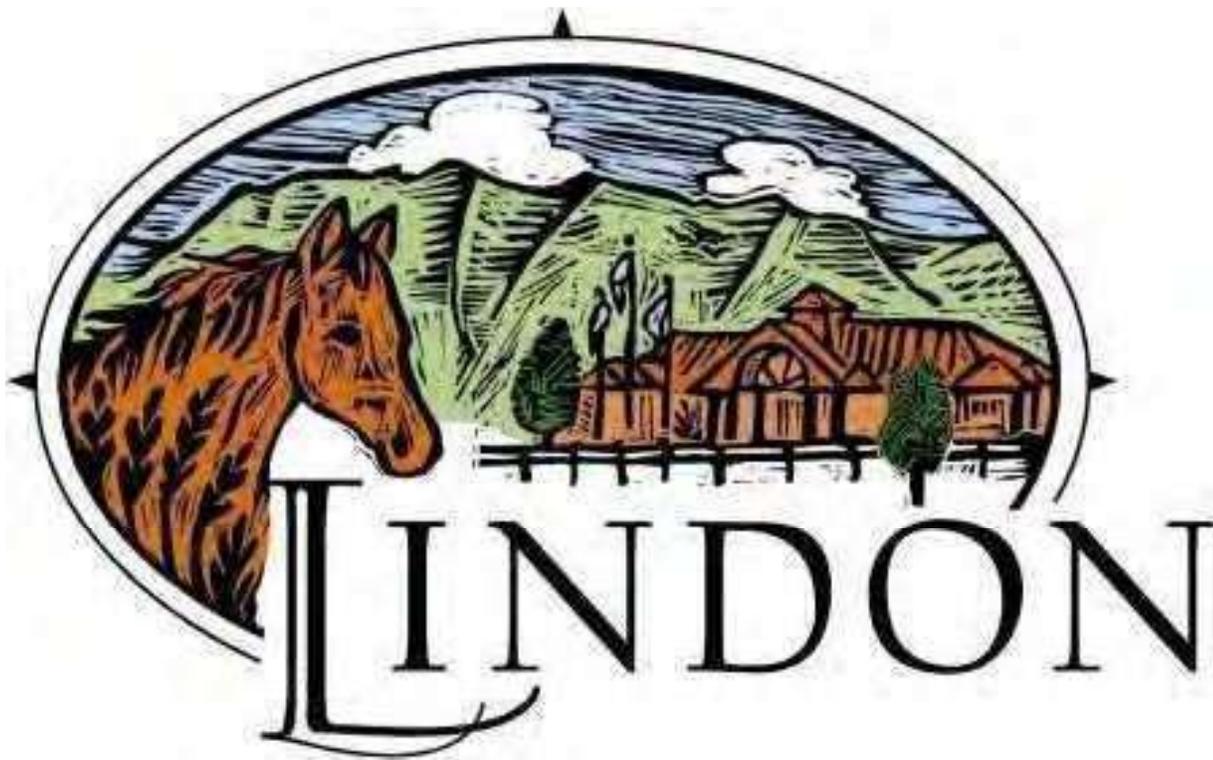


# **Lindon City Planning Commission Staff Report**



**March 24, 2026**

# Notice of Meeting

## Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on **Tuesday, March 24, 2026**, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at **6:00 p.m.** This meeting may be held electronically to allow a commissioner to participate by video or teleconference. Meetings are broadcast live at [www.youtube.com/LindonCity](http://www.youtube.com/LindonCity). The agenda will consist of the following items:

### Agenda

Invocation: By Invitation

Pledge of Allegiance: By Invitation



Scan for link to download agenda & staff report materials.

#### 1. Call to Order

#### 2. Approval of minutes - Planning Commission 03/10/2026

#### 3. Public Comment

#### 4. Public Hearing – Ordinance Amendment – Title 17.62 Flood Damage Prevention

An amendment to Lindon City Code 17.62 updating the Lindon City Flood Damage Prevention ordinance and to comply with the requirements of the National Flood Insurance Act, and to adopt the most recent FEMA Flood Insurance Rate Maps which go into effect on June 23, 2026 that include the new Coastal High Hazard Areas for Flood Zones V and VE. The application is made by Lindon City. (20 minutes)

#### 5. Planning Commission Election 2026– Chair and Vice-Chair

(20 minutes)

#### 6. Community Development Director Report - General City Updates

(20 minutes)

### Adjourn

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Community Development 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 website found at [www.lindon.gov](http://www.lindon.gov). 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 Britni Laidler at 785-1971, 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.lindon.gov](http://www.lindon.gov) websites.

*\*The duration of each agenda item is approximate only*

**Posted By:** Britni Laidler, City Recorder

**Date:** 03/20/2026 **Time:** 5:00 pm

**Place:** Lindon City Center, Lindon Police Station, Lindon Community Center

**Notice of Meeting**  
***Lindon City Planning Commission***



**Item 1 – Call to Order**

Sharon Call  
Mike Marchbanks  
Rob Kallas  
Steve Johnson  
Scott Thompson  
Jared Schauers  
Karen Danielson  
Ryan Done

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, March**  
4 **10, 2026 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.**

6  
7 Conducting: Steve Johnson, Chairperson  
8 Invocation: Scott Thompson, Commissioner  
9 Pledge of Allegiance: Steve Johnson, Commissioner

10 **PRESENT**

11 Steve Johnson, Chairperson  
12 Mike Marchbanks, Commissioner  
13 Scott Thompson, Commissioner  
14 Rob Kallas, Commissioner  
15 Michael Florence, Community Dev. Director  
16 Brittany Wilde, City Planner  
17 Britni Laidler, Recorder

**EXCUSED**

Sharon Call, Commissioner  
Jared Schauers, Commissioner  
Karen Danielson, Commissioner  
Ryan Done, Commissioner

- 20 1. **CALL TO ORDER** – The meeting was called to order at 6:00 p.m.  
22 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the Planning  
24 Commission meeting of January 12, 2026, and February 24, 2026 were reviewed.

25 COMMISSIONER THOMPSON MOVED TO APPROVE MINUTES OF THE  
26 REGULAR MEETING OF JANUARY 12, 2026, AND FEBRUARY 24, 2026.  
27 COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN  
28 FAVOR. THE MOTION CARRIED.

30 COMMISSIONER KALLAS MOVED TO APPROVE MINUTES OF THE REGULAR  
31 MEETING OF FEBRUARY 24, 2026. COMMISSIONER THOMPSON SECONDED THE  
32 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 34 3. **PUBLIC COMMENT** – Chairperson Johnson called for comments from any audience  
35 member who wishes to address any issue not listed as an agenda item. There were no  
36 public comments.

38 **CURRENT BUSINESS-**

39 COMMISSIONER THOMPSON MOVED TO CONTINUE AGENDA ITEM #6 TO  
40 THE NEXT MEETING. COMMISSIONER KALLAS SECONDED THE MOTION. ALL  
41 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 44 4. **Public Hearing – Ordinance Amendment – Title 5.07 Cell Tower** Amendment of the  
45 Lindon City Code related to wireless communication towers. The proposed ordinance  
46 updates requirements for stealth towers, clarifies land use approval authorities, permitted  
zoning districts, setbacks, application requirements and general code clean-up.

2 Michael Florence, Community Development Director, presented amendments to the city's  
wireless communication tower ordinance and noted that Lindon has a unique approach where  
4 cell towers must first be located on city property, so the revenue benefits all residents rather than  
individual property owners. He noted that this revenue helps fund public infrastructure like  
6 roads. Director Florence then stated that the city currently has four cell towers: three flagpoles  
above the junior high, one at city hall, one at the public works building on Center Street, and one  
8 at the lift station. He noted that two additional towers are being considered - Verizon wants one  
near the animal shelter, and AT&T is evaluating a site near Scotts Lawn Products.

10  
12 The current ordinance establishes a priority system: first city property in light industrial,  
heavy industrial, or commercial general zones; then school district property with council  
approval; finally other non-residential property with council approval.

14  
16 Director Florence presented proposed changes to the commission. He noted that the city  
proposed adding mixed commercial, regional commercial, public facilities, and PC1 and PC2  
zones to the list of areas where city-owned towers could be placed. However, commissioners  
18 raised concerns about whether the city owns property in all these zones. Chairperson Johnson  
questioned whether the city would ever consider purchasing property specifically for cell tower  
20 purposes. Director Johnson indicated this was unlikely due to zoning requirements and minimum  
lot sizes.

22  
24 The discussion revealed complications with including school district properties, as many  
are located in residential neighborhoods. Commissioner Kallas expressed concern about  
approving towers in residential areas, even on school property. The commissioners agreed to  
26 remove public facilities zoning from the first priority tier and keep it only in the second tier,  
which requires council approval.

28  
30 Director Florence then presented the proposal of changing the current requirement that all  
new towers must be stealth towers, instead giving the city council discretion to waive this  
requirement. The presentation included examples of various stealth designs including fake trees,  
32 water tanks, silos, and flagpoles. Commissioners agreed this change would allow appropriate  
flexibility, particularly for towers in industrial zones where stealth design might be less critical.

34  
36 Following general discussion, Chairperson Johnson called for a motion to open the public  
hearing.

38 COMMISSIONER THOMPSON MOVED TO OPEN THE PUBLIC HEARING.  
COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE MOTION CARRIED.

40  
42 Chairperson Johnson called for any comments from public present. Hearing none, he  
called for a motion to close the public hearing.

44 COMMISSIONER MARCHBANKS MOVED TO CLOSE THE PUBLIC HEARING.  
COMMISSIONER THOMPSON SECONDED THE MOTION. THE MOTION CARRIED.

2 Following general discussion, Chairperson Johnson called for any further comments or  
discussion from the Commission. Hearing none he called for a motion.

4  
6 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND APPROVAL OF  
ORDINANCE AMENDMENT 2026-2-O AS PRESENTED. COMMISSIONER KALLAS  
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

8 CHAIRPERSON JOHNSON AYE  
COMMISSIONER KALLAS AYE  
10 COMMISSIONER MARCHBANKS AYE  
COMMISSIONER THOMPSON AYE

12 THE MOTION CARRIED UNANIMOUSLY.

14 **5. Public Hearing - Ordinance Amendment – Commercial Design Standards Color  
Palette** Amend the Commercial Design Standard Color Palette to allow a range of off-  
16 white earth tones as approved colors for commercial building exteriors.

18 City Planner, Brittany Wilde, presented a proposed amendment to add off-white earth  
tones to the commercial design standards color palette. She explained that staff had received  
20 several requests for off-white colors, and recent buildings had demonstrated that these colors  
could look aesthetically pleasing. She then presented examples of recent buildings using off-  
22 white colors to the commission and then presented physical color swatches since the digital  
colors didn't display well on screen. The proposed colors all have tonal qualities rather than  
24 being pure white.

26 Commission Kallas expressed that while he wasn't opposed to white colors, he had  
concerns about buildings that were entirely white. He felt that white mixed with other colors on a  
28 building was acceptable, but a completely white building would be problematic. He referenced  
examples of recent buildings that looked good because they incorporated contrasting colors.  
30 Commissioner Marchbanks agreed, stating that contrast colors made white acceptable, but when  
buildings approached being entirely white, it became more problematic. Commissioner  
32 Thompson noted that people often have concerns about all-white buildings.

34 Chairperson Johnson suggested that white could work well when paired with dark trim,  
estimating that a building could be 80% white with 20% dark trim and still look appropriate. The  
36 commissioners viewed various building examples via Google Maps, noting that buildings with  
white combined with brick, brown trim, or other contrasting elements looked attractive, while  
38 buildings that were predominantly white appeared stark. The commissioners agreed to approve  
the white-colored addition but with a requirement for contrasting elements.

40  
42 Following general discussion, Chairperson Johnson called for a motion to open the public  
hearing.

44 COMMISSIONER KALLAS MOVED TO OPEN THE PUBLIC HEARING.  
COMMISSIONER THOMPSON SECONDED THE MOTION. THE MOTION CARRIED.

2 Chairperson Johnson called for any comments from public present. Hearing none he  
called for a motion to close the public hearing.

4  
6 COMMISSIONER MARCHBANKS MOVED TO CLOSE THE PUBLIC HEARING.  
COMMISSIONER THOMPSON SECONDED THE MOTION. THE MOTION CARRIED.

8 Following general discussion, Chairperson Johnson called for any further comments or  
discussion from the Commission. Hearing none he called for a motion.

10  
12 COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL OF  
ORDINANCE AMENDMENT 2026-3-O AS DISCUSSED WITH INCLUDING COLOR OF  
14 WHITE TO COLOR PALETTE AND THAT IT HAS A CONTRASTING TRIM OR 30%  
COLOR. COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

16 CHAIRPERSON JOHNSON AYE  
COMMISSIONER KALLAS AYE  
18 COMMISSIONER MARCHBANKS AYE  
COMMISSIONER THOMPSON AYE

20 THE MOTION CARRIED UNANIMOUSLY.

22 **6. Planning Commission Election 2026– Chair and Vice-Chair**

24 *Continued to next meeting per motion at beginning of meeting.*

26 **7. Community Development Director Report**

- Next meeting – March 24, 2026
- Joint City Council Meeting April 28<sup>th</sup> at 6:00 PM followed by regular Planning  
28 Commission meeting at 7:00 PM
- Misc. City Updates

30 **ADJOURN** –

32  
34 COMMISSIONER KALLAS MOVED TO ADJOURN THE MEETING AT 7:10 PM.  
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN  
FAVOR. THE MOTION CARRIED.

36  
38 Approved, March 24, 2026

40  
42 \_\_\_\_\_  
Steven Johnson, Chairperson

44  
46 \_\_\_\_\_  
Michael Florence, Community Development Director

## Item 4: - Ordinance Amendment – 17.62 – Flood Damage Prevention

**Date:** March 24, 2026  
**Applicant:** Lindon City  
**Presenting Staff:** Michael Florence  
**Type of Decision:** Legislative  
**Council Action Required:** Yes, the planning commission is the recommending body on this application.

### MOTION

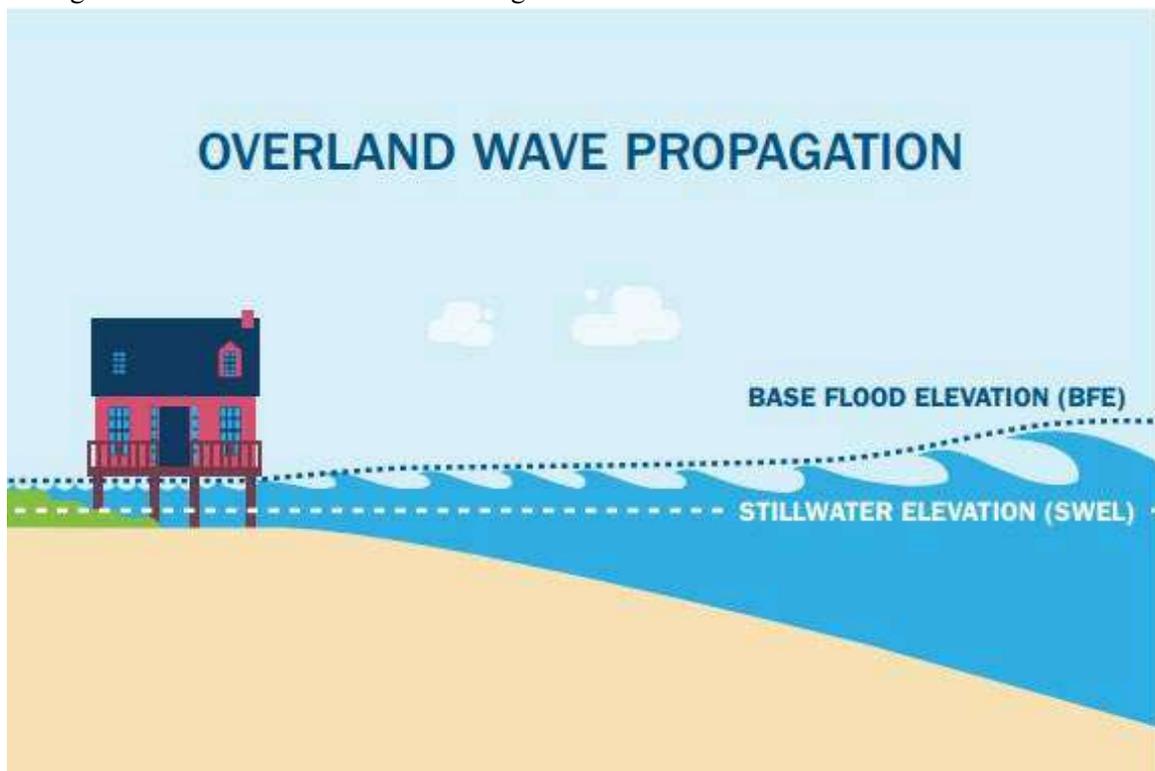
I move to recommend (*approval, denial, or continue*) of ordinance amendment 2026-04-O (*as presented, or with changes*).

### Summary of Key Issues

- For the past couple of years, the State of Utah and the Federal Emergency Management Agency (FEMA) have been studying the 89 miles of Utah Lake Shoreline to determine impacts of flooding caused by increased wave heights from severe winds.
- FEMA has published updated flood maps affecting the Utah Lake Shoreline, because of that Lindon City is required to adopt those maps and update our Flood Damage ordinance to remain part of the National Flood Insurance Program. The updated maps slightly adjust the existing boundaries of the flood zone near Utah Lake. Flood zones on the east side of Lindon have not been adjusted.
- The updates FEMA maps go into effect on June 23, 2026.
- The new shoreline zone is referred to as Zone VE.
- The proposed ordinance adopts the VE zone, definitions related to the zone, and development standards for building in the VE zone. In addition, the State of Utah sent each city a model flood plain ordinance which makes several modifications to wording and definitions. FEMA and the State both reviewed the proposed ordinance and preliminarily approved it with a few comments. Lindon City does not believe that any of the ordinance amendment changes will have more material effect on property owners than the current ordinance.
- Lindon City has minimal shoreline along Utah Lake and the only properties affected are the wetland areas for North Pointe Solid Waste District and wetland areas owned by Utah County and UDOT.

### Overview

The following illustration shows how the wave height is measured:



## Exhibits

1. New FEMA Flood Plain Map
2. Previous FEMA Flood Plain Map
3. Draft Ordinance

### Exhibit 1 – New FEMA Flood Plain Map

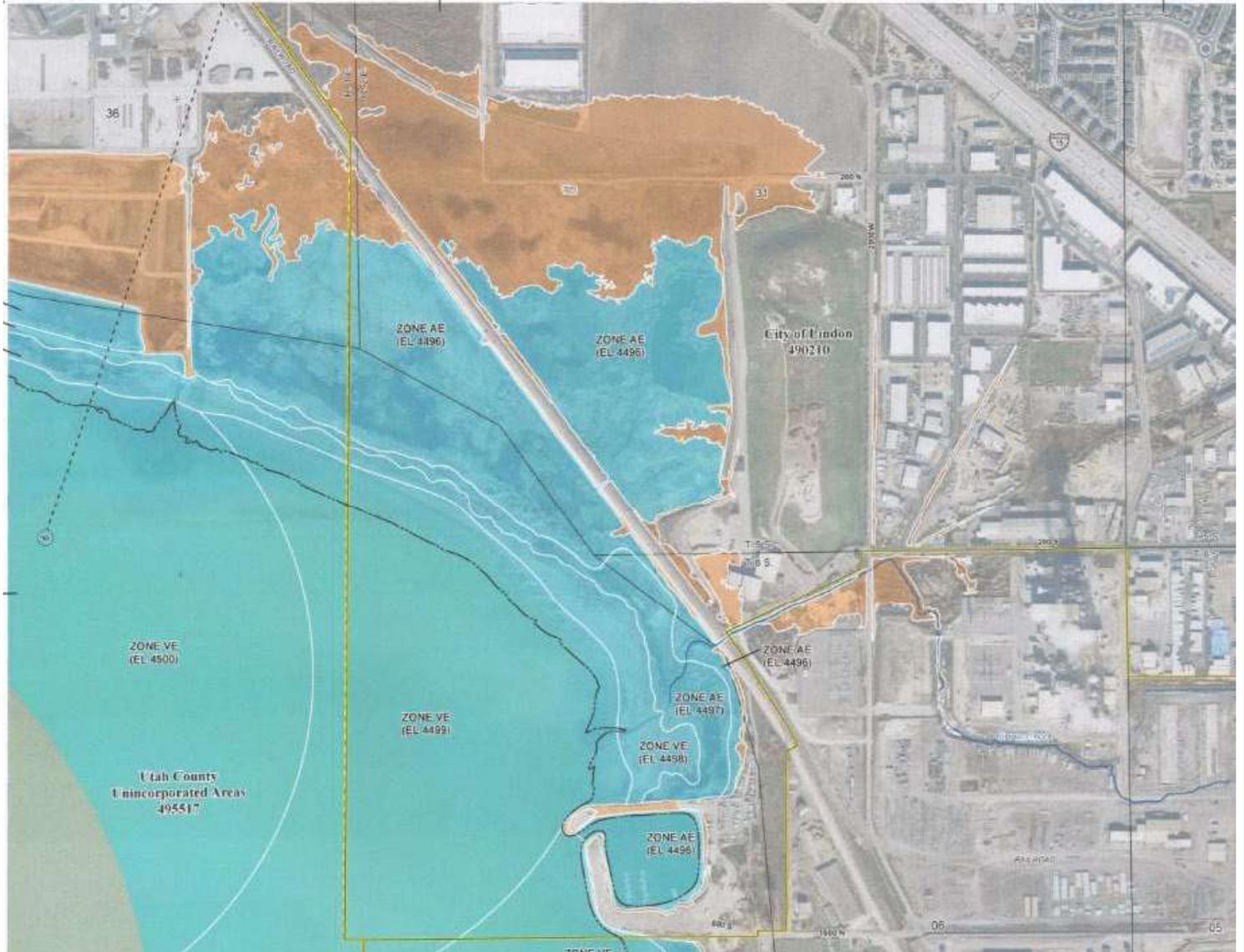


Exhibit 2 – Previous FEMA Flood Plain Map



Exhibit 3 – Draft Ordinance

Ordinance No. 2026-04-O

AN ORDINANCE AMENDING CHAPTER 17.62 OF THE LINDON CITY CODE AMENDING THE FLOOD DAMAGE PREVENTION ORDINANCE AND ADOPTING THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS THAT BECOME EFFECTIVE JUNE 23, 2026.

WHEREAS, Lindon City's community officials have elected to join the National Flood Insurance Program (NFIP), and to participate, and enforce this Flood Damage Prevention Ordinance and the requirements and regulations of the National Flood Insurance Program; and

WHEREAS, The National Flood Insurance Program, established in the National Flood Insurance Act of 1968, provides that areas of the Lindon City having a special flood hazard be identified by Federal Emergency Management Agency, and that floodplain management measures be applied in such flood hazard areas; and

WHEREAS, The Federal Emergency Management Agency has adopted a new Flood Insurance Study and Flood Insurance Rate Maps affecting Lindon City that will go into effect on June 23, 2026; and

WHEREAS, Lindon City elects to comply with the requirements of the National Flood Insurance Act of 1968; and

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

WHEREAS, the proposed amendment is consistent with the goal of the General Plan to update existing floodplain ordinances and building requirements to be consistent with current Federal Emergency Management Agency standards and best floodplain management principles. Efforts to exceed minimum National Flood Insurance Program requirements, therefore lowering flood insurance for Lindon residents, should be pursued; and

WHEREAS, on March 24, 2026, 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 and recommended that the Council adopt the attached ordinance;

WHEREAS, the Council held a public hearing on \_\_\_\_\_, 2026, 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:

### **17.62.010 Statutory authorization.**

The legislature of the ~~state~~ State of Utah has in Section 10-3-701 of the Utah Code Annotated delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Lindon ~~city council~~ 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 chapter and the requirements and regulations of the NFIP. The NFIP, established in the aforesaid act, provides that areas of 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. The National Flood Insurance Program, established in the aforesaid act, provides that areas of Lindon having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. The National Flood Insurance Program (NFIP) was broadened and modified with the passage of the Flood Disaster Protection Act of 1973 and other legislative measures. It was further modified by the National Flood Insurance Reform Act of 1994. The National Flood Insurance Program is administered by the Federal Emergency Management Agency, a component of the U.S. Department of Homeland Security.~~

### **17.62.020 Findings of fact.**

1. The flood hazard areas of Lindon City are subject to periodic inundation by flood waters, which results in potential loss of life and property, health and safety hazards, disruption of commerce and governmental services, and 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:
  - a. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities;
  - b. The occupancy of flood hazard areas by structures vulnerable to floods because they are inadequately elevated or otherwise unprotected from flood damages; and
  - c. 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 ~~e~~Chapter 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 that 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 in a flood area;
8. 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 below, words or phrases used in this ~~e~~Chapter shall be interpreted ~~so as~~ to give them the meaning they have in common usage and to give this ~~e~~Chapter its most reasonable application. Where terms are not defined, definitions as most currently adopted by the Federal Emergency Management Agency (FEMA) will be used.

“100-Year Flood: means a flood having a recurrence interval that has a one (1)-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms “100-hundred-year flood” and “1-percent-annual-chance flood” are synonymous. The term does not imply that the flood will necessarily happen once every one hundred (100) years. Mandatory flood insurance requirements may apply.

“500-Year Flood” means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood). The term does not imply that the flood will necessarily happen once every 500 years and mandatory flood insurance requirement generally does not apply.

“Accessory structure” is a structure that, for floodplain management purposes, is detached from a principal building and customarily incidental and subordinate to the principal building or use. An accessory structure is a nonresidential 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 on the same parcel of property as a principal structure. Its use is incidental to the use of the principal structure and may be attached or detached from the principal structure; the ownership of the accessory structure is the same owner as that of the principal structure. An accessory structure is a non-residential structure of low value

that is used solely for the parking of vehicles and storage of tools, materials, or equipment. No human habitation is allowed within an accessory structure.

“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 ~~S~~structure. See “accessory structure.”

“Area of future-conditions flood hazard” means the land area that would be inundated by the one-percent- (1%) annual-chance (one hundred (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 ~~f~~Flood ~~i~~nsurance ~~r~~ate ~~m~~Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1') to three feet (3') 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 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 ~~f~~Flood ~~h~~Hazard ~~b~~oundary ~~m~~Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the ~~f~~Flood ~~i~~nsurance ~~r~~ate ~~m~~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 “~~s~~Special ~~f~~Flood ~~h~~Hazard ~~a~~Area (SFHA)” is synonymous in meaning with the phrase “~~a~~Area of ~~s~~Special ~~f~~Flood ~~h~~Hazard.”

“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 ~~f~~Flood ~~h~~Hazard ~~b~~oundary ~~m~~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.

“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 one (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 one percent (1%) 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. A walkout basement that does not require a step up to grade is not considered a basement.

“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 a 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, the state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community. Refer to Section 17.62.090 080 for use of Best Available Data.

“Breakaway Wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Any walls below the lowest floor in a building in a V or VE Zone should give way under wind and water loads without causing collapse, displacement, or other damage to the elevated portion of the building or the supporting pilings or columns. Breakaway walls apply only to V or VE Zones.

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.

“Coastal A Zone (CAZ)” means an area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped V zones. In a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMs. (see Limit of Moderate Wave Action (LiMWA))

“Coastal Barrier Resources System (CBRS)” consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier

Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by Federal or State governments or private conservation organizations identified as Otherwise Protected Areas (OPA).

“Coastal High Hazard Area (CHHA)” means a Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in 17.62.080 070, as Zone VE.

“Code of Federal Regulations (CFR)” is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

“Conditional Letter of Map Revision (CLOMR)” is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.

“Conditional Letter of Map Revision Based on Fill (CLOMR-F)” is FEMA's comment on a proposed structure or property. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be removed from the floodplain.

“Crawlspace” means an under-floor space that has its interior floor area (finished or not) no more than four feet (4') from the bottom floor joist to the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of floodwater, and is not used for habitation. Refer to Section [17.62.270 250](#).

“Critical Facility” means a facility or building where even a slight chance of flooding is too great a threat. Typical critical facilities include hospitals, fire stations, police stations, schools, storage of critical records, assisted living and similar facilities.

“Deed Restriction” refers to a clause in a deed that limits the future use of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions. For example, they may limit the density of buildings, dictate the types of structures that can be erected, or prevent buildings from being used for specific purposes or from being used at all.

“Detached Accessory Building or Private Garage” for floodplain management purposes, is a building that is used solely for storage of materials or vehicle parking for up to four housing occupants. If a detached garage is designed or used for habitation or conducting business, or has multiple stories, then the building is not considered a detached garage under the NFIP.

“Development” means any manmade 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 nonbasement 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 floodwaters.

“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 ~~F~~lood ~~I~~nsurance ~~R~~ate ~~M~~ap (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~~ manufactured 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 ~~(renumbered and added text)~~

1. a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters;
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
2. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in this ordinance and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this ordinance.

“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 s~~Special ~~f~~Flood ~~h~~Hazard Areas and the ~~r~~Risk ~~p~~Premium ~~z~~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) or flood elevation study” 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 means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards..~~

“Floodplain development permit” is a community issued permit or document that is used for any development that occurs within a ~~s~~Special ~~f~~Flood ~~h~~Hazard ~~a~~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 Opening” refers to an opening in the wall of an enclosed structure that allows floodwaters to automatically enter and exit the enclosure. Refer to FEMA Technical Bulletin 1.

“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 nonstructural 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. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding, while allowing floodwaters to enter the structure or area.

“Floodway” ~~see regulatory 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” means the lines marking the limits of floodways on federal, state, and local floodplain maps.

“Freeboard” means a factor of safety usually expressed in feet above a flood level for purposes of floodplain 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. In AO Zones, the highest adjacent grade is utilized by comparing the lowest floor elevation to that of the highest adjacent grade and the depth of the AO Zone. Reference Section 17.62.280 260 Standards for Areas of Shallow Flooding (AO/AH Zones).

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the 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.

“Letter of Map Amendment (LOMA)” means an official amendment, by letter, to an effective FIRM. A LOMA establishes a property’s location in relation to the SFHA. It is usually issued because a property or structure has been inadvertently mapped as being in the floodplain, when the property or structure is actually on natural high ground above the BFE.

“Letter of Map Revision (LOMR)” means FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.

“Letter of Map Revision Based on Fill (LOMR-F)” means FEMA’s amendment, by letter, to an effective FIRM where fill was brought in or used to elevate a property, portion of property or structure above the BFE.

“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.

“Limit of Moderate Wave Action (LiMWA)” means the boundary line given by FEMA on coastal map studies marking the extents of Coastal A Zones (CAZ).

“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 Chapter.

“Manufactured home” means a structure, transportable in one (1) 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 nonresidential use.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two (2) 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.

“Mixed Use Structures” means, for floodplain management purposes, structures with both a business and a residential component, but where the area used for business is less than fifty (50) percent of the total floor area of the structure.

“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 (zero feet (0.00')) in flood levels within the community during the occurrence of a base flood event.

“Otherwise Protected Area (OPA)” see “Coastal Barrier Resources System (CBRS)”.

“Physical map revision (PMR)” is FEMA’s action whereby one (1) or more map panels are physically revised and republished.

“Primary Frontal Dune (PFD)” means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

“Recreational Vehicle” means, for floodplain management purposes, a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily, not for use as a permanent dwelling but, as temporary living quarters for recreational, camping, travel, or seasonal use.

“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.

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

“Section 1316” refers to the Section of the National Flood Insurance Act of 1968, as amended, which provides for the denial of flood insurance coverage for any property that the Administrator finds has been declared by a duly constituted State or local authority to be in violation of State or local floodplain management regulations. Section 1316 is issued for a property, not a property owner, and remains with the property even after a change of ownership.

“Special Flood Hazard Area (SFHA):” See “aArea of sSpecial fFlood hHazard.”

“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 one hundred eighty (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 floodplain 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 means:

1. A building with two (2) 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 (1) or more sSections, 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 number (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 percent (50%) 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](#) ~~230~~ [230](#).

1. The term does not, however, include either:
  - a. 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
  - b. 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 floodplain management regulation. Reference: Section [17.62.220](#) ~~210~~ [210](#).

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section [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 one-percent (1%)-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 Section [17.62.030](#), Statement of purpose, this eChapter applies the following methods:

1. Restricts or prohibits land uses that are dangerous to health, safety, or property in times of flooding, or 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 floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
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 floodwaters or may increase flood hazards to other areas.

### **17.62.060 Lands to which this chapter applies.**

This eChapter shall apply to all areas of special flood hazards identified by Federal Emergency Management Agency (FEMA) or, if elected in Section [17.62.090 080](#), Use of best available data, areas identified and documented flood risk supported using ~~b~~Best ~~a~~Available ~~d~~Data within the jurisdiction of Lindon City.

### **17.62.080 070 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~~ [23, 2026](#), with accompanying ~~f~~Flood ~~i~~nsurance ~~r~~ate ~~m~~Maps and ~~f~~Flood ~~b~~oundary ~~f~~floodway ~~m~~Maps (FIRM and FBFM) and any revisions thereto are hereby automatically adopted by reference and declared to be a part of this eChapter. The ~~f~~Flood ~~i~~nsurance ~~r~~ate ~~m~~Map and ~~f~~Flood ~~i~~nsurance ~~s~~Study (FIS) are on file at 100 N. State Street, Lindon, Utah.

### **17.62.090 080 Use of best available data.**

The community has elected to adopt ~~b~~Best ~~a~~Available ~~d~~Data, defined in Section [17.62.060 040](#), Lands to which this eChapter applies, to regulate floodplain development in addition to utilizing the effective ~~f~~Flood ~~i~~nsurance ~~r~~ate ~~m~~Maps (FIRMs), ~~f~~Flood ~~i~~nsurance ~~s~~Study (FIS), and/or flood boundary and floodway map (FBFM). Where ~~b~~Best ~~a~~Available ~~d~~Data contradicts the FIRMs, FIS, and/or the FBFM, the more restrictive data shall be utilized.

### **17.62.100 090 Severability.**

If any ~~s~~Section, provision, or portion of the ordinance codified in this eChapter is adjudged unconstitutional or invalid by a court, the remainder of the ordinance codified in this eChapter shall not be affected.

**17.62.~~110~~ 100 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 eChapter and other applicable regulations. Nothing herein shall prevent the Lindon City eCouncil from taking such lawful action as is necessary to prevent or remedy any violations.

**17.62.~~120~~ 110 Abrogation and greater restrictions.**

This eChapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this eChapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**17.62.~~130~~ 120 Interpretation.**

In the interpretation and application of this eChapter, 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.

**17.62.~~140~~ 130 Warnings and disclaimer of liability.**

The degree of flood protection required by this eChapter 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 manmade or natural causes.

This chapter 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 eChapter 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 eChapter or any administrative decision lawfully made thereunder.

**17.62.~~150~~ 140 Establishment of floodplain development permit and procedures.**

A floodplain development permit shall be required to ensure conformance with the provisions of this eChapter.

1. Application for a floodplain development permit shall be made on forms furnished by the city and may include, but not be limited to:
  - a. Duplicated plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations;
  - b. Duplicated plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes;
  - c. Location of the foregoing in relation to SFHAs;

- d. Elevation (in relation to mean sea level) of the lowest floor (including basement and crawlspace) of all new and substantially improved structures, if applicable;
  - e. Elevation (in relation to mean sea level) to which any nonresidential structure (if applicable) has been floodproofed;
  - f. A certificate from a registered professional engineer or architect that the nonresidential structure (if applicable) shall meet the floodproofing criteria of this eChapter and the NFIP regulations;
  - g. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development, if applicable;
  - h. At the community's discretion, the community may charge a fee for issuance of floodplain development permits;
  - i. Copies of all floodplain development permits and the associated documents shall become property of the community and a permanent record.
2. Approval or denial of a floodplain development permit by the fFloodplain aAdministrator shall be based on all of the provisions of this eChapter and the following relevant factors:
- a. The danger to life and property due to flooding or erosion damage;
  - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - c. The danger that materials may be swept onto other lands to the injury of others;
  - d. The compatibility of the proposed use with existing and anticipated development;
  - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - f. 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;
  - g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
  - h. The necessity to the facility of a waterfront location, where applicable;
  - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - j. The relationship of the proposed use to the comprehensive plan for that area. (Ord. 2020-7 §1, amended, 2020)

**17.62.160 150 Stop work order.**

- 1. Authority. Whenever the fFloodplain aAdministrator or other community official discovers any work or activity regulated by this eChapter being performed in a manner contrary to the provision of this eChapter, the fFloodplain aAdministrator 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 in [Section 17.62.160](#). (Ord. 2020-7 §1, amended, 2020)

#### **17.62.170 160 Penalties for noncompliance.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this [eChapter](#) and other applicable regulations. Violation of the provisions of this [eChapter](#) by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute an infraction. Any person who violates this [eChapter](#) or fails to comply with any of its requirements shall upon conviction thereof be fined ~~up to~~ not more than five hundred dollars (\$500.00) for each fourteen (14) day period the violation continues in a residential zone, up to one thousand dollars (\$1,000) for each fourteen (14) day period the violation continues in a commercial or industrial zone, 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.

#### **17.62.180 170 Designation of the floodplain administrator.**

The [planning Community Development](#) director is hereby appointed the ~~f~~Floodplain ~~a~~Administrator to administer and implement this [eChapter](#) and other appropriate sections of the National Flood Insurance Program (NFIP) regulations and [44](#) CFR pertaining to floodplain management.

#### **17.62.190 180 Duties and responsibilities of the floodplain administrator.**

Duties and responsibilities of the ~~f~~Floodplain ~~a~~Administrator shall include, but not be limited to, the following:

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 [eChapter](#).
3. ~~Review all floodplain 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.~~ Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Utah Department of Public Safety Division of Emergency Management, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
4. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. The applicant shall be responsible for providing the necessary

maintenance for the altered or relocated portion of the water course so that the flood carrying capacity will not be diminished.

5. Maintain and hold open for public inspection all records pertaining to the provisions of this **e**Chapter, 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 **s**Special **f**Flood **h**Hazard **a**Areas (SFHAs) to which this **e**Chapter applies, including, but not limited to, the **f**Flood **i**nsurance **r**ate **m**ap (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 **f**Floodplain **a**Administrator shall make the necessary interpretation.
10. When **b**Base **f**Flood **e**Elevation (BFE) data has not been provided by Federal Emergency Management Agency (FEMA), the **f**Floodplain **a**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 **e**Chapter.
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 one-half foot (0.50') 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 one-half foot (0.50'); provided, that the community first meets the requirements of Section [65.12](#) for a conditional FIRM revision through FEMA's **e**Conditional **l**etter of **m**ap **r**evision (**CLOMR**) 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 six (6) months of completion of the development.~~

~~14. 13.~~ May inspect development at appropriate times during the period of construction to ensure compliance with all provisions of this chapter, including proper elevation of structures.

~~15 14.~~ In addition to utilizing the effective ~~f~~Flood ~~i~~nsurance ~~r~~ate ~~m~~aps (FIRMs), ~~f~~Flood ~~i~~nsurance ~~s~~tudy (FIS), and ~~f~~Flood ~~b~~oundary and ~~f~~Floodway ~~m~~ap (FBFM), permit reviews may utilize ~~b~~est ~~a~~vailable ~~d~~ata. See Section ~~17.62.090 080~~.

~~16. If the project is determined or reasonably believed to cause an adverse effect on the BFEs, 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.~~

#### **17.62.200 190 Requirement to submit new technical data.**

1. The property owner or developer shall notify Federal Emergency Management Agency (FEMA) by submittal of a ~~l~~etter of ~~m~~ap ~~r~~evision (LOMR) within six (6) months of project completion when an applicant had obtained a ~~e~~ditional ~~l~~etter of ~~m~~ap ~~r~~evision (CLOMR) from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified ~~b~~ase ~~f~~flood ~~e~~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 ~~f~~floodplain ~~a~~Administrator shall be under no obligation to sign the ~~e~~Community ~~a~~Acknowledgement ~~f~~orm, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will meet or has met the requirements of this ~~e~~Chapter and all applicable state federal, and local laws.

#### **17.62.210 200 Use of elevation certificates.**

Lindon City may require that the following elevations certificates be completed for any new residential or nonresidential 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 the 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 have been completed.

**17.62.~~220~~ 210 Variance procedures.**

1. The ~~Lindon City board of adjustment, as established by Lindon City~~ Administrative Law Judge as established by Chapter 2.22 of this Code, shall hear and render judgment on requests for variances from the requirements of this eChapter after a floodplain development permit has been denied.
  - a. Any person or persons aggrieved by the decision of the ~~Lindon City board of adjustment~~ Administrative Law Judge may appeal such decision in the courts of competent jurisdiction.
  - b. The ~~board of adjustment~~ Administrative Law Judge shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the ~~f~~Floodplain ~~a~~Administrator in the enforcement of administration of this eChapter.
  - c. The ~~f~~Floodplain ~~a~~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.
  - d. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the ~~b~~Base ~~f~~Flood level ~~Elevation~~, providing the relevant factors in this ~~s~~Section have been fully considered. As the lot size increases beyond one-half (½) acre, the technical justification required for issuing the variance increases.
  - e. Upon consideration of the factors noted above and the intent of this eChapter, the ~~board of adjustment~~ Administrative Law Judge may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this eChapter.

- f. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - g. 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.
2. Prerequisites for granting variances:
- a. 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:
    - i. Showing a good and sufficient cause;
    - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    - iii. 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 ~~chapters~~ ordinances, considers the need of ingress and egress during times of floods, and does not jeopardize first responders' health and welfare.
  - b. 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.
  - c. 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:
    - i. The criteria outlined in this section are met; and
    - ii. 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.
  - d. *Variance Procedures for Freeboard and Allowable Increases.* Variances shall not be issued to:
    - i. Reduce the freeboard requirement as described in Section 17.62.270 for residential and nonresidential structures; or
    - ii. Reduce allowed increase in Base Flood Elevation (BFE) for floodplain Zones A1-30, AE, and AH as described in Section 17.62.~~190~~ 180 (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.~~

**17.62.240 220 Provisions for Flood Plain Hazard Reduction**

1. General standards. In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:
  - a. 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;
  - b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
  - c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
  - d. 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;
  - e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
  - f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
  - g. On-site waste disposal systems shall be designed or located to avoid impairment to them or contamination from them during flooding.

**17.62.250 230 Substantial improvement, substantial damage, and determinations within a special flood hazard area (SFHA).**

1. **Substantial Improvement.** 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 percent (50%) 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. For Substantial Damage, refer to 17.62.230(2). 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.** "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 percent (50%) 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 percent (50%) 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 ~~e~~Chapter for substantial improvement.
3. **Substantial improvement and substantial damage determination.** 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 ~~f~~Floodplain ~~a~~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 ~~e~~Chapter; ~~and if elected.~~
  - d. Utilize Federal Emergency Management Agency's (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, compliance with this ~~e~~Chapter is required.

**17.62.260 240 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 chapter;~~

~~2~~ 1. 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~~ 2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet ~~f~~Floodplain ~~d~~Development ~~p~~Permit requirements of this ~~e~~Chapter;

~~4~~ 3. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood ~~damage hazards~~;

~~5~~ 4. Base ~~f~~Flood ~~e~~Elevation (BFE) 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 (5) 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. 2020-7 §1, amended, 2020)~~

**17.62.270 250 Specific standards.**

In all ~~s~~Special ~~f~~Flood ~~h~~Hazard ~~a~~Areas (SFHAs) and, if Section ~~17.62.090 080~~, Use of ~~b~~Best ~~a~~Available ~~d~~Data, has been selected, areas of known or suspected flood risk areas, the following provisions are required:

1. Residential Construction ~~for Zones A1-30, A, and AE~~. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to the ~~b~~Base ~~f~~Flood ~~e~~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 ~~f~~Floodplain ~~a~~Administrator that the standards of this ~~e~~Chapter 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 be built above the BFE by the height selected. Lindon City has elected a one foot (1') of freeboard meaning the lowest floor must be built one foot (1') above the BFE.
2. Nonresidential Construction ~~for Zones A1-30, A, and AE~~. New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to ~~one foot above the base flood elevation 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 ~~b~~Base ~~f~~Flood level Elevation (BFE) 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 ~~f~~Floodplain ~~a~~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 chapter 17.62.250~~, Subsection 1 of this ~~s~~Section. 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 ~~e~~Chapter.

~~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 be built above the BFE by the height selected. Lindon City has elected a one foot (1') of freeboard meaning the lowest floor must be built one foot (1') above the BFE.~~

3. ~~Nonresidential Construction Access (Ingress and Egress).~~ New development proposals will be designed, to the maximum extent practicable, so nonresidential building sites, walkways, driveway, and roadways are located on land within elevation not less than the BFE and with dry land access.

~~4.—Nonresidential Construction Wet Floodproofing.~~ New construction and substantial improvements of any commercial, industrial, or other nonresidential structure including but not limited to detached garages, agricultural buildings, and storage buildings may be allowed to be wet floodproofed; 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 floodwaters 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 eChapter; 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 Chapter, Subsection 1 of this Section. 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 Chapter.~~

~~5.4 Wet Floodproofing Nonconversion Agreement. For any nonresidential construction that has been wet floodproofed, a nonconversion agreement must be completed as part of the permitting process. The nonconversion agreement:~~

- ~~a. Acknowledges the risk associated with this building practice;~~
- ~~b. Acknowledges the use of the area that was wet floodproofed will be used solely on nonresidential accessory or appurtenant structures 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 No. 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. 4. Crawlspace for zone A1-20, A, and AE. 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 feet (5') 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 foot (1') 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 feet (2') 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 feet (4') 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.

**7.5. Manufactured Homes.**

- a. Require that all manufactured homes to be placed within Zone A on a community's ~~F~~Flood ~~H~~Hazard ~~B~~Boundary ~~M~~Map (FHBM) or ~~F~~Flood ~~I~~nsurance ~~R~~ate ~~M~~ap (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, V, and VE on the community's FIRM on sites
  - i. outside of a manufactured home park or subdivision;
  - ii. in a new manufactured home park or subdivision;
  - iii. in an expansion to an existing manufactured home park or subdivision;

- iv. 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 A1-30, AH, AO, ~~and~~ AE, V, and VE zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated so that:
  - i. the lowest floor is at ~~or~~ one foot above the BFE, unless a higher standard option was selected;
  - ii. or the chassis is supported by reinforced piers no less than thirty-six inches (36") in height above grade and securely anchored.

~~8-6.~~ 6. Recreational Vehicles. Require that recreational vehicles placed on sites and where temporarily being used for human occupancy within Zones A1-30, AH, AO, and AE, V and VE zones on the community’s ~~f~~ilood ~~i~~nsurance ~~r~~ate ~~m~~ap (FIRM) either:

- a. Be on the site for no more than two (2) weeks within a six (6) month time frame and be fully licensed and ready for highway use. See also ~~Section~~ Lindon City Code 17.64.020 For Recreational Vehicle requirements.
  - 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-connect type utilities and security devices, and has no permanently attached additions.
- b. The recreational vehicle must meet all the requirements ~~for~~ of 17.62.~~150140~~, including the anchoring and elevation requirements of “manufactured homes” of this ordinance.

~~9- 7.~~ 7. Enclosures for zones A1-30, A, and AE. 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 (2) openings having a total net area of not less than one (1) 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 (1') above grade ~~or base flood elevation (BFE);~~ 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.

- d. The development and construction of the structure must conform with the provision in FEMA/Federal Insurance Administration (FIA)-Technical Bulletins 1 and 2. Certification and documentation from a professional, licensed engineer or architect is required if the structure's lowest floor is built below the BFE.

~~10.~~ 8. Accessory Structures. Accessory structures located within Zones A, A1-30, AH, AO, ~~or~~ AE, V, and VE 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.~~ —Solely used for parking or limited storage and not human habitation;
- ~~e.~~ —Low valued, represent a minimal investment, and must be unfinished on the interior;

~~f~~ a. As required in 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 floodwaters and meet all applicable building codes~~”;
- iii. “Be constructed by methods and practices that minimize flood damages”; and
- 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.~~ b. Comply with the floodway encroachment no-rise provisions of the National Flood Insurance Program (NFIP) regulations;

~~h.~~ c. Not be used for human habitation including but not limited to working, sleeping, and living;

~~i.~~ d. Include, in the submittal for floodplain development permit, sufficient documentation demonstrating full compliance with this ~~s~~sSection, including, but not limited to, the use of flood resistant materials, anchoring, and flood openings;

~~j.~~ e. This ~~s~~sSection shall follow Federal Emergency Management Agency Policy No. 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.

**17.62.280 260 Standards for areas of shallow flooding (AO/AH Zones).**

Located within ~~the areas of s~~Special ~~f~~Flood ~~h~~Hazard Areas (SFHA) established in 17.62.060, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1') to three feet (3') 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 a~~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 ~~f~~Flood ~~i~~nsurance ~~r~~ate ~~m~~ap (FIRM) (at least two feet (2') if no depth number is specified). Since Lindon City has elected a one foot (1') Freeboard standard, then the lowest floor elevation must be elevated above the highest adjacent grade above the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified) plus the freeboard height option selected below.
2. ~~Require within Zone AO that a~~All new construction and substantial improvements of nonresidential 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 (2') if no depth number is specified); Since Lindon City has elected a Freeboard requirement, then the lowest floor elevation must be elevated above the highest adjacent grade above the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified) plus the freeboard height option selected below; or
  - b. Together with attendant utility and sanitary facilities be designed so that below the ~~b~~Base ~~f~~Flood ~~l~~evel Elevation (BFE) 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 ~~f~~Floodplain ~~a~~Administrator that the standards of this ~~s~~Section and Section 17.62.200190 are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

#### **17.62.270 Floodways (Zone AE)**

Floodways located within Special Flood Hazard Areas (SFHA) are extremely hazardous areas due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

1. Designate a regulatory floodway that will not increase the base flood elevation more than one (1) foot.
2. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated

through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase greater than 0.00 feet, unless higher standard option selected, in flood levels within the community during the occurrence of the base flood discharge.

3. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this ordinance.
4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the NFIP Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

### **17.62.280 Coastal high hazard area (Zone V and/or VE)**

Coastal High Hazard Areas are Special Flood Hazard Areas (SFHA) established in 17.62.060, are areas that have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, all new construction and substantial improvements shall meet the following provisions in addition to the all provisions of 17.62.230, 17.62.240, 17.62.250, and 17.62.260:

1. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and maintain a record of all such information.
2. Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide;
3. All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is elevated to one foot above the Base Flood Elevation (BFE). Floodproofing shall not be utilized on any structures in Coastal High Hazard Areas to satisfy the regulatory flood protection elevation requirements. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of standards and practices as outlined in this subsection.
4. All new construction and substantial improvements shall have the space below the bottom of the lowest horizontal structural member of the lowest floor either be free of obstruction or constructed with breakaway walls, open wood latticework or insect screening, provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting foundation system or otherwise jeopardizing the structural integrity of the building. The following design specifications shall be met:
  - a. Breakaway walls shall meet the following design specifications:

- i. Design safe loading resistance shall be not less than ten (10) nor more than twenty (20) pounds per square foot; or
  - ii. Breakaway walls that exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the Utah State Building Code.
5. All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of standards of practice as outlined in this subsection.
  - a. Water loading values used shall be those associated with the base flood plus one foot of freeboard.
  - b. Wind loading values used shall be those required by the current edition of the Utah State Building Code.
6. Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the community's FIRM
7. Prohibit man-made alteration of sand dunes and mangrove stands within Zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.

#### **17.62.290 Elevated Buildings**

Enclosed areas of elevated buildings, of new construction and substantially improved structures, which is below the lowest floor or below the lowest horizontal structural member in V/VE zones shall meet all the provisions of standards and practices as outlined in this subsection.

1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or

entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

2. Shall be constructed entirely of flood resistant materials at least to the Regulatory Base Flood Elevation. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood opening as outlined above.
3. Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space. The community will have the right to inspect the enclosed area. This agreement shall be recorded with the Community County Register of Deeds and shall transfer with the property in perpetuity.
4. Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submission of confirming documentation.

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

**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 provided by law.

PASSED AND APPROVED AND MADE EFFECTIVE by the City Council of Lindon  
City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_ 2026.

\_\_\_\_\_  
Carolyn O. Lundberg  
Lindon City Mayor

ATTEST:

\_\_\_\_\_  
Britni Laidler  
City Recorder