. Uphold the goals of the community and the National Flood Insurance Program (NFIP) to reduce risk when possible and increase the community's resistance to future disasters;
2. ~~1.~~ Review, approve, or deny all applications for Floodplain ~~d~~Development permits ~~to determine that the permit requirements of this chapter have been satisfied;~~ required by adoption of this ordinance;
3. ~~2.~~ Review all Floodplain ~~d~~Development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
4. ~~3. Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For the purposes of this chapter, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.~~ Assure that the flood carry capacity with the altered or relocated portion of any watercourse is maintained;
   - ~~a. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.~~

~~b. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer) for the proposed development shall be required.~~

~~c. If the proposed development is a building, then the provisions of this chapter shall apply.~~ (Ord. 110 §4.3-1, amended, 1984)

5. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation of the lowest floor (including basement or crawlspace) of all new or substantially improved structures and any floodproofing certificates, including the data supporting such certificates.
6. Maintain and hold open for public inspection maps that identify and locate the boundaries of the Special Flood Hazard Area's (SFHAs) to which this ordinance applies, including, but not limited to, the Flood Insurance Rate Map (FIRM).
7. Review development proposals to determine whether a proposed building site, including sites designed for the placement of manufactured homes, will be reasonably safe from flooding.
8. Ensure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 and the Endangered Species Act of 1973) from which prior approval is required.
9. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.
10. When Base Flood Elevation (BFE) data has not been provided by Federal Emergency Management Agency (FEMA), the Floodplain Administrator shall obtain, review, and reasonably utilize any BFE data and floodway data available from a federal, state, or other source including data provided by the applicant, in order to administer the provisions of this ordinance.
11. When a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30, AE, and AH on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 0.50 foot at any point within the community unless the community has adopted higher standard options.
12. Under the provisions of 44 CFR Chapter 1, Section 65.12 of the NFIP Regulations, a community may approve certain development in Zones A1-30, AE, and AH on the community's FIRM, which increases the water surface elevation of the base flood by more than 0.50 foot, provided that the community first meets the requirements of Section 65.12 for a conditional FIRM revision through FEMA's Conditional Letter of Map Revision process.
13. Zone A Areas: When a regulatory floodway has not been designated and if the project is determined or reasonably believed to cause an adverse impact, the Floodplain Administrator may require new construction, substantial improvements, or other development (including fill, grading or excavation) permitted in a Zone A to have an encroachment analysis done prior to issuance of a Floodplain Development Permit. The

encroachment analysis shall create a baseline of existing conditions model and compare it to the proposed conditions model to determine the potential impact of the project. Based on the findings, the floodplain administrator may require as a condition of the permit a Conditional Letter of Map Revision (CLOMR) to be submitted and approved prior to any work occurring and/or that a Letter of Map Revision (LOMR) be submitted to FEMA within 6 months of completion of the development.

14. May inspect development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of structures;
15. In addition to utilizing the effective Flood Insurance Rate Maps (FIRMs), Flood Insurance Study (FIS), Flood Boundary and Floodway Map (FBFM), permit reviews may utilize Best Available Data. See section 17.62.090;
16. If the project is determined or reasonably believed to cause an adverse effect on the BFE(s), boundaries of the floodplain or any insurable structures, technical justification for the proposed development shall be submitted and the community may require a CLOMR or LOMR to be submitted prior to the permit approval or as a requirement of the permit.
17. Fill placed within the Special Flood Hazard Area (SFHA) should not result in any net loss of natural floodplain storage or increase in water surface elevations during the base flood. The City may require that the volume of the loss of floodwater storage due to filling in the SFHA be offset by providing an equal volume of flood storage by excavation or other compensatory measures at or adjacent to the development site.

17.62.200 Requirement to Submit New Technical Data

1. The property owner or developer shall notify Federal Emergency Management Agency (FEMA) by submittal of a Letter of Map Revision (LOMR) within 6 months of project completion when an applicant had obtained a Conditional Letter of Map Revision (CLOMR) from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevation (BFE).
2. The property owner or developer shall be responsible for preparing technical data to support the CLOMR or LOMR application and paying any processing or application fees to FEMA. The property owner or developer is responsible for submitting the CLOMR and LOMR to FEMA and shall provide all necessary data to FEMA if requested during the review process to ensure the CLOMR or LOMR is issued.
3. The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this ordinance and all applicable state federal, and local laws.

17.62.210 Use of Elevation Certificates

Lindon City requires that the following Elevations Certificates be completed for any new residential or non-residential building construction within the Special Flood Hazard Area (SFHA):

1. Proposed Conditions: A proposed conditions Elevation Certificate is required to be completed by a professional and licensed engineer, surveyor, or architect as part of the Floodplain Permit package.
2. Building Under Construction: a building under construction Elevation Certificate is required to be completed by a professional and licensed engineer, surveyor, or architect after foundation has been poured.
3. Finished Construction: a finished construction Elevation Certificate is required to be completed by a professional and licensed engineer, surveyor, or architect once the structure is completed, utilities are installed, and grading and landscaping has been completed.

~~17.62.160 Use of other base flood data.~~

~~When the base flood elevation data has not been provided in accordance with Section 17.62.070, Flood hazard areas--Basis for establishment, the building and zoning officer shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Section 17.62.260, Standards--Specifically. (Ord. 110 §4.3-2, amended, 1984)~~

~~17.62.170 Information to be obtained and maintained.~~

~~The building and zoning officer shall:~~

~~1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;~~

~~2. For all new or substantially improved flood-proofed structures:~~

~~a. Obtain and record the actual elevation (in relation to mean seal level) to which the structure has been flood-proofed.~~

~~b. Maintain the flood-proofing certifications required in Section 17.62.120 C;~~

~~3. Maintain for public inspection all records pertaining to the provisions of this chapter. (Ord. 160 §12, amended, 1987)~~

17.62.220 Variance Procedures

The Lindon City Board of Adjustment, as established by Lindon City, shall hear and render judgment on requests for variances from the requirements of this ordinance after a Floodplain Development Permit has been denied.

1. Any person or persons aggrieved by the decision of the Lindon City Board of Adjustment may appeal such decision in the courts of competent jurisdiction;
2. The Board of Adjustment shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement of administration of this ordinance.

3. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to Federal Emergency Management Agency (FEMA) and the State Coordinating Agency upon issuing a variance.
4. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in 17.62.220 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
5. Upon consideration of the factors noted above and the intent of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
7. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. The term ‘‘substantial improvement’’ does not include any alteration of a structure or facility listed on the National Register of Historic Places or a State Inventory of Historic Places.

Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances shall only be issued upon:
    a. Showing a good and sufficient cause;
    b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, conflict with existing local laws or ordinances, considers the need of ingress and egress during times of floods, and does not jeopardize first responders’ health and welfare.
2. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the BFE, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
3. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
    a. The criteria outlined in ARTICLE IV, SECTION E. VARIANCE PROCEDURES are met; and
    b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
4. Variance Procedures for Freeboard and Allowable Increases
    a. Variances shall not be issued to:

i. Reduce the freeboard requirement as described in section 17.62.270 for residential and non-residential structures; or
ii. Reduce allowed increase in BFE for floodplain Zones A1-30, AE, and AH as described in section 17.62.190 subsection 12.

17.62.~~180~~230 ~~Alteration of watercourses.~~ Watercourse Alterations

The ~~building and zoning officer~~ Floodplain Administrator shall:

1. Notify adjacent communities and the Utah Division of Water Resources prior to any alteration or relocation of a watercourse requiring a State issued stream alteration permit and submit evidence of such notification to the Federal Emergency Management Agency;

2. Require that maintenance is provided within the altered or relocated portion of such watercourse so that the flood-carrying capacity is not diminished. (Ord. 160 §12, amended, 1987)

~~17.62.190 Interpretation of FHBM boundaries.~~ Section moved to 17.62.190

~~The building and zoning officer shall make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). (Ord. 160 §12, amended, 1987)~~

17.62.~~200~~ 240 ~~Standards—Generally.~~ General Standards

In all areas of special flood hazards, the ~~standards set out in Sections 17.62.210 through 17.62.280 are required.~~ Following provisions are required for all new construction and substantial improvements: (Ord. 110 §5.1, amended, 1984)

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
7. On-site waste disposal systems shall be designed or located to avoid impairment to them or contamination from them during flooding.

~~17.62.210 Anchoring.~~

~~1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.~~

~~2. All manufactured homes to be placed within Zone A on Lindon City's FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. (Ord. 160 §12, amended, 1987)~~

~~17.62.220 Construction materials and methods.~~

~~1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.~~

~~2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. (Ord. 110 §5.1-2, amended, 1984)~~

~~17.62.230 Utilities and equipment.~~

~~1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood-waters into the system;~~

~~2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood-waters into the systems and discharge from the systems into flood-waters;~~

~~3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and~~

~~4. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ord. 149 §1.3, amended, 1986)~~

17.62.250 Substantial Improvement, Substantial Damage, and Determinations within a Special Flood Hazard Area (SFHA)

1. Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, if the cumulative cost of the entire project equals or exceeds fifty (50) percent of the market value of the structure only (not of the structure and land value combined) before the improvement or repair is started then the work shall be considered as substantial improvement. If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed. The term does not, however, include either:
    a. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions;

b. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

2. Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50) percent of the market value of the structure only, unless a higher standard option is selected, before the damage occurred. This term also applies to structures which have incurred any damage that equals or exceeds fifty (50) percent of the structure's market value regardless of the actual repair work performed. When a structure or building has been determined as substantially damaged, any work or repair on said structure or building will be considered as substantial improvement and will be required to meet the development requirements set forth within this ordinance for substantial improvement.
3. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the applicable community officials and staff, shall:
    a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure only, not of land and building, before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
    b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.
    c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in this ordinance.
    d. Utilize Federal Emergency Management Agency (FEMA's) Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
    e. The substantial improvement regulations apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.
    f. Notify the applicant that if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood, this ordinance is required.

17.62.~~240~~ 260 Standards for Subdivision ~~p~~Proposals.

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with the ~~need to minimize flood damage~~ provisions of this ordinance;

2. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
3. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of this ordinance.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood damage; and
5. Base flood elevation data shall be ~~provided~~ generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions, which ~~contain at~~ is greater ~~least~~ than fifty (50) lots or five acres (whichever is less).
6. New subdivision development proposals shall be designed, to the maximum extent practicable, so residential buildings sites, walkways, driveways, and roadways are located on land with elevation not less than the BFE and with dry land access.

(Ord. 110 §5.1-4, amended, 1984)

~~17.62.250 Encroachments.~~

~~Any proposed development shall be analyzed to determine effects on the flood-carrying capacity of the area of special flood hazard as set forth in Section 17.62.150C, Permit - Review. (Ord. 110 §5.1-5, amended, 1984)~~

17.62.~~260~~270 ~~Standards. Specifically.~~ Specific Standards

~~In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 17.62.160, Use of other base flood data, the standards set out in Sections 17.62.270 and 17.62.280 are required. (Ord. 110 §5.2, amended, 1984)~~

~~17.62.270 Residential construction and non-residential construction.~~ Where moved?

~~The Lindon City Building and Zoning Officer shall obtain, review, and reasonably utilize any base flood elevation and flood-way data available from a Federal, State, or other source as criteria for requiring within Zone A the following:~~

~~1. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.~~

~~2. New construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated to or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:~~

~~a. Be flood proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;~~

~~b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and~~

~~c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph.~~

~~3. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any flood-way unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. (Ord. 149 §1.4, amended, 1986)~~

In all Special Flood Hazard Area's (SFHA's), and if 17.62.090 – Use of Best Available Data has been selected, areas of known or suspected flood risk areas the following provisions are required:

1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to the Base Flood Elevation (BFE), unless a freeboard option is noted below. If a freeboard option is noted, new construction and substantial improvement shall have the lowest floor (including basement) elevated to the freeboard elevation. A registered professional engineer, architect, or land surveyor shall submit certified elevations to the Floodplain Administrator that the standards of this ordinance are satisfied.
    a. Lindon City has elected to adopt a freeboard option for new construction and substantial improvement of any residential structure. The freeboard option requires that lowest floor elevation to be built above the BFE by the height selected. Lindon City has elected a one (1) foot of freeboard meaning the lowest floor must be built one (1) foot above the BFE.
2. Non-residential Construction. New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to the base flood level, unless a freeboard option is noted below, or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the dry floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this ordinance, Section 17.62.260(1). As such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction requirements of this ordinance.
    a. Lindon City has elected to adopt a freeboard option for new construction and substantial improvement of any nonresidential structure. The freeboard option requires that lowest floor elevation to be built above the BFE by the height selected. Lindon City has elected a one (1) foot of freeboard meaning the lowest floor must be built one (1) foot above the BFE.

3. Non-residential Construction Access (Ingress and Egress). New development proposals will be designed, to the maximum extent practicable, so non-residential building sites, walkways, driveway, and roadways are located on land within elevation not less than the BFE and with dry land access.
4. Non-residential Construction Wet Floodproofing. New construction and substantial improvements of any commercial, industrial, or other non-residential structure including but not limited to detached garages, agricultural buildings, and storage buildings may be allowed to be wet floodproof provided that:
    a. The structure is strictly a nonresidential structure used for building access, parking or storage only.
    b. The structure is an accessory or appurtenant structure of low value.
    c. Designed to allow for the automatic entry and exit of flood waters through the use of openings.
    d. Be constructed of flood resistant materials.
    e. Be properly anchored to resist flotation, collapse, and lateral movement;
    f. Mechanical and utility equipment must be elevated or floodproofed to or above the BFE.
    g. Must comply with the floodway encroachment provisions of the National Flood Insurance Program (NFIP) and this ordinance.
    h. Designed and built to adhere to Federal Emergency Management Agency (FEMA) Technical Bulletins 1, 2, and 7.

A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the wet floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this ordinance, section 17.62.206. As such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction of this ordinance.

5. Wet Floodproofing Non-conversion Agreement. For any nonresidential construction that has been wet floodproofed, a non-conversion agreement must be completed as part of the permitting process. The non-conversion agreement:
    a. Acknowledges the risk associated with this building practice.
    b. Acknowledges the use of the area that was wet floodproof will be used solely on nonresidential accessory or appurtenant structure of low value whose usage is only for building access, parking or storage.
    c. Allows for community, state and/or federal officials to conduct periodic inspections to ensure compliance.
    d. This section shall follow Federal Emergency Management Agency Policy # 104-008-03, Floodplain Management Requirements for Agricultural Structures and Accessory Structures or as periodically updated by FEMA. A copy is on file at the Lindon City Community Development Office.

6. Crawlspace. New construction and substantial improvements built on a crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed and meets or exceeds the standards found in Federal Emergency Management Agency's (FEMA's) Technical Bulletins 1, 2, and 11, which include but are not limited to the following:
    a. The structure must be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.
    b. The crawlspace is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the Lowest Adjacent Grade (LAG).
    c. The crawlspace enclosure must have proper openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of floodwaters. To achieve this, a minimum of one (1) square inch of flood opening is required per one (1) square foot of the enclosed area subject to flooding.
    d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, piers, or other materials that extend below the BFE. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
    e. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
    f. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the LAG.
    g. The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor cannot exceed four (4) feet at any point.
    h. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
    i. Buildings with below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the LAG.
7. Manufactured Homes.
    a. Require that all manufactured homes to be placed within Zone A on a community's Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties

to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites outside of a manufactured home park or subdivision;) in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the Base Flood Elevation (BFE), unless a higher standard option was selected, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. In A-1-30, AH, AO and AE Zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated so that the lowest floor is at or above the BFE, unless a higher standard option was selected; or the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored.

8. Recreational Vehicles. Require that recreational vehicles placed on sites and where temporarily being used for human occupancy within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map (FIRM) either:

   a. Be on the site for two (2) weeks within a six (6) month time frame and be fully licensed and ready for highway use. See also 17.64.020;

      i. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

9. Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

   a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

   b. The bottom of all openings shall be no higher than one-foot above grade or above grade or Base Flood Elevation (BSE).

   c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters

10. Accessory Structures. Accessory structures located within zones A, A1-A30, AH, AO, or AE must be:

   a. Detached from a residence.

   b. On the same parcel of property as the principal structure to be insured;

   c. Incidental to the use of the principal structure.

   d. Is solely used for parking or limited storage and not human habitation;

   e. Is low valued, represents a minimal investment, and must be unfinished on the interior.

f. As required in the 44 CFR Section 60.3(a)3:
   i. "be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy;"
   ii. "be constructed with materials resistant to flood damage" below the BFE, be designed to allow for the automatic entry of flood waters and meet all applicable building codes;"
   iii. "be constructed by methods and practices that minimize flood damages;"
   iv. "be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.".
g. Comply with the floodway encroachment "no-rise" provisions of the National Flood Insurance Program (NFIP) regulations.
h. Not be used for human habitation including but not limited to working, sleeping, and living.
i. Include, in the submittal for Floodplain Development Permit, sufficient documentation demonstrating full compliance with this section, including, but not limited to, the use of flood resistant materials, anchoring, and flood openings;
j. This section shall follow Federal Emergency Management Agency Policy # 104-008-03, Floodplain Management Requirements for Agricultural Structures and Accessory Structures or as periodically updated by FEMA. A copy is on file at the Lindon City Community Development Office.

17.62.280 Standards for Areas of Shallow Flooding (AO/AH Zones)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of
flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. Require within Zone AO that all new construction and substantial improvements of residential structures have the
   lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map (FIRM) (at least two feet if no depth number is specified).
2. Require within Zone AO all new construction and substantial improvements of non-residential structures;
   a. have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
   b. together with attendant utility and sanitary facilities be designed so that below the

base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1)a., are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.