

ORDINANCE NO. 2023-01-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLES 17.02, 17.18, 17.43, 17.45, 17.47, 17.48, 17.49, 17.50, 17.51, 17.54 AND CREATING TITLE 17.19 AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the proposed amendment is consistent with the goal of the Lindon City General Plan that encourages water conservation; and

WHEREAS, Lindon City desires to promote the design, installation and maintenance of landscapes that are both attractive and water efficient; and

WHEREAS, on March 14, 2023, the Planning Commission held a properly noticed public hearing to hear testimony regarding the ordinance amendment; and

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

WHEREAS, the Council held a public hearing on May 15, 2023, to consider the recommendation and the Council received and considered all public comments that were made therein.

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

SECTION I: Amend Lindon City Code sections as follows:

17.02 Definitions

“Active Recreation Area” means an area that is dedicated to active play where lawn may be used as the playing surfaces. Examples of active recreation areas include sports fields, play areas, and other similar uses.

“Landscaping” means any combination of living plants, such as trees, shrubs, vines, ground covers, annuals, perennials, ornamental grass, or seeding; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, or benches.

“Lawn” means a ground that is covered with grass, sod, or turf that is regularly mowed. Means nonagricultural land planted in closely mowed, managed grass, sod, or turf.

“Mulch” means any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

“Planting Plan” means a plan that clearly and accurately identify the type, size, percentage and locations for new and existing trees, shrubs, planting beds, ground covers, lawn areas, driveways, sidewalks, hardscape features, and fences.

“Vegetative Coverage” means the ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity. It does not mean the ground level surface area covered by the exposed leaf area of a tree or trees.

17.18. Parking Lot Landscaping

17.18.080. Parking Lot Maintenance and Design

4. Where a parking area on a site is more than 120,000 square feet, the parking area must contain the following elements (Parking areas in structures are not included):

c. Each internal access way shall have at least one auto travel lane, curbs, landscaping, and unobstructed sidewalks on both sides that provide pedestrian access to the building on the site, and shall be designed in the following method:

i. The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide adjacent to the access way. The planting strip must be between the curb and the sidewalk, and be landscaped and irrigated ~~with grass or other living vegetation to meet the design requirements of Title 17.19 and landscaped~~ with 2" caliper trees at least 6' tall planted every 20' and centered within the planting strip.

17.18.085. Interior Landscaping Required

1. Any off-street parking lot adjacent to a residential use or residential zone shall provide a minimum 10' landscaped buffer from the parking lot to the adjacent residential use or zone. In addition to the following requirements, landscaping shall meet the design requirements of Title 17.19. Trees shall be planted at least every 10' along the landscaped strip adjacent to the residential use or residential zone. Trees must be a minimum of 2" caliper measured one foot off the ground and at least 6' tall when planted. In addition to any required fencing, trees shall be of a variety that will mature to a height of at least 20' tall in order to provide a visual barrier between the non-residential use and the residential use. The Planning Commission has flexibility to grant exceptions to this landscape screening standard if existing vegetation or other existing screening is found to meet the intent of the screening requirements found in this section.

2. For all required parking lots in any zone, interior parking lot landscaping is required as follows and meet and design requirement of Title 17.19:

17.43. Residential/Business District Overlay Zone (RBO)

17.43.050

Required Landscape Yards. All front and corner side yards shall be maintained in landscaping with vegetation in a living, healthy condition that meets the landscape and design requirements of Title 17.19. 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. A minimum of twenty-five percent (25%) of the lot must be maintained in landscape area.

17.45. R-3 Overlay

17.45.030. General Requirements for all R3 Overlay Applications

4. Pathways and Trails. Pathways connecting neighboring streets and connection of any development to regional trails is strongly encouraged in any design. When feasible with the design layout, a subdivision shall provide paved pathways connecting cul-de-sacs to through streets or connecting to other adjacent cul-de-sacs. If the length of a roadway exceeds hundred (800) feet between any connecting streets, a pathway shall be provided between the connecting streets to allow access to neighboring roadways. All pathways shall be within a minimum twenty (20) foot corridor with a ten (10) foot paved path that is centered or meandering in the corridor. Sides of the pathway within the corridor shall be landscaped ~~with grass~~ and irrigated with an underground sprinkler system to meet the

landscape and design requirements of Title 17.19. Pathway grades/slope, ADA access, and other design principles shall be approved by the City Engineer upon review of the subdivision plan.

17.47. Research and Business (R&B) Zone

17.47.060. Landscape Objectives

2. Overall landscaping plan. With the application for site plan approval, an overall landscaping plan shall be submitted. Landscaping plans shall show details on specific types and locations of trees and shall also identify areas to be sed lawn or other types of vegetation or ground cover. Additional 'interior parking lot landscaping' may be required per LCC 17.18.
4. Landscaping Strip. Unless otherwise approved by the Planning Commission, a landscaped berm at least three (3) feet high and twenty (20) feet in width shall be planted-with-grass landscaped to meet the design requirement of Title 17.19 and maintained in a living, growing condition along all public street frontages.
 - b. Thirty percent (30%) of the landscaping strip may consist of decorative rock, bark, mulch, and/or other ground covers other than grass lawn. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., in the non-grass non-lawn areas shall be submitted and approved by the Planning Director.

17.48 – Commercial Zones

17.48.030. Landscaping within the General Commercial Zones (CG, CG-A, CG-A8, CG-S)

2. Overall Landscaping Plan. With the application for site plan approval, an overall landscaping plan shall be submitted. Landscaping plans shall show details on specific types and locations of trees and shall also identify areas to be sed lawn or other types of vegetation or ground cover. Additional interior parking lot landscaping may be required per Chapter 17.18.
4. Landscaping Strip. Unless otherwise approved by the planning commission, a landscaped berm at least three feet (3') high and twenty feet (20') wide shall be planted-with-grass landscaped to meet the design requirements of Title 17.19 and maintained in a living, growing condition along all public street frontages.
 - b. Thirty percent (30%) of the landscaping strip may consist of decorative rock, bark, mulch, and/or other ground covers other than grass lawn. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., in the nongrass non-lawn areas shall be submitted and approved by the planning director.

17.48.100. Planned Commercial Zone

4. Landscaping

- b. Overall Landscaping Plan. With the application for site plan approval, an overall landscaping plan shall be submitted. Landscaping plans shall show details on specific types and location of trees and shall also identify areas to be sed lawn or other types of vegetation or ground cover. Additional 'interior parking lot landscaping' may be required per Chapter 17.18.
- d. Landscaping Strip. Unless otherwise approved by the planning commission, a landscaped berm at least three feet (3') high and twenty feet (20') in width shall be planted-with-grass landscaped to meet the design requirements of Title 17.19 and maintained in a living, growing condition along all public street frontages.
 - ii. Thirty percent (30%) of the landscaping strip may consist of decorative rock, bark, mulch, and/or other ground covers other than grass lawn. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., in the nongrass non-lawn areas shall be submitted and approved by the planning director.

17.49. Industrial Zones

17.49.060. Landscaping and Fencing

2. Overall landscaping plan. With the application for site plan approval, an overall landscaping plan shall be submitted. Landscaping plans shall show details on specific types and locations of trees and shall also identify areas to be ~~soed~~ lawn or other types of vegetation or ground cover.
3. Landscaping Strip. Unless otherwise approved by the Planning Commission, a landscaped strip twenty (20) feet in width shall be ~~planted with grass~~ landscaped to meet the design requirements of Title 17.19 and maintained in a living, growing condition along all public street frontages.
 - b. thirty percent (30%) of the landscape strip may consist of decorative rock, bark, mulch, and/or other ground covers other than grass lawn. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., in the ~~non-grass non-lawn~~ areas shall be submitted and approved by the Planning Director.

17.50. Mixed Commercial

17.50.060. Landscaping and Screening

4. Landscaping Strip. Unless otherwise approved by the Planning Commission, a landscaped strip twenty (20) feet in width shall be ~~planted with grass~~ landscaped to meet the design requirements of Title 17.19 and maintained in a living, growing condition along all public street frontages.
 - b. Thirty percent (30%) of the landscape strip may consist of decorative rock, bark, mulch, and/or other ground covers other than grass lawn. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., in the ~~non-grass non-lawn~~ areas shall be submitted and approved by the Planning Director.

17.51. Commercial Farm

17.51.120. Permissible Lot Coverage

2. At least forty percent (40%) of the front yard setback area of any lot shall be landscaped to meet the design requirements of Title 17.19. On any lot, concrete, asphaltic, gravel, or other driveway surfaces shall not cover more than fifty percent (50%) of a front yard. (Ord. 2017-16 §1, amended, 2017)

17.54. Regional Commercial Zone

17.54.060. Parking Requirements

3. Where a parking area on a site is more than one hundred twenty thousand (120,000) square feet, the parking area must contain the following elements (parking areas in structures are not included):
 - c. Each internal access way shall have at least one (1) auto travel lane, curbs, landscaping, and unobstructed sidewalks on both sides that provide pedestrian access to the building on the site, and shall be designed in the following method:
 - i. The sidewalks must be at least six feet (6') wide. There must be a planting strip at least four feet (4') wide adjacent to the access way. The planting strip must be between the curb and the sidewalk, and be landscaped and irrigated with grass or other living vegetation to meet the design requirements of Title 17.19 and planted with two-inch (2") caliper trees at least six feet (6') tall planted every twenty feet (20') and centered within the planting strip.

17.54.070. Landscape and Screening

2. Overall Landscaping Plan. With the application for site plan approval, an overall landscaping plan shall be submitted. Landscaping plans shall show details on specific types and locations of trees and shall also identify areas to be ~~soed~~ lawn or other types of vegetation or ground cover. Additional interior parking lot landscaping may be required per Chapter 17.18 and Section 17.54.060.

4. Landscaping Strip (Landscaping behind Sidewalk). Unless otherwise approved by the land use authority, a landscaped strip sixteen feet (16') to twenty feet (20') in width (based on meandering location of sidewalk) shall be ~~planted~~ landscaped with living plant material to meet the design requirements of Title 17.19 and maintained in a living, growing condition along all public street frontages.

b. Thirty percent (30%) of the landscaping strip may consist of decorative rock, bark, mulch, and/or other ground covers other than live plant material. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., i.e., the ~~nongrass~~ non-lawn areas, shall be submitted and approved by the planning director.

17.19 Waterwise Landscape and Design

17.19.010 – Purpose

1. The city finds that it is in the public interest to conserve the public's water resources and to promote outdoor water efficient landscaping. The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste and establish standards that provide for the design and installation of landscapes that are both attractive and water efficient.

17.19.020 – Applicability

1. The provisions of this ordinance shall apply to all new landscaping after June 1, 2023, for the following:
 - a. New Commercial, industrial, institutional, and public agency development projects.
 - b. Multi-family developments.
 - c. Single-family residential dwellings within the front and side yards.
 - d. For amended site plans where more than fifty (50) percent of the landscape areas are already being altered as part of building additions or redevelopment of the property.
 - e. When existing commercial, industrial, institutional, and public agency properties are voluntarily relandscaping fifty (50) percent or more of existing landscaping.
 - f. Following landscape installation, an inspection shall be scheduled with the city to verify compliance with the approved landscape plans.
 - g. Specific landscape design requirements are also found in the related land use districts where development will be constructed, and interior off-street parking lot landscape standards as found in 17.18.085.
 - h. Typical front yard residential setbacks in Lindon City are thirty (30) feet. If a property owner has a greater setback than thirty (30) feet, such as a deep lot, the front yard landscaped area shall be designated on the site and landscape plans to ensure the landscape requirements are met.
 - i. For the intent of this ordinance, if a fence is installed across the side yard landscaping, the requirements of this ordinance shall be applicable up to where the side yard fence begins.

17.19.030 – Required Documents

1. When new landscaping is part of a development requirement as listed in 17.19.020, a landscape plan shall be provided with the land use application. For new single-family developments, landscape plans shall be submitted prior to installation by the property owner.
2. The landscape plan shall include the following:
 - a. The location and dimensions of all existing structures, property lines, street names, easements, planting areas, buffers, parking lots, driveways, roadways and rights-of-way, sidewalks, freestanding signs, waste enclosures, bicycle parking areas, fences, walls, ground level utility equipment, recreational facilities, and any other freestanding structure.
 - b. Scale: graphic and written.
 - c. The location, spacing, quantity, size, and common names of all proposed plants.
 - d. The location, size, and common names of all existing trees and other plants on the property and in the park strip, either to be retained or removed.
 - e. Height for fences and retaining walls proposed for the site.
 - f. Summary data indicating the area of the site in the following classifications:
 - i. Total area and percentage of required landscaped area.
 - ii. Total area and percentage of the required landscape area in lawn.
 - iii. Total area and percentage of the required landscape area in water-efficient plant species after a two-year growth period.

17.19.40 – Landscape Design Standards

1. Plant Selection. Plants shall be well-suited to the microclimate and soil conditions at the project site. Both native and locally adapted plants are acceptable. Plants with similar water needs should be grouped together as much as possible.
2. Areas with slopes greater than twenty-five (25) percent, or 4:1 grade, shall be landscaped with deep-rooting, water-conserving plants, that do not include lawn.
3. Park strips and other landscaped areas less than eight (8) feet in width shall not include lawn. Lawn areas shall not be less than eight (8) feet wide at their narrowest point.
4. Mulch. After completion of all plantings, all irrigated non-lawn areas shall be covered with a minimum three (3) inch layer of mulch that is permeable to air and water and shall be used in planting areas to retain water, inhibit weed growth and improve the appearance of landscaping. Non-porous material shall not be placed under the mulch.
5. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be selected from the Lindon City Tree Planting Guide and meet the spacing requirements of the applicable land use district:
 - a. Broad canopy trees shall be selected where shade or screening of tall objects or residential is desired;
 - b. Street trees shall be planted within existing and proposed landscape strips, park strips, along the street and in sidewalk tree wells where identified in the land use districts and master plans. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, above and below ground utilities, lighting, and other obstructions.
 - c. Trees planted for commercial, industrial, institutional, multi-family and public agency developments shall be a minimum two-inch caliper in size at planting.
6. Irrigation
 - a. An irrigation system shall be installed for all required landscaped areas.
 - b. For effective water efficiency, all irrigation shall be appropriately designed for the designated plant material and landscaped areas.
7. Landscapes in New Single-family Residential Developments.
 - a. Lawn areas in the front and side yards shall not exceed thirty-five (35) percent of the total landscaped area, outside of active recreation areas. Non-lawn planting areas shall include a minimum of seventy (70) percent water efficient vegetative plant coverage. Plant vegetative coverage shall be based off full maturity growing cycle at the ground plane.
 - b. Small residential lots, which have no backyards, which the total landscaped area is less than two hundred and fifty (250) square feet, and which the front yard dimensions cannot accommodate the minimum eight (8) feet wide lawn area requirement of the landscape requirements in 17.19.140, are exempt from the eight (8) feet minimum width lawn area requirement and maximum of thirty-five (35) percent lawn requirement.
8. Landscapes in Commercial, Industrial, institutional, multi-family, and public agency Developments
 - a. Lawn areas shall not exceed twenty (20) percent of the total landscaped area, outside of active recreation areas.
 - b. Required non-lawn landscape area shall include a minimum seventy (70) percent water efficient vegetative coverage. Plant vegetative coverage shall be based off full maturity growing cycle at the ground plane.
9. Landscape Installation
 - a. Residential front and side yard landscaping shall be installed within one (1) year of the certificate of occupancy. The city may grant an additional six (6) month extension upon request.

SECTION II: The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect.

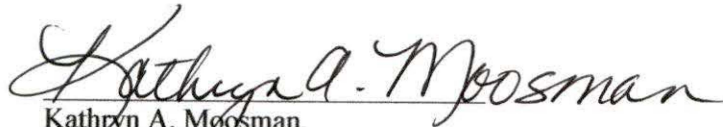
SECTION III: Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

SECTION IV: This ordinance shall take effect immediately upon its passage and posting as provide by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this 5 day of June, 2023.


Carolyn Lundberg, Mayor

ATTEST:


Kathryn A. Moosman,
Lindon City Recorder

SEAL



AFFIDAVIT OF POSTING

STATE OF UTAH }
 } ss.
COUNTY OF UTAH }

I, Kathryn A. Moosman, City Recorder of Lindon City, Utah do hereby certify and declare that I posted the attached ordinance in three public places on the 16th day of May 2023.

The three public places are as follows:

1. Lindon City Police Department
2. Lindon City Community Development Office
3. Lindon City Center

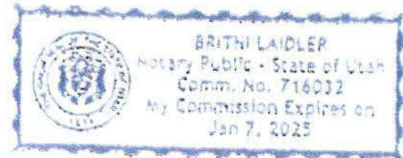
I further certify that the agenda of the meeting of the City Council containing notice of public hearing was published and posted according to law, and that copies of the ordinance so posted were true and correct copies of the original.

Kathryn A. Moosman
Kathryn A. Moosman, City Recorder

The foregoing instrument was acknowledged before me this 16 day of May, 2023 by Kathryn A. Moosman.

My Commission expires: January 7, 2025 *Britni Laidler*
Notary Public

Residing at: Utah County



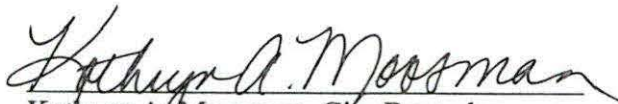
CERTIFICATE OF PASSAGE

STATE OF UTAH }
 }ss.
COUNTY OF UTAH }

I, Kathryn A. Moosman, City Recorder of Lindon City, Utah do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed and adopted by the City Council of Lindon City, Utah on the 15th day of May, 2023 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH AMENDING TITLES 17.02, 17.18, 17.43, 17.45, 17.47, 17.48, 17.49, 17.50, 17.51, 17.54 AND CREATING TITLE 17.19 AND PROVIDING FOR AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Lindon City, Utah, this 15th day of May, 2023.


Kathryn A. Moosman, City Recorder

