CHAPTER 28

SUPPLEMENTARY AND QUALIFYING REGULATIONS

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The regulations set forth in this Chapter shall qualify or supplement the zone regulations elsewhere in this Ordinance.

11-28-020 Building Lot Required.

Every dwelling unit shall be located and maintained on a separate building lot having no less than the minimum area, width, setback, yard, and frontage requirements for a dwelling in the zone in which the lot is located; except for planned dwelling groups, planned unit developments, and as otherwise provided for in this Ordinance.

11-28-030 Minimum Lot Areas to be Preserved.

(a) No lot or parcel of land shall be reduced in size by conveyance or otherwise so that the area is less than the prescribed minimum.

(b) No lot or parcel of land shall be divided or reduced in area or dimension so as to cause any required yard or open space to be reduced below that required by this Ordinance. No required yard or open space provided around any building for the purpose of complying with provisions of this Ordinance shall be used or considered as a yard or open space for any other building.

11-28-040 Open Sky.

Every part of a required yard shall be open to the sky, unobstructed except as provided below:

(a) Belt courses, sills and lintels or other ornamental features may project not more than, eighteen (18) inches into front, rear, and side yard spaces.

(b) Cornices, eaves, and gutters may project into front, side or rear yard space not more than one-third (1/3) of the width of the minimum required side yard for the lot on which the building will be erected.

(c) Chimney breasts, unwalled and unroofed porches, terraces, balconies and steps, not over ten (10) feet long, may extend into any side yard provided a setback of eight (8) feet between the side lot line and such appurtenances shall be maintained on one (1) side and not less than six (6) feet on the other for inside lots and not less than six (6) feet from the side lot line on corner lots.

(d) Fences as provided in Section 11-28-140 and signs as provided in the City Sign Ordinance may be erected in the required yard.

(e) Building accessories designed and intended to control light entering a building and being either a permanent or temporary part of such building may project five (5) feet into any front or rear yard space and three (3) feet into any side yard space, provided that they are attached only to the wall of the main building.

11-28-050 Supplementary Yard Regulations.

(a) Main Building to Face Front. Regardless of the shape of any building lot, the full face of a building and the full width of required side yards shall be fully exposed to the street.

(b) Reduction of Front Yard. Where the ground elevation at a point fifty (50) feet from the front lot line and midway between the side lot lines differs by ten (10) feet or more from

the curb level, the front yard setback need not exceed sixty-seven percent (67%) of that required in the zone, but not less than twenty (20) feet.

(c) Double Frontage Lot. A double frontage or through lot shall have a front yard as required by the respective zone on each street on which it abuts.

(d) Rear Yard Averaging in Residential. The Zoning Administrator may approve a variation in the required rear yard on residential lots that are not rectangular as follows: the average distance between the main structure and rear property line (measured from the rear corners of the main structure) shall be equal to the required rear yard (setback) in the zone in which the main structure is located, except that the distance measured at either corner shall not be less than twenty (20) feet.

(e) Rear Yard Reduction for Corner Lot. On corner lots where a garage containing not less than the required minimum number of usable off-street parking spaces is attached to or constructed as an architectural and integral part of a dwelling, the rear yard of the lot may be reduced to not less than fifteen (15) feet, provided that no accessory building shall be permitted within such reduced yard. Where the rear yard has been reduced as herein permitted, the required minimum number of off-street parking spaces provided within said building shall be maintained in perpetuity, not reduced in size, altered or used for other purposes.

11-28-060 Location of Recreational Pools and Tennis Courts.

(a) Private Recreational Pool. Any private recreational pool not completely enclosed within a building having solid walls shall be set back at least five (5) feet from the rear and side property lines and at least thirty (30) feet from the front property line. The private recreational pool shall be not less than twenty (20) feet from any neighbor's dwelling. Any detached accessory buildings related to an unenclosed pool shall meet setback requirements and standards for such buildings, except the side corner setback may be reduced to fifteen (15) feet. Any recreational pool shall be completely surrounded by a fence or wall having a height of at least six (6) feet. In lieu of fencing on hot tubs, spas or jacuzzis, security covers may be provided. Fences or walls that are not solid shall have intermediate rails or an ornamental pattern such that a sphere four (4) inches in diameter cannot pass through. Gates shall be equipped with self-closing and self-latching devices. No loudspeaker device which can be heard beyond the property lines of the premises on which any recreational pool has been installed may be operated in connection with such pool, nor may any lighting be installed in connection with such pool which shall throw any direct rays beyond such property lines.

(b) Semi-Private Recreational Pool. The Planning Commission may permit the use of land in any district for semi-private pools providing that the following conditions are met:

(1) The pool shall be owned and maintained by the members of a swimming club; and a minimum of seventy-five percent (75%)of the membership

must be residents of the neighborhood in which the facility is to be located.

(2) The lot to be used for the pool must be of sufficient size to meet the setback requirements of a private pool. The Planning Commission may require off-street parking, where appropriate. The required front, side and rear yards must be landscaped and maintained.

(3) A solid wall or substantial fence of at least six (6) feet in height shall be required around the entire pool.

(4) Under no condition can any charge be made for the use of the pool.

(5) Under no condition may any type of retail or business facilities, including vending machines, be permitted.

(6) Before authorization of the semi-private pool facility, a detailed site plan of the area must be submitted to the Planning Commission along with proof of notification of all property owners within a radius of three hundred (300) feet of said proposed pool.

(7) The Planning Commission may require a bond by the owners to guarantee performance of these regulations and any conditions placed upon the development by the Planning Commission deemed necessary to protect the character of the district.

(c) Private Multi-purpose Sports Courts. Private Multi-purpose sports courts, tennis courts, or other similar playing surfaces, shall be set back at least five (5) feet from the rear and side property lines, 15 feet from the side corner property line, at least thirty (30) feet from the front property line, and shall be at least twenty (20) feet from any neighboring dwelling. Any deviation from the above setbacks or fence standards contained in this Title shall require a conditional use permit (no fee shall be assessed for such application). No lighting may be installed in connection with the multi-purpose sports court, tennis court, or other similar playing surface which shall throw any direct rays beyond the property lines on which it is constructed.

11-28-070 Maximum Coverage Area of Accessory Buildings.

No accessory building or group of such buildings and no parking space in any residential zone shall cover more than twenty-five percent (25%) of the rear yard space.

11-28-080 Location of Architectural and Integral Parts.

Any portion of a main building or appendage thereof or any such building constructed as an architectural and integral part thereof which is designed, constructed or used for accessory use purposes shall be located as required for any other part of the main building.

11-28-090 Maximum Height Limitations Exceptions.

(a) No maximum height regulation as stated in this Ordinance, except for stated exceptions, shall apply to prevent the construction of penthouse or roof structures for the housing or elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylight, towers, steeples, flagpoles, chimneys, smoke stacks, water tanks, wireless or televisions masts except as specified in Section 11-28-190, theater lofts, silos, or similar structures above the stated height limits, provided that no space above the height limit shall be allowed for the purpose of providing additional floor space nor shall it provide for human occupancy.

(b) Public and Quasi-public utility buildings authorized in a zone may be erected to a height not exceeding sixty (60) feet if the building is set back from each otherwise established setback line at least one (1) foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected. These standards may be reviewed by the Planning Commission in conjunction with a conditional us application and may be adjusted either up or down.

11-28-100 Minimum Height of Dwellings.

No dwelling shall be erected where more than ten percent (10%) of its main floor area is, or will be, below the finished surface grade. No basement houses shall be permitted.

11-28-110 Minimum Size of Dwellings.

All dwellings erected within the City shall have a minimum of eight hundred fifty (850) square feet of gross floor area unless approved by the Planning Commission as a conditional use.

11-28-120 Temporary Use of Land and Structures.

(a) Purpose. This section is intended to provide guidelines for the approval of uses which are truly temporary in nature, will not adversely impact the surrounding area and land uses, and which can be terminated and removed immediately. Temporary uses have no inherent rights within the zone in which they locate. Temporary uses are characterized by their short term or seasonal nature and by the fact that they do not involve the erection of any substantial structures or require any other permanent commitment of the land.

(b) Application and Fee.

(1) Application for temporary use approval shall be made to the City Planner, on forms to be provided by the City, at least thirty (30) calendar days prior to the proposed event. The application for a temporary use permit shall be made by the owner of the affected property or the owner's duly authorized agent.

(2) The application shall be accompanied by a non-refundable fee as established in the Consolidated Fee Schedule.

(3) After approval of a temporary use permit the applicant shall also obtain a business license for the proposed use.

(4) An approved temporary use permit shall be effective on the date of its approval. A temporary use permit shall lapse if not used within the dates approved and may be revoked by the City Planner effective immediately upon verbal or written notice for violation of the permit. Verbal notice shall be confirmed by written notice mailed within a reasonable time to the permit holder.

(c) Required Information and Plans. The application shall be accompanied by the following information and plans:

(1) A concise statement describing the proposed event, including the purpose, type of merchandise involved, dates and times of operation, number of

employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information necessary to adequately evaluate the application; and

(2) A copy of a site plan drawn to a standard scale which is no greater than one inch equals twenty feet (1" = 20'), for the property which accurately represents existing conditions on the site, including entrances, exits, parking areas, driveways, and existing structures and which accurately shows the location of any proposed temporary structures such as tents, stands, or signs.

(d) Administrative Review Process.

(1) The following uses may be reviewed and approved by the City Planner:

(i) Christmas tree lots;

(ii) Construction trailers;

(iii) Fireworks stands;

(iv) Model home shows;

(v) Uses related to natural disasters;

(vi) Warehouse sales

(2) The City Planner shall review the application and related materials and shall determine whether or not the proposal is in compliance with the General Plan and all applicable codes, ordinances, and specific standards for temporary uses as set forth herein. The City Planner may request that the Police Chief and Fire Chief review and comment on applications where traffic control may be a significant issue. The City Planner may also evaluate the application according to the process and standards contained in Chapter 7 of this Title, and request review and

comments from the County Board of Health and/or other Health related agencies.

(3) A written permit shall be issued to the applicant after a determination of compliance has been made. Specific conditions to assure compliance may be attached to the permit.

(4) An application may be denied if the City Planner determines that the proposal does not comply with the standards established herein and that the public health, safety, or welfare may be impaired by issuance of a permit. Denial of the application shall be communicated to the applicant in writing and shall state the reasons for denial.

(5) An appeal of any determination of the City Planner may be made to the Planning Commission. Such request shall be filed within ten (10) working days after a final determination by the City Planner. The request shall state the specific reasons why the determination should be reversed or modified.

(e) Planning Commission Review. The following temporary uses require submittal of a conditional use application which will be evaluated by the Planning Commission according to the process and standards contained in Chapter 8 of this Title:

(1) Fairs, carnivals, rodeos, live entertainment, etc.;

(2) Parking lot sales;

(3) Promotional events;

(4) Swap meets;

(5) Temporary offices;

(6) Temporary concrete and asphalt batch plants;

(7) Other uses not specifically listed herein.

(f) Definitions.

(1) Arts and Crafts Shows means the display and sale of painting, sculpture, hand crafts, and similar objects.

(2) Construction Trailer means a trailer or other temporary structure excluding sales and marketing uses located on the site of a construction project which is used as a contractor's temporary office or for storage of construction equipment during the actual time that construction is underway.

(3) Garage or Yard Sale means an occasional sale conducted by a property owner at his/her place of residence which offers obsolete personal possessions for sale but does not include items brought to the site for sale.

(4) Parking Lot Sale means the sale of products outside, and removed from, a building which may be conducted by a permanent occupant of the site or by a transient merchant.

(5) Promotional Events means and includes carnivals, craft shows, mechanical and animal rides, or the display and/or sale of merchandise or products that are not typically sold or serviced on the site.

(6) Retail Warehouse Sale means the sale of products or merchandise to the general public by a business established on a site in a Manufacturing Zone which does not operate a retail outlet as a normal element of it's business operation.

(7) Swap Meet means the retail sale or exchange of new, handcrafted, or second-hand items conducted by a sponsor for not more than forty-eight (48) hours and includes flea markets.

(8) Temporary Carnivals and Fairs means the provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities outdoors or in a tent or other temporary structure.

(9) Temporary Sales Activities means the sale of products outside of, but in close proximity to, a building by a permanent occupant of a site and includes sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, and similar sales.

(10) Temporary Office means a model home within a development which serves as an office for the sale or lease of property in the development, or a temporary structure located on the site of a development project which serves as a temporary business office while a permanent office is under construction on the site.

(g) General Standards. All temporary activities are subject to the following minimum standards.

(1) The nature and intensity of the proposed use and the size and location of any temporary structures shall be planned so as to be compatible with existing development and uses in the area.

(2) Permanent changes to the site are prohibited. When the temporary use ends, the applicant shall restore the site to its original condition, including such clean up, washing, and replacement of facilities as may be necessary, or, if applicable, shall complete site improvements according to the approved site development plan.

(3) Tents, stands, trailers, mobile equipment, and other similar temporary structures may be utilized provided they are clearly identified on the submitted plan and it is determined by the City Planner that they will not impair the parking capacity, emergency access, or safe and efficient movement of pedestrian and vehicular traffic on or off the site.

(4) Temporary buildings or structures shall conform to all area and setback requirements established for permanent buildings or structures for the zoning

district in which the use is proposed. Temporary buildings or structures shall not be located in landscaped areas and shall be located to minimize adverse impacts of increased traffic on surrounding properties.

(5) Temporary uses which do not include buildings or structures maybe conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation, or emergency vehicle access.

(6) Parking Standards:

(i) Temporary parking areas are allowed only during construction on a site. They must be removed, and the land restored to its original condition, prior to issuance of a certificate of occupancy for the construction.

(ii) Adequate off-street parking for the proposed event shall be provided for the duration of the event. Determination of compliance with this requirement shall be made by the City Planner who shall consider the nature of the event and the applicable parking standards of this Title. Consideration shall be given to the parking needs and requirements of permanent occupants of the site.

(iii) Temporary uses shall not reduce required parking spaces below the minimum required for permanent uses on the site.

(iv) Parking areas for the proposed use shall be surfaced with asphalt, concrete, gravel or other surface acceptable to the City Planner.

(7) Permanent signs are prohibited. The size and location of signs shall be in compliance with applicable provisions of the Sign Ordinance for the

zone in which the use will be conducted. All signs shall be removed when the activity ends.

(8) No loudspeakers or other amplifying sound devices shall be used in conjunction with a temporary use unless specifically approved by the City Planner.

(9) Outdoor lighting, if used, shall be subdued. All lighting shall be designed, located, and directed so as to eliminate glare and minimize reflection of light into neighboring properties. Searchlights shall not be permitted.

(10) Temporary uses on sites where the primary use is a conditional use shall not violate the conditions of approval for the primary use.

(11) The event or sale shall be clearly accessory to or promotive of the permitted or conditional use(s) approved for the site. Only merchandise which is normally sold or stocked by the occupant(s) of the site shall be sold and/or promoted.

(12) The applicant shall provide to the City Planner proof of liability insurance for the requested use if necessary. This proof shall be submitted with the application.

(13) These provisions shall not be construed to exempt the operator from complying with applicable Building Codes, Health Codes, or permit requirements established by other regulatory agencies or departments.

(h) Uses, Specific Standards, and Time Limits.

(1) Residential Zones. Temporary uses in single-family and multiple-family residential zones shall comply with the standards, and are limited to the uses, specified below:

(i) Hours of operation. The conduct of temporary uses in residential zones shall be

limited to the hours between 8:00 a.m. and 8:00 p.m.

(ii) Temporary office in a trailer. A temporary office in a trailer or other portable structure for the sale or lease of property in a subdivision or planned unit development (PUD) is prohibited.

(iii) Temporary office in a model home. A temporary office for the sale or lease of property in a major subdivision or planned unit development (PUD) may be used until the last lot or unit in the development is sold. If the office is located in the area of the home intended for a garage, any alterations made to accommodate the office shall be removed, and the space shall be converted to function as a garage upon termination of the temporary office.

(iv) Construction trailers. A construction trailer incidental to a specific construction project may be located on the site of such project. The trailer may remain for the duration of the project and shall be removed within thirty (30) days after substantial completion of the project. Storage of construction and related material and debris shall not be permitted in the public right-of-way. Temporary offices housed within construction trailers wherein a business or service for others are transacted are prohibited. Examples of such uses are Accountant, Architect, Insurance Sales, Medical and Dental, Real Estate Sales, etc.

(v) Fairs, carnivals, rodeos, live entertainment, and other major public gatherings. Fairs, carnivals, rodeos, live entertainment and other similar major fund-raising events or promotional events may be permitted for up to three (3) consecutive days at a site with an existing public or quasi-public use. Two

such events may be permitted per calendar year.

(vi) Model home shows. The viewing of model homes within a subdivision for a fee may be permitted for a period not to exceed two (2) weeks per calendar year.

(vii) Natural disasters and emergencies. Temporary activities and structures needed as the result of a natural disaster or other health and safety emergency are allowed for the duration of the emergency.

(2) Commercial and Industrial Zones. Temporary uses in commercial and industrial zones shall comply with standards and, are limited to the uses, specified below:

(i) Hours of Operation. The hours of operation for temporary uses in commercial and industrial zones shall be established at the time the use is approved.

(ii) Christmas Tree Sales Lots. A temporary use permit and business license shall be obtained for the display and open lot sale of Christmas trees except where such display and sale occurs within a permanent outdoor sales area which is incidental and accessory to an approved conditional or permitted use. Christmas tree sales may occur only between Thanksgiving and December 25. All unsold trees shall be removed from the property, and the property returned to its original condition, by December 31 of each calendar year. A cash bond may be required to insure performance of this requirement.

(iii) Construction trailers. A construction trailer incidental to a specific construction project may be located on the site of such project. The trailer may remain for the duration of the project and shall be removed within thirty (30) days after substantial completion of the project.

(iv) Fairs, carnivals, and other major public gatherings. Fairs, carnivals, and other similar major fund-raising or promotional events may be permitted up to five (5) consecutive days on a site in a commercial or industrial zone. Two such events may be permitted per calendar year.

(v) Fireworks Stands. Retail sale of fireworks is permitted subject to provisions of the Farmington City Business Regulations. Duration of firework stands shall be specified and approved by the City Planner.

(vi) Natural disasters and emergencies. Temporary activities and structures needed as the result of a natural disaster or other health and safety emergency are allowed for the duration of the emergency.

(vii) Parking lot sales. Parking lot sales in zones where outdoor display is not otherwise allowed may be permitted for up to five (5) consecutive days at any one time.

(viii) Promotional Events. Promotional events shall not exceed five (5) consecutive days per event, two (2) of which shall be a Saturday and Sunday. There shall be no more than two promotional events per calendar year per property.

(ix) Seasonal Produce Stands Offering Produce and Plants Not Grown on the Premises. Stands selling produce and plants which are not grown on the premises may be permitted for up to five (5) consecutive months each year. This category includes "Farmers Markets".

(x) Swap meets. Swap meets may be permitted for not more than three (3) consecutive days not more than four (4) times per year. If an applicant proposes such events more frequently, the swap meet shall be considered a permanent use which shall

require conditional use approval prior to issuance of a business license.

(xi) Temporary concrete and asphalt batch plants. Temporary concrete and asphalt batch plants may be allowed only as a conditional use requiring review and approval by the Planning Commission. Duration of such uses shall be approved by the Planning Commission.

(xii) Temporary office. A temporary office for a business for which a permanent building is being constructed on a site may be approved and occupied until an occupancy permit is issued for the permanent building or for six (6) months, whichever comes first. The temporary office shall be located on the same site as the future permanent building but shall not be moved onto the site until a building permit is issued for the permanent building.

(xiii) Warehouse sales. In industrial zones, retail warehouse sales are allowed for up to five (5) days at any one time.

(3) Time between activities. Except for construction trailers and temporary offices, the time between temporary activities shall be a minimum of five (5) times as long as the duration of the last event.

(i) Exempt uses. The following temporary uses are exempt from the provisions of this section:

(1) Fund raising events of non-profit organizations which last not more than three (3) consecutive days including such things as bake sales or car washes but not including larger events such as outdoor carnivals, swap meets, or arts and crafts sales;

(2) Temporary sales activities involving the display of new retail products on the site of the business which

sells such products provided the display area is within ten (10) feet of the main building, does not exceed thirty (30) square feet and six (6) feet in height, and does not extend into a public right-of-way or occupy required parking spaces or landscaped areas;

(3) Garage sales, yard sales, or boutiques that occur not more than four (4) times a year with each event lasting not more than seventy-two (72) hours.

(4) Seasonal fruit and vegetable stands selling produce grown on the premises are permitted subject to compliance with other applicable provisions of this Title and the Sign Ordinance.

(5) Community events which are sponsored and/or approved by the City;

(6) Other exemptions as specifically approved in writing by the City Council.

11-28-130 Native Material Removal.

(a) The removal of native materials from any property in any zone may be permitted as a temporary use provided that the primary purpose of such removal is to improve the land, that an excavation permit shall be obtained from the Zoning Administrator after paying a fee, and that the following conditions be met. The provisions of this section do not refer to sand and gravel excavation operations. For sand and gravel excavations see Chapter 33 of this Ordinance:

(1) Erosion control measures shall be taken on the site to minimize the increased solids loading in runoff from such areas. All erosion control measures shall be constructed as part of the first site improvements.

(2) As all or portions of the operation are completed the site shall be revegetated with plant materials appropriate to maintaining soils stability and the visual quality of the area.

(3) The operation shall be conducted in such a way as to eliminate any nuisance, (including noise, dust, hours of operation, etc.), to the residents of the area.

(4) The grades of slopes left by the operations shall not exceed the normally accepted angle of repose.

(5) There shall be no processing of materials on site.

(6) A maximum length of operation may be imposed by the Zoning Administrator should it be deemed necessary.

(7) The operation shall be required to post a bond to assure rehabilitation of the site.

11-28-140 Fences.

(a) No fence, wall, hedge, or similar device shall be constructed or placed in any required side or rear yard in a residential zone in excess of eight (8) feet in height. Where a retaining wall is reasonable and necessary and is located on a property line separating two lots, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

(b) No fence, wall, hedge or similar opaque device or open, mesh-type fences (e.g. chain link fences) shall be constructed in a required front yard of a residential zone in excess of four (4) feet.

(c) The maximum height of a fence, wall, hedge, or similar device constructed in the side corner yard of a corner lot in a residential zone shall be six (6) feet and shall not be constructed closer than eight (8) feet to the property line at the street frontage.

The Zoning Administrator may modify the requirement of the eight (8) foot setback or the four (4) foot front yard height limit where it can be demonstrated that the construction of a fence, wall, hedge or similar device closer to the property line at the street frontage, will not adversely affect the safety of pedestrians nor obstruct the view of or impact the safety of vehicular traffic or adversely affect adjacent properties. The Zoning Administrator, in his evaluation of the impact of the proposed fence, wall, hedge or similar device, shall consider location of driveways, adjacent sidewalks, street widths and right-of-ways, circulation visibility and overall streetscape aesthetics.

11-28-150 Clear Vision.

In all zones with a required front yard, no material obstruction to view between a height of two (2) feet and ten (10) feet above the level of the curb shall be permitted on any corner lot within a triangular area formed by the street property lines and a line connecting them between points thirty (30) feet from the intersection of the two street property lines.

11-28-160 Open Storage in Residential Zones.

No required yard in a residential zone shall be used for the storage of junk, building materials, debris, obsolete or abandoned vehicles, or equipment. All such materials shall be stored completely within an enclosed building.

11-28-170 Public Improvements Required.

(a) No building, electrical or plumbing permit shall be issued for any building or structure, and no conditional use permit or site plan approval shall be given, if the property in question abuts a public street, unless one of the following three alternative requirements is satisfied with respect to the property in question. Which of the alternatives is selected for specific property shall be decided by the City administration, after the owner or developer of the property in question has received an opportunity to express his preference. For purposes of this section, the "property in question" includes all real property adjacent to the site to be developed, which is owned by the same person, or by a corporation or other entity in which that person has an interest, or by a relative, partner, agent, or trustee of that person. The alternative requirements are as follows:

(1) Alternative A. The property in question has curb, gutter, and sidewalk along the full length of the side abutting the public street.

(2) Alternative B. The property owner in question agrees in writing to provide curb, gutter and sidewalk along the full length of the side abutting the public street, and that agreement is secured by a deposit in a Utah bank, which deposit the City may withdraw in the event a default by the owner or developer. The amount of the deposit shall equal the City Engineer's estimate of the cost of installing curb, gutter, and sidewalk as required, together with an additional ten percent (10%) of that amount to

cover contingencies. The agreement and deposit shall be substantially similar to the agreements and deposits used by the City for subdivision improvements.

(3) Alternative C. The owner of the property in question enters into a satisfactory written agreement that runs with the land that grants a temporary extension of time for which to complete the required improvements, conditioned upon and subject to the promised future performance by the owner. If the owner fails to make said requirements, at no cost to the City, within ninety (90) days after having been requested in writing by the City to do so, the City may construct and install the required improvements and charge the cost thereof to the owner. Any such charge shall constitute a lien on the property.

11-28-180 Additional Requirements for Dwellings.

(a) Dwellings. In addition to the requirements set forth in these Ordinances, all Dwellings within Farmington City shall comply with the following:

(0i) Federal Standards. The dwelling must be constructed in accordance with the Uniform Building Codes, as adopted and amended by the City, or be certified under the Federal Manufactured Housing Construction and Safety Standards Act (HUD Code) and approved and issued an insignia by the U.S. Department of Housing and Urban Development. If the dwelling is certified by the Department of Housing and Urban Development, the dwelling or additional structures may not be modified in violation of the HUD Code or the Uniform Building Codes, as adopted and amended by the City, whichever is applicable to the modification.

(ii) Real Property. The real property and the home thereon must be held in common ownership and taxed as real property with an affidavit filed with

the State Tax Commission in accordance with Utah Code Ann. § 59-2-602, as amended.

(iii) Permanent Foundation. The dwelling must be adequately installed and secured to a permanent concrete foundation in accordance with the Uniform Building Codes, as adopted and amended by the City, or the Installation Standards as defined in Chapter 2, whichever is applicable. If the dwelling is installed in accordance with the Installation Standards, the dwelling may not sit more than twelve (12) inches above grade.

(iv) Utilities. The dwelling must be permanently connected to and approved for all required utilities.

(0v) Enclosure. Any space beneath the structure must be enclosed at and secured to the perimeter of the dwelling and constructed of materials that are weather resistant and aesthetically consistent with concrete or masonry foundation materials.

(vi) Removal of Equipment. All running gears, tongues, axles, and wheels must be removed from the dwelling at the time of installation. Each exit door of the dwelling must contain a landing that is a minimum of thirty-six inches by thirty-six inches (36" x 36"), constructed in accordance with the Uniform Building Codes, as adopted and amended by the City.

(vii) Exterior Siding. Exterior siding and trim materials shall consist of durable, weather resilient materials approved for dwelling construction in the Uniform Building Codes such as masonry, stucco, wood, vinyl, and steel or aluminum residential siding. In no case may corrugated metal or plastic type covering be used on a dwelling.

(viii) Garages. All dwelling units shall be provided with a garage or carport having a minimum interior width of twelve (12) feet constructed concurrently with the dwelling and in accordance with the Uniform

Building Codes, as adopted and amended by the City.

(ix) Roof. The roof of the dwelling must be pitched at a minimum of three to twelve (3:12) and shall have a roof surface of wood shakes or shingles, asphalt, concrete, or metal tiles or slate. The roof overhang must be at least twelve (12) inches measured from the vertical side of the dwelling.

(b) Alterations. The City Zoning Administrator may, in his or her sole discretion, approve deviations from one or more of the development or architectural standards set forth in subsections (5) through (9) upon sufficient showing and finding that the proposed alteration is compatible and harmonious with existing or proposed structures in the area and meets or exceeds the Uniform Building Codes, as adopted and amended by the City or the HUD Code, whichever is applicable.

11-28-190 Wireless Telecommunications Facilities.

(a) Purpose. The purpose of this section is to address planning issues brought on by the rapid growth in demand for low power radio services. This section distinguishes low radio from other broadcasting type telecommunication technologies and establishes provisions that deal with issues of demand, visual mitigation, noise, engineering, residential impacts, health, safety, and facility siting.

(b) Definitions. The following definitions are specific to this Chapter:

(1) Antenna. A transmitting or receiving device used in telecommunications that radiates or captures radio signals.

(2) Lattice Tower. A self-supporting multiple sides, open steel frame structure used to support telecommunications equipment.

(3) Low Power Radio Services Facility. An unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or (wireless) transmissions. Such sites typically require the

construction of transmission support structures to which antenna equipment is attached.

(4) Monopole with Antennas and Antenna Support Structure Greater than Two (2) Feet in Width. A self-supporting monopole tower on which antennas or an antenna structure exceeding two (2) feet in width are placed. The antennas and antenna support structures may not exceed thirteen (13) feet in width or eight (8) feet in height.

(5) Monopole with Antennas and Antenna Support Structure Less than Two (2) Feet in Width. A monopole with antennas and antenna support structure not exceeding two (2) feet in width. Antennas and antenna support structures may not exceed ten (10) feet in height.

(6) Monopole. A single cylindrical steel or wooden pole that acts as the support structure for antennas.

(7) Roof Mounted Antenna. A roof mounted antenna is an antenna or series of individual antennas mounted on a flat roof, mechanical room or penthouse of a building.

(8) Wall Mounted Antenna. An antenna or series of individual antennas mounted against the vertical wall of a building.

(9) Whip Antenna. An antenna that is cylindrical in shape. Whip antennas can be directional or omni-directional and vary in size depending upon the frequency and gain for which they are designed.

(c) Low Power Radio Services Facility. The requirements of this Section apply to both commercial and private low power radio services such as "cellular" or PCS" (Personal Communications System) communications and paging systems. All facilities shall comply with the following regulations and all other ordinances of the City and any pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration.

(d) Coverage Plan Required. A coverage plan site specific to the application shall be submitted by each company desiring placement of wireless telecommunication facilities. The coverage plan shall be submitted and accepted by the Planning Commission prior to the processing of any permits for permitted or conditional use locations. The coverage plan shall show approximate future locations that may be needed within a twenty-four (24) month period from the date of approval by the Planning Commission of facilities in adjoining areas and/or communities, and provide specific locations when possible, but are not required to detail the specific type (i.e., pole, roof, wall mount) of facility.

(e) Permitted and Conditional Uses. The uses specified in Table 1 are allowed provided that they comply with all requirements of section marked Wireless Telecommunications Facilities.

(1) Antennas to be located on any previously approved communication site, as allowed herein, may be allowed as a permitted use.

(2) All types of wireless telecommunication facilities are prohibited in residentially zoned areas except as may be permitted with a conditional use permit upon or within any institutional use, regardless of the zoning designation. These institutional uses include, but are not limited to: churches, well sites, water tanks, city parks, city buildings (fire, police, city hall) public schools, quasi-public schools and similar and compatible uses.

(f) Facility Types. Low power radio service facilities are characterized by the type or location of the antenna structure. There are five (5) general types of such antenna structures. Wall mounted antennas; roof mounted antennas; monopoles with antennas and antenna support structure less than two (2) feet in width; monopoles with antennas and antenna support structure greater than two (2) feet in width and lattice towers. Standards for the installation of each type of antenna are as follows:

(1) Wall Mounted Antenna. The following provisions apply to Wall Mounted Antennas:

(i) Wall mounted antennas shall not extend above the wall line of the building or extend more than four (4) feet horizontally from that face of the building.

(ii) Antennas, equipment and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the

supporting structure on buildings should be architecturally compatible with the building. Whip antennas are not allowed on a wall mounted antenna structure.

(iii) Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roof line of such structures, shall be considered a wall mounted antenna.

(2) Roof Mounted Antenna. The following provisions apply to Roof Mounted Antennas:

(i) Roof mounted antennas shall be allowed on top of existing penthouses or mechanical equipment rooms provided the antennas and antenna support structures are enclosed by a structure that creates a visual screen. The screening structure, antennas and antenna mounting structures shall not extend more than eight (8) feet above the existing roof line of the penthouse or mechanical equipment room.

(ii) For antennas not mounted on a penthouse or mechanical equipment room, the antennas shall be mounted at least five (5) feet from the exterior wall of a building. For antennas mounted between five (5) and ten (10) feet from the exterior wall, the maximum height of a roof mounted antenna is directly proportional to the distance the antenna is set back from the exterior wall up to a maximum height of ten (10) feet above the roof line of the building to which the antenna is attached.

Antennas shall be mounted at least five (5) and ten (10) feet behind a parapet wall. For antennas mounted between five (5) and ten (10) feet behind a parapet wall, the

maximum height of the antenna is directly proportional to the distance the antenna is set back from the wall up to a maximum of ten (10) feet as measured from the top of the parapet wall. The antennas shall not exceed more than fifteen (15) feet above the roof line of the building itself unless approved as a conditional use.

(iii) Roof mounted antennas are permitted only on a roof and shall be screened, constructed and/or colored to match the structure to which they are attached.

(3) Monopole with Antennas and Antenna Support Structures Less than Two (2) feet in Width. The total antenna structure mounted on a monopole shall not exceed two (2) feet in width. The maximum height of such antenna shall not exceed ten (10) feet in height. No such antenna shall be located within two hundred (200) feet of a residential zone.

(4) Monopole with Antennas and Antenna Support Structure Greater than Two (2) Feet in Width. The maximum visible width of antennas and antenna mounting structures shall not exceed eight (8) feet in height or thirteen (13) feet in width as viewed looking directly at the monopole at the same elevation as the antennas and antenna mounting structure. No such monopole shall be located within two hundred (200) feet of a residential zone.

(5) Lattice Tower. Lattice Towers are not permitted.

(g) Height Limit. The height limit is up to one hundred (100) feet or up to one hundred twenty (120) feet if approved as a co-location. Each pole location requires a separate conditional use permit.

(h) Co-Location. For those service providers who desire to co-locate upon an existing pole, they may do so as a permitted use, provided that the initial installation received a conditional use permit. The new facility shall comply with all other provisions relating to site development, landscaping, security, etc., as provided herein.

(i) Location and Minimum Setbacks. Monopoles with antennas and antenna support structure less than two (2) feet in width and monopoles with antennas and antenna support structure greater than two (2) feet in width, shall be allowed only in the rear yard area of any commercial or industrial lot. These structures shall not be located in a required landscaped area, buffer area or required parking area.

(j) Area Limitations for Wall and Roof Mounted Antennas. A combination of both roof and wall mounted antennas are allowed on a building. The total area for all wall and roof mounted antennas and supporting structures combined shall not exceed forty (40) square feet for each exterior wall of the building or a total of one hundred sixty (160) square feet per building per carrier. A maximum of four (4) walls shall be occupied by cellular antennas. The total area is the sum of the area of each individual antenna face the visible portion of the support structure as viewed when looking directly at the face of the building. The total area for a roof mounted antenna shall apply to the closest exterior wall. Up to three (3) carriers may utilize each building side for a maximum of four (4) sides. Each carrier must obtain a separate conditional use permit.

(k) Additional Conditional Use Requirements. In addition to conditional use standards outlined in Conditional Uses, the following shall be considered by the Planning Commission:

(1) Compatibility of the proposed structure with the height and mass of existing buildings and utility structures.

(2) Whether co-location of the antenna on other existing structures in the same vicinity such as other towers, buildings, water towers, utility poles, athletic field lights, parking lot lights, etc., is possible without significantly impacting antenna transmission or reception.

(3) The location of the antenna in relation to existing vegetation, topography and buildings to obtain the best visual screening.

(4) Whether the spacing between monopoles creates quantifiable detrimental impacts to adjoining properties.

(5) The Planning Commission may reduce the required setback from a residential zone if practical difficulties are demonstrated by the applicant (i.e. City Park location, public buildings, etc.), or upon detailed demonstration by the application that the proposed facility can be effectively screened from the view of nearby sensitive land uses.

(l) Accessory Buildings to Antenna Structures. Accessory buildings to antenna structures must comply with the required setback, height and landscaping requirements of the zoning district in which they are located. Monopoles shall be fenced with a six (6) foot vinyl coated chain-link fence or other fencing as approved or required by the Planning Commission. There shall be no climbing pegs located on the lower twenty (20) feet of the monopole. All power lines on the lot leading to the accessory building(s) and antenna structure shall be underground.

(m) Historic Districts. Any antenna proposed for a location within a historic district or on a landmark site is subject to approval through the Historic Preservation Commission and Planning Commission.

(n) Antennas and Mounting Structures on or over a public right-of-way. Antennas and mounting structures encroaching on or over the public sidewalk or on or over a public right-of-way shall be subject to obtaining permission from the city pursuant to the City's Rights-of-Way Encroachment Policy.

(o) Non-maintained or Abandoned Facilities. The Zoning Administrator may require each non-maintained or abandoned low power radio services antenna to be removed from the building or premise when such an antenna has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within thirty (30) calendar days after notice of non-maintenance or abandonment is given to the owner, person having control or person receiving the benefit of such structure.

Table 1: Summary of Permitted and Conditional Uses

Zone District	Wall Mounted Antenna	Roof Mounted Antenna	Monopoles/<2 ft structure, <60 ft tall or max height for district, if less	Monopoles/<2 ft structure, >60 ft tall or exceeding max height for district	Monopoles/>2 ft structure, <60 ft tall or max height for district, if less	Monopoles /<2 ft structure, >60 ft tall or exceeding max height for district
A	C!	C!	C	C	C	C
AE and AA	C!	N	C#	N	N	N
LS	C!	N	C#	N	N	N
S	C!	N	C#	N	N	N
LR	C!	N	C#	N	N	N
R	C!	N	C#	N	N	N
R-2	C!	N	C#	N	N	N
R-4	C!	N	C#	N	N	N
R-8	C!	N	C#	N	N	N
BP	P	P	P	C	C	C
C-H	C!	P!	P	C	C	C
C-R	P	P	P	C	C	C
C	P	P	P	C	C	C
BR	C!	C!	C#	C	N	N
M-1	P	P	P	C	C	C
S	P	P	P	C	C	C
B	C!	N	C#	N	N	N

KEY: N = Not Permitted P = Permitted C = Conditional Use ! = Allowed Only on Non-Residential Structures

= Allowed Only on School, Church, etc, if Disguised

11-28-200 Secondary Dwelling Units.

Secondary dwelling units may be allowed as a permitted or conditional use in various zones as designated in the Zoning Ordinance.

(2) Purpose. The purposes of this Section and any rules, regulations, standards and specifications adopted pursuant hereto are:

(a) To accommodate such housing in original townsite residential neighborhoods with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion, and compatible scale and appearance of residential buildings.

(c) To prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, building code violations, and associated decline in quality of single-family residential neighborhoods.

(d) To set forth standardized terms and conditions for secondary dwellings and procedures for review and approval of the same.

(2) Conditional Use Permit. Secondary dwellings may be permitted as a conditional use in the OTR Zone. Applications for a secondary dwelling shall be submitted and reviewed as a conditional use permit in accordance with Chapter 8 of the Zoning Ordinance.

(3) Standards. The following standards and conditions shall apply to all secondary dwellings, in addition to any terms and conditions of approval as imposed by the Planning Commission during the conditional use permit process.

(a) Location. A secondary dwelling shall only be allowed as part of a single family dwelling and shall be secondary and subordinate to such single family dwelling.

(b) Number. A maximum of one (1) secondary dwelling shall be allowed per single family home. Secondary dwellings shall contain no more than one (1) dwelling unit.

(c) Parking. At least one (1) off-street parking stall shall be provided for the secondary dwelling. Such parking stall shall be in addition to all off-street parking requirements for the primary single-family dwelling on the lot and

shall conform with the City parking standards specified in the Zoning Ordinance.

(d) Utility Metering. No separate utility metering for the secondary dwelling shall be allowed.

(e) Design and Character. The secondary dwelling shall be clearly incidental and secondary to the single family dwelling, there should be no significant alteration to the exterior of the single family dwelling to accommodate the secondary dwelling and such secondary dwelling shall not adversely affect the residential character of the surrounding neighborhood. A secondary dwelling shall be designed in such a way that neighbors or passers-by would not, under normal circumstances, be aware of its existence.

(f) Size. The secondary dwelling shall be equal to or subordinate in floor area to the remaining floor area occupied by the single family dwelling.

(g) Construction Codes. The secondary dwelling shall comply with all construction, housing, and building codes in effect at the time the secondary dwelling is constructed and shall comply with all procedures and requirements of the City Building Regulations.

(h) Occupants. The secondary dwelling shall be occupied exclusively by one family.

(i) Ownership. Either the single family dwelling or secondary dwelling shall be owner occupied.

(j) Non-transferable. No conditional use permit issued for a secondary dwelling shall be assignable or transferrable upon sale of the single family dwelling or otherwise and the conditional use permit shall expressly state that the permit shall terminate upon the sale or transfer of property.

(k) Absentee Owner. Temporary absentee property ownership may be allowed due to unforseen circumstances such as military assignments, employment commitments, family obligations, and quasi-public service. Notwithstanding the foregoing, the maximum time period allowed for absentee property ownership shall not exceed four (4) years. In the event such absentee property ownership occurs, the property owner may rent both the secondary dwelling and the primary dwelling.

(4) Site Development. Upon approval of a conditional use permit for an secondary dwelling, an application for site development shall be submitted in accordance with the provisions of Chapter 7 of the Zoning Ordinance.

11-28-210 Small Auto Dealership

Small auto dealerships may be allowed as a conditional use in business/commercial zones as designated by the Zoning Ordinance.

(1) Purpose. The purposes of this Section and any rules, regulations, standards and specifications adopted pursuant hereto are:

(a) To accommodate such dealerships in commercial areas with minimal impacts on the area in terms of compatible scale and appearance.

(b) To prevent the proliferation of incompatible auto dealerships.

(c) To set forth standardized terms and conditions for small auto dealerships and procedures for review and approval of same.

(2) Conditional Use Permit. Small auto dealerships may be permitted as a conditional use in the BR Zone. Applications for a small auto dealerships shall be submitted and reviewed as a conditional use permit in accordance with Chapter 8 of the Zoning Ordinance.

(3) Standards. The following standards and conditions shall apply to all small auto dealerships, in addition to any terms and conditions of approval as imposed by the Planning Commission during the conditional use permit process.

(a) Location. A small auto dealership may only be allowed as part of a compatible existing business not exclusively car sales and shall be subordinate to such business.

(b) Size. Small auto dealerships shall have no more than three (3) cars displayed for sale at any one time.

(c) Buildings. No exterior architectural or structural modifications shall be made to any building to accommodate small auto dealerships.

(d) Business Sign. One sign advertising the business may be permitted but shall not be greater than the square foot minimum area required by State law and shall otherwise be compliant with Farmington sign ordinances.

(e) Traffic. The auto dealership shall not generate substantially greater vehicle traffic than commonly associated with other activities in the area.

(f) Accessory Use. The use may only be permitted as an accessory use to an established business and shall never be the primary use. In other words the small auto dealership sales shall be clearly incidental, compatible, customarily appropriate, and subordinate to the main use of the property.

(g) Appearance. Small auto dealership sales should be conducted in such a way that passers by would not, under normal circumstances, be aware of its existence.

(h) Signs. Any sign, except for the one approved sign for the business, including any advertising message, announcement, declaration, demonstration, illustration, insignia, surface or space erected or maintained in view of the public street for identification, advertisement, or promotion of the interests of any person, entity, event, product or service shall be expressly prohibited. This definition shall also include sign structures, supports, lighting systems and any attachments, ornaments or other features designed to attract the attention of observers.

(i) Property Size. Small auto dealerships may only be permitted on property 1/2 acre or greater in size.

(j) The car dealership shall be limited to displaying cars used by or in connection with the business.

(4) Site Development. Upon approval of a conditional use permit for a small auto dealership, an application for site development shall be submitted in accordance with the provisions of Chapter 7 of the Zoning Ordinance.

11-28-220 Class "A" Self Storage.

Class "A" Self Storage is a type of Self Storage that requires maximum design standards. Class A Self Storage may only be allowed as a conditional use in various zones as designated in the Zoning Ordinance. Applications for Class "A" Self Storage shall be submitted and reviewed as a conditional use permit in accordance with Chapter 8 of the Zoning Ordinance.

(1) Purpose. The purposes of this Section and any rules, regulations, standards and specifications adopted pursuant hereto are:

(a) To accommodate such self storage with minimal impact in commercial and mixed use areas in terms of compatible infill, scale, design, and appearance of buildings.

(b) To set forth standardized terms and conditions for Class "A" Self Storage and procedures for review and approval of the same.

(2) Standards. The following standards and conditions shall apply to all Class "A" Self Storage developments, in addition to any terms and conditions of approval as imposed by the Planning Commission during the conditional use permit process.

(a) Location. Class "A" Self Storage is an ancillary commercial use and shall be located on secondary commercial sites or small pockets of land that are not quality commercial or residential sites. Class "A" Self Storage shall not prevent the development of, or displace, higher, better, and more intense commercial uses typically found on primary sites adjacent to high traffic major streets on visible and accessible building lots. Nevertheless, they should be located near high traffic areas close to residences and businesses and/or on sites which may be visible but not accessible.

(b) Architectural. Projects must have distinguished Architectural features including commercial building roof lines, building and color variation. Exteriors walls should be concrete masonry or brick and any view of roll up doors should be kept to a minimum. No buildings that have exterior steel panels should be allowed.

(c) Fencing. All fencing must be decorative. It can be stamped masonry, wrought iron, or a mixture of both.

(d) Outside Storage. No outside storage including but not limited to RV's or vehicles shall be allowed.

(e) Landscaping. A minimum of 20% of the gross area of the site shall be landscaped. The 20% landscaping requirement should blend well with the fencing and solid masonry walls that may surround the project. Special attention should be given to landscaping in the high traffic and visible areas of the project as well as covering large and long exterior masonry walls.

(f) Management Office. Class "A" Self Storage shall include a professionally designed office for on-site management purposes. The office should include ADA accessible restrooms and may have a retail sales area. It should blend in with the design of the project and neighboring business.

(g) Operations. All business operations should be conducted using approved commercial property management standards. Security features should include digital video, electronic gate access, and individual door alarms.

(h) Other. Facilities should include climate control units, and offer multiple services to its tenants. Limited access hours shall be required to reduce late night noise.

(3) Site Development. Upon approval of a conditional use permit for an secondary dwelling, an application for site development shall be submitted in accordance with the provisions of Chapter 7 of the Zoning Ordinance.

Section 11-28-230 Demolitions

(a) Purpose and Intent.

The purpose of this Section is to: promote the public welfare by maintaining the integrity and continuity of the urban fabric and economic vitality; establish standards and an orderly and predictable process for the demolition of buildings and structures in Farmington; ensure that demolitions occur safely; protect utilities and other infrastructure from damage during demolition; provide for enforcement of timely completion of demolition and for improvement of property following demolition to ensure the site is not detrimental to the use and enjoyment of surrounding property; provide for enforcement and maintenance of property to avoid purposeful demolition by neglect; and encourage preservation of the city's housing stock.

A primary intent of Farmington City with respect to this Section is to avoid demolition, or partial demolition, of buildings in a manner that disrupts the character and development pattern of established neighborhood and business areas. Accordingly, the City finds that it is in the public interest to: require existing buildings to be maintained in a habitable condition until replaced by new construction, except as otherwise permitted by this code; avoid demolition of existing structures until

a complete building permit application is submitted for new construction, except as otherwise provided in this Section; and avoid creation of vacant demolition sites with minimal or no landscaping or other improvements.

To help achieve this purpose and intent, any demolition permit application for a demolition, or a partial demolition, shall conform to standards for building permit applications contained in Farmington City Code; and provisions of the International Building Code related to demolitions, including but not limited to the International Residential Code. After all the information required by this Section is received by the City, the Community Development Department may consider an application for demolition or partial demolition.

(b) Permit Required. It is unlawful to demolish, or partially demolish, any building or structure in the city, or cause the same to be demolished, without first obtaining a permit for demolition or partial demolition of each such building or structure from the city building official as provided in this Section.

(c) Application for Permit. To obtain a permit for demolition, or partial demolition, an applicant shall pay all applicable fees and submit an application in writing on a form furnished by the Building Official for that purpose. Each application shall:

(1) Identify and describe the type of work to be performed under the permit;

(2) State the address of the structure or building to be demolished;

(3) Describe the building or structure to be demolished;

(4) Identify the approximate date of commencement and completion of demolition;

(5) Indicate if fences, barricades, scaffolds or other protections are required by any city code for the demolition and, if so, their proposed location and compliance;

(6) State whether fill material will be required to restore the site to level grade after demolition and, if required, the approximate amount of fill material;

(7) If the building or structure to be demolished contains any dwelling units,

(8) State the proposed use of the premises following demolition. If new construction is proposed following demolition, state the anticipated start date and whether any development applications have been submitted to and/or approved by the city.

(9) The permit shall be signed by the party or the party's authorized agent requesting the permit. A signature on the permit application constitutes a certification by the signee that the information contained in the application is true and correct.

(10) The fee for a demolition permit application shall be as shown on the Farmington City consolidated fee schedule.

(11) An excavation permit must be obtained, if applicable, prior to issuance of a demolition permit.

(d) Issuance of Demolition Permit for a Main Building.

(1) Except as otherwise provided in subsection (4) of this section, a demolition permit shall be issued only upon compliance with subsections (2) and (3) of this section, if applicable, and if:

(i) A complete building permit application for a building to replace the building or structure proposed for demolition has been submitted to the Community Development Department; and in the case of a replacement building for a dwelling, the building permit must be issued and the City must receive a cash performance bond in a form acceptable to the City equal in amount to the valuation, as determined by the Building Official, of the replacement building; or

(ii) The Building Official or Fire Marshal orders immediate demolition: Due to an emergency as provided in Uniform Code for the Abatement of Dangerous Buildings; or because the premises have been damaged beyond repair because of a natural disaster, fire, or other similar event; or

(iii) The Building Official or Fire Marshal authorizes immediate demolition because clearing of land is necessary to remove a nuisance as defined in section 76-10-801 et seq., Utah Code Annotated or its successor.

(2) Unless a building permit has been issued for one or more new buildings or structures located on the same site as the demolished building or structure, within thirty (30) days after demolition is completed, landscaping shall be installed on the property according to the standards set forth in Chapter 7 of this Title.

(i) Timely and proper installation and maintenance of landscaping shall be assured by a bond filed with the City.

(ii) Required landscaping shall remain in place and shall be maintained until new construction is commenced on the subject property and may be removed to facilitate such construction. Thereafter, replacement landscaping shall be installed as may be required by the Farmington City Code.

(iii) Notwithstanding the thirty (30) day requirement in this subsection (2), installation of landscaping may be delayed due to weather conditions so long as landscaping is completed within six (6) months after demolition and the property owner escrows funds sufficient to assure installation of landscaping as determined by the Community Development Department.

(3) If the proposed demolition of the Main Building involves the demolition or partial demolition of any Historic Resource, contributing structure, or a structure located in a historic district or on the Farmington Landmark Register, as provided in Chapter 39 of this Title (Historic Buildings and Sites), or its successor, subsection (e) of this Section shall apply.

(4) Notwithstanding contrary provisions of this section, a demolition permit for a building or structure may be issued if the community development director certifies that the land on which the building or structure is located:

(i) A. Is subject to a master plan that envisions redevelopment of the land unless removal of the building or structure is inconsistent with the master plan;

B. Is being assembled for redevelopment purposes; and

C. Is part of a larger area being joined to create one or more larger parcels of developable land in order to implement the master plan; or

(ii) If the demolition permit is for a dwelling that is not a multiple family dwelling which:

A. Is a nonconforming use as provided by relevant provisions of Title 11 "Farmington City Zoning Ordinance", of this Code; or

B. Is located on property for which an applicable master plan or the current zoning envisions exclusive nonresidential use; and

(iii) If a building permit for new construction is not issued within eighteen (18) months after demolition occurs pursuant to subsections (i) of this section, landscaping shall be installed as provided in subsection (d)(2) of this Section.

(e) Historic Resources. If the proposed demolition involves the demolition or partial demolition of any Historic Resource, contributing structure, or a structure located in a district or on the Farmington Landmark Register, as provided in Chapter 39 of this Title (Historic Buildings and Sites), or its successor, a demolition permit shall be issued only upon compliance with applicable provisions of that Chapter or its successor.

(f) Demolition by Neglect. A property owner shall not neglect a building or structure to the point that the building or structure fails to substantially conform to applicable standards of the state construction code and Section 11-39-107 of this Title.

(i) Expiration. Unless there is substantial action under a demolition permit within a 180 days from the date of Zoning Administrator and/or Building Official approval, the permit shall expire. Substantial action shall be demonstrated by obtaining a demolition permit and demolishing the structure.

(j) Revocations. Any violation of a demolition permit, any conditions thereof, or any requirement of this Title shall be grounds for the review and possible revocation of a demolition permit by the Zoning Administrator and/or Building Official.

(k) Appeal.

(1) An appeal of an action or decision of the Zoning Administrator made in the administration of this Section shall be made to the City Council.

(i) Such appeals must be taken within fifteen (15) days of the action or decision by filing a written notice with the City Manager, specifying the grounds for appeal. Only those grounds specified in the appeal shall be considered by the City Council.

(ii) An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the City Council that, by reason of fact stated in the certificate, a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by restraining order which may be granted by the appropriate appeal body or by the District Court on application and notice and on due cause shown.

(iii) The City Council shall schedule a public hearing to hear the appeal. Notice of the hearing shall be given at least fifteen (15) days prior to the hearing. Notice of the hearing shall be made as required by law. The City Council may modify the order, requirement, decision or determination appealed from and may make such determination as ought to be made and to that end shall have all the powers of the Zoning Administrator. A concurring vote of a simple majority of the total membership of the Council shall be necessary to act on the appeal.

(iv) Any person aggrieved by or affected by any decision of the City Council may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the Court within thirty (30) days after the rendering of such decision.

(2) Any appeal of an action or decision of the Building Official made in administration of this Section shall be appealed as set forth Chapter 8 of the Title 10 of the Farmington City Code, and as set forth in the International Building Code including but not limited to the International Residential Code.

11-28-240 Transfer of Development Rights/Lots. (TDR)

(a) Transfer Lots. Property proposed for conservation land and constrained and sensitive land, common area, or subdivisions using an alternative lot size, if located in a designated receiving zone, may be replaced by one, or more than one, "Transfer Lot". A Transfer Lot is a lot that could have been developed elsewhere in the City, but instead is platted in the place of proposed conservation land, common area, or subdivisions using an alternative lot size, and where money paid to the owner of property located in a designated sending zone by a developer to transfer the lot, and increase the overall residential density of his project. Such lots shall be known and referred to as "Transfer Lots" and must be approved by the City in conjunction with subdivision approval. A Transfer Lot is not the result of a waiver set forth in this Chapter.

(b) Sole Discretion. The City has the sole authority to designate sending and receiving zones where such transfer lots are used and may do so by resolution

(c) Any sending zone parcel once a transfer lot density right is taken off the sending zone parcel loses the associated density right unless a future city council decision approves an up zoning to the sending zone parcel.

(d) Minimum Transfer Lot Size and Dimensional Standards. The minimum acreage required for any Transfer Lot replacing conservation land common area, or subdivisions using an alternative lot size shall be determined in accordance with the applicable and respective Chapter and Section set forth in this Title, including, but limited to, the development chart and dimensional standards provided in Section 11-12-090, PUD standards in Chapter 27, and lot and setback standards in Sections 11-10-040 and 11-11-050.

(e) Any cash payment which results from an agreement regarding a Transfer Lot shall be set aside for the acquisition or improvement of open space and/or park land only, and not for any other use.

(f) The open space acquired involving a Transfer Lot shall be in proximity to the receiving area for said Lot base on the service area or nature of the open space acquired. The service area, whether it is related to a regional facility, community parks, a neighborhood park, etc., shall be determined as set forth in the General Plan.

(g) If open space realized in whole or in part by a Transfer lot is moved to another location, transfer lot density rights must be recalculated based upon the characteristics of the new sending zone parcel and in consideration on what as already been transferred to the previous location.

(h) For larger conservation subdivisions or PUD's greater than 20 acres in size, ten percent of the land must remain as open space and cannot be used by Transfer Lots.

(i) Agreement. A Transfer Lot must be approved by development agreement between the City and the respective owners, acceptable to and at the sole discretion of the City. The development agreement shall be recorded prior to or contemporaneous with the recording of the final plat which contains the Transfer Lot, and the agreement may include, but not be limited to, the following:

(1) Anticipated value of the Transfer Lot to be paid from the receiving lot owner to the sending lot owner;

(2) Method of payment for the transfer lot(s) value and when the payment is to be made;

(3) Cost of improvements, including design costs, and the timing of construction;

(4) Other costs such as City fees and finance costs, and the timing of the paying thereof;

(5) Land cost total to be paid to the owner and when this payment to the owner will be made; and

(6) Developer profit percentage.

11-28-250 Class "A" Auto Sales.

Class "A" Auto Sales is a type of auto dealership that requires maximum design standards. Class A Auto Sales may only be allowed as a conditional use in various zones as designated in the Zoning Ordinance. Applications for Class "A" Auto Sales shall be submitted and reviewed as a conditional use permit in accordance with Chapter 8 of the Zoning Ordinance.

(1) Purpose. The purposes of this Section and any rules, regulations, standards and specifications adopted pursuant hereto are:

(a) To accommodate such auto sales with minimal impact in commercial and mixed use areas in terms of compatible infill, scale, design, and appearance of buildings.

(b) To set forth standardized terms and conditions for Class "A" Auto Sales and procedures for review and approval of the same.

(1) Standards. The following standards and conditions shall apply to all Class "A" Auto Sales developments, in addition to any terms and conditions of approval as imposed by the Planning Commission during the conditional use permit process.

(a) Architectural Detail

i. Create buildings that provide human scale and interest through use of varied forms, materials, details and colors;

ii. Provide architecturally finished and detailed elevations for all exposures of the building;

iii. Primary street facing walls of buildings may not have sections of blank walls that contain no openings in lengths that exceed 20 feet in length;

iv. Rooflines may be flat or pitched. Roofing shall not be of vivid primary colors (i.e. red, blue, or yellow). Rooftop equipment shall be screened by roof components, parapets, cornices, or other architectural features. Galvanized hoods and vents shall be painted to match the roof color.

(b) Fencing. All fencing must be decorative. It can be stamped masonry, wrought iron, or a mixture of both. Vinyl and chain-link fencing is expressly prohibited.

(c) Landscaping. A minimum of 20% of the gross area of the site shall be landscaped. The 20% landscaping requirement should blend well with the fencing and solid masonry walls that may surround the project. Special attention should be given to landscaping in the high traffic and visible areas of the project as well as covering large and long exterior masonry walls.

(d) Lighting. For developments for which outdoor lighting is proposed, lighting plans shall be required which illustrate the type and location of lighting proposed for structures, walkways, and parking lots. Lighting shall be designed, located, and directed so as to eliminate glare and minimize reflection of light into neighboring properties. With the exception of security lights, lighting for the sales lot shall not occur past 10:00 p.m.

(e) Signage. Title 15 (Sign Ordinance) of the Farmington City Code shall be expressly followed.

(f) Noise. Amplified speakers and noise shall be kept at a minimum so as not to disturb adjacent properties. In the event that amplified speakers are used, they must comply with the Farmington City Noise Ordinance as set forth in Title 7 of City Code.

(g) Miscellaneous. The property must be maintained and kept clean; this includes sweeping and maintaining the asphalt, keeping free of debris, trash, and weeds, etc.

11-28-112 Amended, 7/05/95, Ord. 95-29
Section 2-200 Amended, 4/17/96, Ord. 96-17
11-28-109 and 11-28-1900 Amended, 4/2/97, Ord. 97-17
Chapter 28 Renumbered and Recodified, 6/04/97, Ord. 97-26
11-28-060(c) Amended, 8/01/01, Ord. 2001-27
11-28-200 Secondary Dwelling Units, enacted 12/4/02 Ord. 2002-48
11-28-210, Small Auto Dealership, enacted 8/6/03, Ord. 2003-31
11-28-070, Maximum Coverage Area of Accessory, Amended 4/6/05, Ord. 2005-11.
Amended 11-28-060, 11-28-140, & 11-28-180, 4/19/06, Ord. 2006-28.
Enacted 11-28-220 Class "A" Self Storage, 08/15/06
Amended 11-28-110, 5/18/10, Ordinance 2010-21
Enacted 11-28-060 (c), 05/17/2011 Ordinance 2011-10
Enacted 11-28-230 04/16/2013 Ordinance 2013-08
Amended 11-28-070 & 11-28-230 03/04/2014, Ordinance 2014-07
Enacted 11-28-240, 10/07/2014, Ord 2014-33
Amended 11-28-090(b), 05/05/2015, Ord 2015-15
Amended 11-28-250, 05/26/2015, Ord 2015-17
Amended 11-28-060, 08/04/2015, Ord 2015-25
Amended 11-28-240, 08/18/2015, Ord 2015-26