

Zoning Ordinance of the City of Farmington

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CHAPTER 1

GENERAL PROVISIONS

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11-1-101 Short Title.

This ordinance shall be known as and may be cited as the Zoning Ordinance of the City of Farmington, Utah.

11-1-102 Declaration of Purpose.

(1) This Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Farmington by, among other things:

- (a) Lessening congestion in the streets;
- (b) Securing safety from fire, panic, and other dangers, and providing adequate light and air;
- (c) Securing economy in governmental expenditures;
- (d) Encouraging the orderly growth and expansion of the City and avoiding the overcrowding of land and the undue concentration of population;
- (e) Facilitating the adequate provision of transportation, water, sewage, schools, parks, recreation and other public requirements;
- (f) Stabilizing and preserving the property values, and encouraging the expansion of the tax base; and
- (g) Fostering the City's industries and encouraging the development of an attractive and beautiful community.

(2) The general purpose of this Ordinance shall also be to guide in a coordinated and harmonious manner the development of the City in accordance with the adopted Master Plan.

11-1-103 Interpretation.

In interpreting and applying this Ordinance, the requirements provided herein shall be considered the minimum requirements for the purposes set forth.

11-1-104 Effect of Other Ordinances and Regulations.

Wherever higher or more restrictive standards are established by the provisions of any other applicable statute, ordinance, or regulation than are established in this Ordinance, the provisions of such other statute, ordinance, or regulation shall govern.

11-1-105 Effect of Private Covenants and Agreements.

This Ordinance shall not nullify the more restrictive provisions of private covenants and agreements entered into between private persons, but shall prevail over any such provisions which are less restrictive. Enforcement of private covenants and agreements affects only the parties in interest and the responsibility of enforcement thereof may not be assumed by the City or its agents.

11-1-106 Effect on Previous Zoning Ordinances.

The existing Zoning Ordinance of the City of Farmington and the map at the time of adoption of this Ordinance are hereby superseded and amended to read as set forth herein; provided, however, that this Ordinance, including the attached maps, shall be deemed a continuation of the previous ordinance, and not a new enactment insofar as the substance of revisions, whether in the same or different languages; and the Ordinance shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous ordinance and to questions of conforming and nonconforming use buildings, structures, and to questions as to the dates upon such uses, buildings, or structures became conforming or nonconforming. All ordinances in force immediately prior to the adoption of this Ordinance shall continue in force after said adoption for the purpose of all rights acquired, fines, penalties, forfeitures, and liabilities incurred and actions therefore.

11-1-107 Severability.

If any chapter, section, sub-section, sentence, clause, phrase, or part of this ordinance is for any reason declared invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining provision of this Ordinance.

11-1-108 Licenses to Conform.

All departments, officials, and employees of Farmington City charged with the duty of issuing permits or licenses shall comply with the provisions of this Ordinance and shall issue no such permits or licenses which would be in conflict with the provisions of this Ordinance. Any such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.

CHAPTER 2

DEFINITIONS

11-2-010 General.

11-2-020 Definitions.

11-2-010 General.

For the purposes of this Ordinance, the following terms and words and their derivations shall have the meaning as given herein. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; and the plural, the singular. The word "shall" is always mandatory. Words not included herein or in the building code shall be given their usual meaning as found in the English dictionary, unless the context of the words clearly indicates a different meaning.

11-2-020 Definitions.

(1) Accessory Building or Use means. A building or use clearly incidental, customarily appropriate, and subordinate to the main use of the building or land.

(2) Accessory Living Quarters. A dwelling unit within an accessory building to a non-residential use located on the same premises with the main building or within the main building to be used solely for persons employed on the premises, not rented or otherwise used as a separate building.

(3) Agriculture. A farming activity limited to the tilling of the soil, the raising of crops, horticulture and gardening.

(4) Alteration. Any change in the construction of, or addition to, a building which would permit an increase in capacity, or change of use.

(5) Alterations, Structural. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

(6) Amusement Park. Any place of amusement not conducted wholly within a completely enclosed building.

(7) Architectural and Integral Part Of. Means any portion of, appendage to, or part of the general building layout of a main use planned for and/or constructed within the buildable area of a lot; and which is a functional part thereof; and which may be a structural part of or a detached accessory separated from the main building by a court not less than four (4) feet in width; and which is of the same general design or style as and comparable in excellence of quality and construction to the main building.

(8) Basement House. A one story dwelling where more than 50 percent (50%) of the exterior wall surface is below the average finished surface grade.

(9) Boarding House and/or Rooming House. A dwelling having one (1) kitchen and used for the purpose of providing meals or lodging or both meals and lodging for pay or compensation of any kind for three or more persons.

(10) Buildable Area. That portion of a building lot not included within any required yard or open space upon which a main building may be located and excluding all portions thereof which may exceed the coverage limits as specified in the zone regulations.

(11) Building. Any structure having a roof supported by columns or walls, intended for or used for the shelter, housing or enclosure of any person, animal, chattel, or any property of any kind.

(12) Building, Main. The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon the lot; also includes all of the appendages to a principal building constructed as an architectural and integral part thereof.

(13) Building Lot. See "Lot, Building".

(14) Building or Structure Height. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, or mansard roof, or to the mid point of the highest gable of a pitched, hipped, or shed roof or to a point two-thirds (2/3) the height of a Quonset, parabolic or round roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- (a) The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot (1,524 mm) horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet (3,048 mm) above lowest grade.
- (b) An elevation ten (10) feet (3,048 mm) higher than the lowest grade when the sidewalk or ground surface described in Item (a) is more than ten (10) feet (3,048 mm) above lowest grade.

Exterior walls exceeding twenty-two (22) feet in height (exclusive of roofs) shall be interrupted by stepping or terracing the building or structure. Each step shall project horizontally at least eight (8) feet and cover no less than two-thirds (2/3) the length of the wall exceeding twenty-two (22) feet in height.

(15) Business Services. Means uses which are primarily the serving of the daily needs of the business community. Examples of such uses include banks, stationary and business supply stores duplication, employment services, etc.

(16) Clinic, Dental or Medical. A building in which a group of physicians, dentists, and allied professional assistants are associated for the carrying on of their professions. The clinic may include a dental or medical laboratory; but, it shall not include in-patient care or operating rooms for major surgery.

(17) Conditional Use. Uses, other than permitted uses, that may be allowed in a specific zone but requiring additional safeguards to maintain and assure the health, safety, morals and general welfare of the public and to maintain the character of the zone.

(18) Condominium. A residential structure consisting of two (2) or more units, each under individual ownership, but each subject to certain joint agreements and covenants.

(19) Conservancy Lots. A lot created as a part of an approved subdivision or other procedure used to create such a lot which has a percentage of the land which can be occupied or built upon as approved and which requires the remainder to be left in permanent open space.

(20) Conservation Design. A design of land parcels which recognizes and includes adaptation of the features promulgated in this ordinance which encourage the preservation of open space and sensitive development of lands in and around areas having land development potential.

(21) Conservation Lands. Land within development areas which is identified in the design, development and approval processes and which is designated as permanent open space and which is not constrained by environmentally Constrained or Sensitive Lands.

(22) Conservation Meadows. A part of conservation land areas which are identified as having the characteristics of meadow or pastureland significance and use.

(23) Conservation Subdivision. A recorded subdivision within Farmington City that has utilized the provisions of the City's development ordinances which include conservation land that is required to be created and reserved through the design, layout and subdivision approval process. Such subdivisions are subject to permanent conservation easements prohibiting future subdivision or development of defined conservation areas and variance to permitted uses.

(24) Constrained or Sensitive Lands. Land that has been identified as having building or residential subdivision development constraints or sensitivity based upon the existence of conditions identified generally on the Farmington City Existing Resources and Site Analysis Plan and in the Farmington City Comprehensive General Plan.

(25) Construction Services. An establishment which primarily sells services constituting the construction, remodeling, or maintenance of buildings or grounds. This definition includes general, electrical, plumbing, heating, roofing, landscaping, pest control, etc. This use also includes lumber yards.

(26) Convenience Goods. Stores or shops intended for retail sales of convenience goods or performance of convenience services. Included in this definition is grocery store, drug store, hardware store, variety store, etc.

(27) Conventional Layout. A subdivision design which generally reflects historical or past standard layouts wherein all the land is divided into lots for residential building development and which does not involve planned unit development approaches or permanent open space concepts in the design.

(28) Court. An unoccupied space on the lot, other than a required yard, designed to be partially surrounded by a building or group of buildings.

(29) Day Care Center or Nursery School. A building and premises which are used for caring for children for less than twenty-four (24) hour periods.

(30) Demand or Shopping Goods. Stores or shops intended for retail sales of goods or merchandise, but not including convenience foods, liquor, motor vehicles, campers, trailers, farm

equipment, lumber, or heavy equipment. This definition shall include department and discount stores.

(31) Density, Gross. The number of dwelling units per acre of total land (including public streets and other public property).

(32) Density, Net (Net Dwelling Acre). Net residential land that is devoted to residential uses and accessory uses on the same lots, such as open spaces, drives and service areas, but excluding land for public streets, public parking and non-residential buildings.

(33) Dwelling. Any building or portion thereof which is designed for use for residential purposes except hotels, apartment hotels, boarding houses and/or rooming houses, tourist courts and automobile house trailers.

(34) Dwelling, Accessory. A dwelling unit within an accessory building which is subordinate to a single-family dwelling located on the same lot and which, together with the single-family dwelling, is used exclusively for the occupancy of one (1) family. A maximum of one (1) accessory dwelling shall be allowed per lot and no rent or other compensation may be charged for occupants of the accessory dwelling. No conditional use permit issued for an accessory dwelling shall be assignable or transferrable upon sale of the lot or otherwise and the conditional use permit shall expressly state such termination of the permit upon the sale or transfer of the property. Any conditional use permit issued hereunder shall be recorded with the Davis County Recorder's Office.

(35) Dwelling, Multiple Family. A detached building containing three (3) or more dwelling units.

(36) Dwelling, Two-Family. A detached building containing two (2) dwelling units.

(37) Dwelling Unit. One (1) or more rooms connected together but structurally divided from all other rooms in the same building and constituting a separate independent housekeeping unit which may be used for permanent residential occupancy by humans, with facilities for such humans to sleep, cook, and eat.

(38) Dwelling Unit, Secondary. A second dwelling unit within a single-family dwelling which is accessory to the single-family dwelling and which is an architectural and integral part of a single family dwelling.

(39) Dwelling, Single Family. An attached or detached building designed for the occupation exclusively by one (1) family.

(40) Family. An individual, or 2 or more persons related by blood, marriage, or adoption, or a group of not more than 5 persons who are not so related, living together as a single non-profit housekeeping unit doing their own cooking, and domestic servants for such family or group.

(41) Family Food Production or Farm Animals. The keeping of domestic animals and fowl for the production of food for the sole use of the family occupying the premises.

(42) Farming. A farm industry which includes generally all phases of farm operation--the keeping and raising of animals and/or fowl for domestic or commercial use, fur farms, livestock feed yards, pig farms, dairy farms and similar uses--and accessory uses thereto.

(43) Farm Operations. Operations carried out to support agricultural activities on a tract or parcel of land.

(44) Floor Area. The sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior faces of the exterior walls.

(45) Frontage. All the property fronting on a public street.

(46) Garbage. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris or other waste or salvage materials; dismantled, junked, or wrecked automobiles, or parts thereof; and old or scrap ferrous or nonferrous metal materials.

(47) Grade, Finished Surface. The average level of the finished surface of the ground adjacent to the foundation of a building or structure.

(48) Greenway Lands. See Conservation Lands.

(49) Hospital. An institution for human beings providing health services primarily for in-patients, and medical or surgical care of the sick or injured, and including such other services and accessory uses as normally provided for its administration and operation.

(50) Landscaping. The placement of ornamental fixtures such as fountains, ornamental walls, fences, benches, along with vegetative plants or trees, shrubs, grass, flowers, etc. This definition shall also include the designing of, and the placement of such materials.

(51) Lot. Any parcel of land.

(52) Lot, Building. A parcel of land which is of such dimensions as to comply with the minimum requirements of this Ordinance for area and width and depth where applicable in the zone in which it is located. This parcel must also have frontage on a public street equal to at least 50 percent (50%) of its minimum required width except for flag lots which shall have a minimum of thirty (30) feet of frontage on a public street. Frontage used to meet these requirements shall not include any part of a temporary end or dead end of a street.

(53) Lot, Corner. A building lot situated within a corner created by the intersecting lines of a street or streets.

(54) Lot Coverage. The total horizontal area of a lot covered by any building or structure including any covered automobile parking area (not including walks, patios, etc.)

(55) Lot, Double-frontage. Any building lot the centerline of which intersects two (2) front lot lines and which has no rear lot lines.

(56) Lot, Flag. A lot in the shape of a flag, with the staff portion having frontage on a public street with less than the minimum lot width as defined in the zone in which the lot is located.

(57) Lot, Inside. Any building lot other than a corner lot. Any building lot situated at the intersection of two (2) street lines where a corner is not clearly distinguishable, the street being constructed on a long radius curve, shall be classified as an outside lot.

(58) Lot Lines. The property lines bounding a lot. For purposes of establishing yard spaces all right-of-way lines for streets shall be considered the lot lines of abutting property.

(59) Lot Width. The width of a lot along a line parallel to the frontage thereof and measured at the minimum front setback line. (See Appendix I)

(60) Master Plan (Comprehensive Plan). The officially adopted document by the Farmington City Council that sets forth the policies for the future development of the City of Farmington.

(61) Mobile Home. A vehicle with or without motive power designed for or used for human habitation; also a trailer coach.

(62) Native Vegetation (or material). Land areas, parcels, tracts or lots containing native plant materials which are indigenous based upon climate, soils, topography, wildlife habitat or other native conditions.

(63) Natural Waterways. Those areas, varying in width, along streams, creeks, springs, gullies, or washes which are natural drainage channels as determined by the City Council or as shown on the Master Drainage Plan when adopted.

(64) Nonconforming Building Lot. A parcel of land of record with frontage on a public street, that was held in separate ownership from adjacent property on the effective date of this Ordinance, the dimensions of which do not meet the minimum requirements for a building lot in the zone in which it is located. Adjacent property in the same ownership but described under separate deeds shall be deemed to be one property for the purpose of this Ordinance.

(65) Nonconforming Building or Structure. A building or structure or portion thereof, lawfully existing at the time this Ordinance became effective, which does not conform to all the height, area and yard regulations prescribed in the zone in which it is located.

(66) Nonconforming Use. A use which lawfully occupied a building or land at the time this Ordinance became effective and which does not conform with the use regulations of the zone in which it is located.

(67) Offices, Business and Professional. A building, room, or department wherein a business or service for others is transacted but not including storage or sale of merchandise on the premises. Examples of such uses are Accountant, Architect, Medical and Dental, etc.

(68) Parking Lot. An open area, other than a street, used for the temporary parking of more than automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

(69) Parking Space. A space within a building, lot or parking lot for the temporary parking or storage of one (1) vehicle. For the purposes of this Ordinance, the area and size of a parking space to fill this requirement shall be a minimum of nine (9) feet wide and twenty (20) feet in length, and adequate ingress and egress drives provided to each space.

(70) Personal Services. Uses which are primarily the serving of the daily convenience needs of individuals. Examples of such uses are bakeries, drug stores, newspaper and magazine stores, gift shops, banks, beauty and barber services, laundry and dry cleaning, etc.

(71) Permitted Use. Uses allowed as a matter of right and listed as permitted uses in the various zone specifications.

(72) Planned Dwelling Group. A group of two (2) or more detached buildings located on one (1) building lot arranged in a harmonious and spacious configuration.

(73) Plot Plan. A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings and buildings to be erected, and showing the location of the lot and abutting streets.

(74) Primary Conservation Areas. Conservation land areas which must be included in any conservancy subdivision design or layout or site plan and which consists of primary constrained land inherently unfit for development including all areas designated in the Farmington City Resource and Site Analysis Plan.

(75) Productive Soils. Soils within agricultural and other zones of the city where various farming activities may or can take place including pasture use, hay operations, fruit growing and agriculture related activities.

(76) Public Use. A use or facility owned or operated exclusively by a public entity, having the purpose of serving the public health, safety, or general welfare. These include such uses as library, parks, community buildings, schools, fire station, police station (with jail), etc.

(77) Public Utility. A structure or facility used by a public agency to store, distribute, or chemically treat water, power, gas, sewer, equipment, or other services.

(78) Quasi-Public Use. A use or facility owned or operated exclusively by a private non-profit religious, recreational, charitable, or philanthropic institution. Such use shall have the purpose of serving the general public, and would include such uses as a church, hospital, civic or social club, museum, etc.

(79) Recreational Pool. A structure of concrete, masonry or other materials used for bathing, swimming and other aquatic activities. These include such uses as swimming pools, strip pools, prefabricated pools, hot tubs, spas and jacuzzi.

(80) Resource and Site Analysis Plan. The Farmington City Existing Resources and Site Analysis adopted by the City as part of the Comprehensive General Plan and which contains areas indicated as having future trailways, greenway systems, wetlands, flood plains, wildlife habitats, native vegetation areas, sensitive topographic conditions or other development constraints which must be recognized in the site plan approval and subdivision development processes of the City.

(81) Secondary Conservation Areas. Land areas which must be shown in any conservancy subdivision design or layout consisting of property which may ordinarily be overlooked or ignored during conventional design and development processes such as orchards, pastures, native tree groups and similar features which may become an integral part of a conservancy subdivision.

(82) Setback. The shortest horizontal distance between any point along the side of a building and either (1) the nearest point of a property line or lot line, measured at right angles to the property or lot line, or (2) for a concave curve of the property to be measured, the point of the curve nearest any point on the side of the building, or (3) for a convex curve of the property, the point nearest the building and on a straight line extending from the points of the curve nearest the rear property or lot line. The mode of measuring a setback for which no provision is made in this subsection may reasonably be determined by the Planning and Zoning Administrator. For purposes of measuring setback, rounded corners shall be treated as if square.

- (83) Silviculture. The art of cultivating a forest or woodlands.
- (84) Small Auto Dealership. An auto dealership licensed by the State of Utah displaying for sale no more than three (3) cars at any one time.
- (85) Street, Private. A thoroughfare, held in private ownership and controlled by one or more persons, firms or corporations and used or held for use primarily as a means of access to adjoining properties.
- (86) Street, Public. An open way, space and/or thoroughfare fifty (50) feet or more in width provided or dedicated and/or accepted by Farmington City, Davis County, or the State of Utah, for public use, designated primarily for vehicular travel.
- (87) Structure. That which is framed, erected, constructed, or placed upon the ground; but not including fences which are eight (8) feet or less in height.
- (88) Structural Alteration. See "Alteration, Structural".
- (89) Subdivision Yield Plan. A preliminary conceptual design with conventional lot and street layout where all the land ordinarily permitted in a conventional layout if allocated to house lots and to streets, and where all lots must contain buildable unconstrained land as required in the zoning district where the property it located.
- (90) Tract. Any parcel of land. See lot definition in this ordinance.
- (91) Trailer Coach. A mobile home designed and equipped for temporary and semi-permanent occupancy by humans.
- (92) Trailer Park or Court. Any premises where one or more trailer coaches or mobile homes are parked for living and sleeping purposes, or any premises set apart for the purpose of supplying to the public parking space for such mobile homes for living and sleeping purposes; also includes any buildings, structures, vehicles or enclosures used or intended for use as a part of the equipment of such trailer park, court or camp.
- (93) Unconstrained Land. Land that is substantially free of building or residential development constraints such as wetlands and soils classified as very poorly drained, utility easements or high-tension electrical transmission lines (<69KV), steep slopes of greater than 30 percent (30%), flood ways and flood plains within 100-year flood plains, areas identified as part of the city's major streets or trail systems and waterways, channels and attendant corridors.
- (94) Use, Accessory. See "Accessory Use".
- (95) Yard. An open space on a lot unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.
- (96) Yard, Front. Any yard between the front lot line and the setback line of a main building and extending for the full width of the lot. On lots that are other than rectangular in shape, the required minimum front yard may be an average of the distance measured from the front corners of a dwelling to the nearest point of the front lot line, however, the shortest distance used in determining the average may not be less than twenty (20) feet.
- (97) Yard, Rear. A yard between the rear lot line and the setback line of a main building and extending for the full width of inside lots and for corner lots a yard between the rear

lot line and the setback line of the building and extending between the side lot line and the side yard corner lying opposite thereto. On lots that are other than rectangular in shape, the required minimum rear yard may be an average of the distance measured from the rear corners of a dwelling to the nearest point of the rear lot line, however, the shortest distance used in determining the average may not be less than twenty (20) feet.

(98) Yard, Required Front. Any yard between the front lot line and the minimum setback distance required for the front yard in a particular zone. On lots that are other than rectangular in shape, the required minimum front yard may be an average of the distance measured from the front corners of a dwelling to the nearest point of the front lot line, however, the shortest distance used in determining the average may not be less than twenty (20) feet.

(99) Yard, Side. Any yard between the side lot line and the setback line of a main building, extending from the front yard to the rear yard. On lots that are other than rectangular in shape, the required minimum side yard may be an average of the distance measured from the side corners of a dwelling to the nearest point of the side lot line, however, the shortest distance used in determining the average may not be less than twenty (20) feet.

(100) Yard, Side Corner. Any yard between the other front lot line that is not used to designate the front of the structure and the setback line of a main building and extending between the rear lot line and the front setback line.

(101) Zone. A portion of the incorporated territory of Farmington City which has been given a zone designation which provides for certain yards and open spaces and certain height and other limitations for buildings and which provides for certain uses. May also be referred to as a district.

11-2-214 and 11-2-237 Amended, 3/02/94, Ord. 94-12
Chapter 2 Amended, 4/17/96, Ord. 96-17
Chapter 2 Amended, 4/21/99, Ord. 99-21
11-2-020(14) Amended, 4/19/00, Ord. 2000-15
11-2-020(34) Amended, 1/24/02, Ord. 2002-14
Amended, Definitions-(36), (38) & (39) 12/4/02, Ord. 2002-48
11-2-020(83) Enacted, 8/6/03, Ord. 2003-31

CHAPTER 3

PLANNING COMMISSION

- 11-3-010 Planning Commission.**
- 11-3-020 Members.**
- 11-3-030 Organization and Procedure.**
- 11-3-040 Functions and Duties.**
- 11-3-045 Special Exceptions**
- 11-3-050 Appeals.**

11-3-010 Planning Commission.

There is hereby created, pursuant to Utah Code Ann. § 10-9-201, as amended, a Planning Commission of the City to recommend and monitor the planning and development of the City whose primary duty shall be to act as an advisory commission to the City Council on all matters pertaining to planning and zoning. The Planning Commission shall be known and may be referred to as the Farmington City Planning Commission.

11-3-020 Members.

(a) Number. The Planning Commission shall be comprised of seven (7) members who shall be appointed by the Mayor with the advice and consent of the City Council.

(b) Terms. The members shall be appointed to staggered terms of four (4) years, provided that members may be appointed to terms shorter than four (4) years when necessary to provide for staggered terms. Members may be reappointed for successive terms.

(c) Removal. The members shall serve at the pleasure of the City Council, and the Mayor may remove any member of the Planning Commission upon majority vote of the City Council with or without cause.

(d) Vacancy. A vacancy occurring on the Planning Commission by reason of death, resignation, removal or disqualification, shall be promptly filled by a replacement appointed by the Mayor with the advice and consent of the City Council for the unexpired term of the replaced member.

(e) Compensation. The City Council may fix per diem compensation for the members of the Planning Commission, based upon necessary and reasonable expenses and on meetings actually attended by the members.

(f) Status. The members shall be deemed “volunteers” for purposes of City ordinances, rules, regulations and policies concerning personnel, provided however, they shall be included in the definition of “employee” for purposes of the Utah Governmental Immunity Act as set forth in Utah Code Ann. § 63-30-1, et seq., as amended.

11-3-030 Organization and Procedure.

The Planning Commission shall be organized and exercise its powers and duties as follows:

(a) Chairperson. The Planning Commission shall elect one of its members as Chairperson to oversee the proceedings and activities of the Planning Commission and one of its members to act as Vice-Chairperson to assist the Chairperson and to act as Chairperson in the event the Chairperson is unable to attend a meeting or act for any reason. The City Council shall ratify the Chairperson and Vice-Chairperson elected by the Planning Commission. The Chairperson and Vice-Chairperson shall serve for a term of one (1) year. The Chairperson or Vice-Chairperson acting as the Chairperson, shall have the power to vote on all matters. The Chairperson and Vice-chairperson may be elected for successive terms.

(b) Rules. The Planning Commission may adopt reasonable policies and procedures for governing the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the Planning Commission. Such policies and procedures shall be approved by the City Council before taking effect.

(c) Meetings. The Planning Commission shall meet on the second and fourth Thursday of each month at the hour of 7:00 p.m., and/or such other times as deemed necessary by the Chairperson, City Manager or City Council. All meetings shall be properly noticed and held in accordance with the open meetings law set forth in Chapter 4, Title 52 of the Utah Code Annotated, as amended. Written minutes of all meetings of the Planning Commission shall be prepared and filed in the office of the City Recorder for review and access by the public in accordance with the City Government Records Access and Management Ordinance.

(d) Quorum. No official business shall be conducted by the Planning Commission unless a quorum of the members are present. Four (4) members of the Planning Commission shall constitute a quorum. Unless otherwise provided by law or City Ordinance, the minimum number of yes votes required for the Planning Commission to take action on any matter shall be by majority vote of the members of the quorum present. The concurring vote of four (4) members is necessary to reverse any order, requirement, decision or determination of any administrative official or agency or to decide in favor of the appellant.

11-3-040 Functions and Duties.

It shall be the function of the Planning Commission to oversee the proper development of property within the City in accordance with pertinent City Ordinances and provisions of Chapter 9, Title 10, of the Utah Code Annotated, as amended. The duties of the Planning Commission shall include, but shall not be limited to, the following:

(a) prepare and recommend a general plan, street plan, zoning map, zoning ordinances, and any other relevant proposals or recommendations to the City Council for the proper development of property within the City;

(b) prepare and recommend any additions, changes, or amendments to the City's general plan, street plan, zoning map, zoning ordinances or other relevant items to the City Council for the proper development of the City;

(c) administer the provisions of the zoning ordinances;

(d) recommend subdivision ordinances and regulations and amendments thereto to the City Council;

(e) recommend approval or denial of subdivision applications;

- (f) advise the City Council on matters requested by the City Council;
- (g) hear or decide any matter that the City Council designates, including the approval or denial of, or recommendations to approve or deny, conditional use permits;
- (h) prepare and recommend programs for public improvements and the financing thereof to the City Council; and
- (i) exercise any other powers that are necessary to enable the Planning Commission to perform its function or that are delegated to it by the City Council.

SECTION 11-3-045 SPECIAL EXCEPTIONS.

(1) Purpose. A special exception is an activity or use incidental to or in addition to a principal use permitted in a zoning district or an adjustment to a fixed dimension standard permitted as an exception to the requirements of this Title. A special exception has less potential impact than a conditional use but still requires careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site. This Section sets forth procedures for considering and approving special exceptions to the provisions of this Title.

(2) Authority. When expressly provided for under the provisions of this Title, the Planning Commission is authorized to approve special exceptions to the provisions of this Title in accordance with the terms and provisions set forth in this Section.

(3) Initiation. A property owner, or the owner's agent, may request a special exception to the provisions of this Title in accordance with the procedures set forth herein.

(4) Procedure. An application for a special exception shall be considered and processed as follows.

(a) A complete application shall be submitted to the Zoning Administrator in a form established by the City along with any fee established by the City's Fee Schedule. The application shall include at least the following information:

- (i) The name, address and telephone number of the applicant and the applicant's agent, if any.
- (ii) The address and parcel identification of the subject property.
- (iii) The zone, zone boundaries and present use of the subject property.
- (iv) A complete description of the proposed special exception.
- (v) A plot plan showing the following:
 - (A) applicant's name;
 - (B) site address;
 - (C) property boundaries and dimensions;

(D) layout of existing and proposed buildings, parking, landscaping, and utilities; and

(E) adjoining property lines and uses within one hundred (100) feet of the subject property.

(vii) Such other and further information or documentation as the Zoning Administrator may deem necessary for a full and proper consideration and disposition of a particular application.

(b) After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission.

(3) A staff report evaluating the application shall be prepared by the Zoning Administrator.

(4) The Planning Commission shall hold a public meeting and thereafter shall approve, approve with conditions or deny the application pursuant to the standards set forth in Section 11-3-045(5) below. Any conditions of approval shall be limited to conditions needed to conform to the special exception to approval standards.

(5) After the Planning Commission makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.

(6) A record of all special exceptions shall be maintained in the office of the Zoning Administrator.

(5) Approval Standards. The following standards shall apply to the approval of a special exception.

(a) Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the special exception, upon the City as a whole, or upon public facilities and services. These conditions may include but are not limited to conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this Title. Such conditions shall be expressly set forth in the motion authorizing the special exception.

(b) The Planning Commission shall not authorize a special exception unless the evidence presented establishes the proposed special exception:

(i) Will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;

(ii) Will not create unreasonable traffic hazards;

(iii) Is located on a lot or parcel of sufficient size to accommodate the special exception.

(6) Effect of Approval. A special exception shall not authorize the establishment of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by this Title or other applicable provisions of the Farmington City Municipal Code.

(7) Amendments. The procedure for amending a special exception shall be the same as the original procedure set forth in this section.

(8) Expiration. Subject to an extension of time, a special exception which is not exercised within one hundred eighty (180) days shall expire and have no further force or effect.

11-3-050 Appeals.

Any interested person aggrieved of a final decision of the Planning Commission may appeal such decision in accordance with the procedures set forth in Chapter 4 of this Title regarding rights of appeal.

11-3-200 and 11-3-300 Amended, 2/20/91, Ord. 91-10
Chapter 3 Renumbered and Recodified, 11/19/97, Ord. 97-55
11-3-045 Special Exceptions, 12/4/02, Ord. 2002-48

CHAPTER 4

ADMINISTRATION

- 11-4-101 Building Official.**
- 11-4-102 City Planner.**
- 11-4-103 Zoning Administrator.**
- 11-4-104 Duties of the City Planner.**
- 11-4-105 Duties of the Zoning Administrator.**
- 11-4-106 Building Permit Required.**
- 11-4-107 Completion of Required Improvements.**
- 11-4-108 Violations.**
- 11-4-109 Right of Appeal.**

11-4-101 Building Official.

The Building Official shall enforce the provisions of the Building Code which are adopted by the State of Utah. For such purposes, he shall have the powers of a law enforcement officer. The Building Official shall also have duties and powers as provided in this Ordinance and may be assisted by other persons as the City Council may direct or authorize.

11-4-102 City Planner.

There is hereby created the office of City Planner. The City Planner shall be appointed by the City Manager with advice from the Planning Commission and with the advice and upon the consent of the governing body. The City Planner shall receive and review applications for development approval as required by this Ordinance. The City Planner may set the agenda for Planning Commission meeting.

11-4-103 Zoning Administrator.

There is hereby created the office of Zoning Administrator. The Zoning Administrator shall administer and enforce this Ordinance. The Zoning Administrator shall be appointed by the City Manager, with the advice and consent of the Planning Commission and the advice and upon the consent of the governing body. The Zoning Administrator may be assisted by other persons as authorized.

11-4-104 Duties of the City Planner.

(1) **Site Plan Review.** In addition to application for a building permit, all developments listed in Section 11-7-102 shall submit application for Site Plan Review as provided in Section 11-7-103. No building permit for these developments shall be issued until a site plan is reviewed and approved as provided in Chapter 7 of this Title. The City Planner shall review and make recommendations on all applications which are required to comply with the Site Development Standards specified in Chapter 7 of this Title and shall insure that all information and items required in this Title are included in the application.

(2) **Conditional Use Review.** The City Planner shall receive all applications for Conditional Use Permits as provided for in Chapter 8 of this Title. The City Planner shall see that all information and items required for this application are included in the submittal. This application shall be in addition to the application for building permit.

(3) **Amendments to the Zoning Map or Text.** Applications for amendment to this Ordinance shall be submitted to the City Planner. The amendment process shall proceed as provided for in Chapter 6.

(4) **Administration and Amendment of the Master Plan.** It shall be the responsibility of the City Planner to administer the Farmington City Master Plan, to periodically review the Plan, and to make recommendations for updating the Plan as the City grows and develops. Requests to amend the Master Plan shall be processed in the same manner as an application for a Zoning Amendment.

11-4-105 Duties of the Zoning Administrator.

The Zoning Administrator shall represent Farmington City in carrying out the stated purposes of this Ordinance and in so doing shall also cause that all required permits be obtained as required herein.

(1) **Variances.** Pursuant to Section 10-9-8 of the Utah Code Annotated, 1953, as amended, the Zoning Administrator shall have the power to decide routine and uncontested matters of the Board of Adjustment pursuant to its established guidelines as outlined in Chapter 5 of this Title. All variances granted by the Zoning Administrator shall be reviewed and approved by the City Manager prior to issuance.

(2) **Building Permits.** The Zoning Administrator shall review all building permit applications to determine compliance with this Ordinance. All applications for building permits shall be accompanied by a plot plan in duplicate. Such plot plan shall be drawn to scale and shall show the actual dimensions of the lot to be built on, any existing buildings or structures and the buildings or structures to be erected. The plan should also show the location of driveways into the property, off-street parking facilities, abutting streets (including right-of-way width), and such other information as may be necessary to accurately locate the lot, to provide for the enforcement of this Ordinance, and to comply with the Site Development Standards of this Title.

(3) Certificate of Occupancy.

- (a) No land shall be changed in use or occupancy and no building shall be changed in use or structurally altered until a Certificate of Occupancy shall have been issued by both the Zoning Administrator and the Building Official.
- (b) No Certificate of Occupancy shall be issued unless the contemplated use of the land and/or buildings for which said certificate is requested is in full compliance with the requirements of this Title and applicable building codes.
- (c) A Certificate of Occupancy shall be required for the purpose of maintaining, renewing, changing or extending a non-conforming use.
- (d) No person shall live in an accessory building unless that person has a valid Certificate of Occupancy for such building. The Certificate of Occupancy may only be issued if the accessory building is safe for human occupancy and if the main building or use is incomplete but is reasonably expected to be completed within one month from the date of issuance. Such a Certificate of Occupancy may be issued for a maximum time period of thirty (30) days. Violation of this section is a Class 'C' misdemeanor. For

purposes of this Section only, "live in" means to dwell in or use as a home, sleeping place, or shelter for human beings.

(4) **Home Occupation Permit.** All applications for a home occupation permit shall be submitted to the Zoning Administrator and shall include all information as required in Chapter 35. The Zoning Administrator shall review all applications for compliance with the Home Occupation standards of this Title and may either approve or deny such applications.

(5) **Sign Permits.** As provided in the Sign Ordinance of Farmington City, the Zoning Administrator shall be responsible for issuance of permits for signs, and for the enforcement of the sign regulations.

(6) **Administrative Determination for Uses Not Listed.** Determination as to the classification of uses not specifically listed in Chapters 10 through 26 of this Title may be made by the Zoning Administrator:

- (a) An application requesting such determination shall be filed with the Zoning Administrator. The application shall include a detailed description of the use and other such information as may be required.
- (b) The Zoning Administrator shall make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this Title and shall make a determination of its classification based on his investigations. The determination shall state the zone classification(s) in which the use will be allowed and whether the use will be a permitted use or a conditional use in the zone(s).
- (c) The determination and all information pertaining to it shall be assigned a file number classifying it as an administrative determination and shall become a permanent public record in the office of the Planning and Zoning Department.

(7) **Appeals from Decisions of the Zoning Administrator.** Any appeal of an action or decision of the Zoning Administrator shall be made to the Board of Adjustment as outlined in Section 11-5-106.

11-4-106 Building Permit Required.

The erection of any building, structure, any part thereof, or any alteration of an existing building that would permit the extension or enlargement of any use therein, or the preparation of any building site, shall not be commenced except after the issuance of a building permit, signed by both the Building Official and the Zoning Administrator.

11-4-107 Completion of Required Improvements.

(1) **Single-Family and Two-Family Dwellings.** All applications for construction of a single-family or two-family dwelling on an individual lot shall be accompanied by a bond agreement to insure maintenance of public improvements and provide an incentive for completion of the construction for which a permit is issued. No building permit shall be issued for construction or development on any lot before the applicant completes, or agrees to complete, construction of improvements as required herein within two years from the date of issuance of said permit and to insure the satisfactory condition of the improvements installed on, and in close

proximity to, said lot by posting a bond as set forth hereafter, nor shall said bond be released until the construction for which the building permit was issued is completed. The Bond Agreement shall be signed by the owner of the lot to be improved or by the contractor. The bond shall be in the sum of Five Hundred Dollars (\$500), or Five Dollars (\$5) per front foot, whichever is the greater amount. In no case shall the bond amount exceed One Thousand Dollars (\$1,000) per lot. The purpose of the bond agreement shall be to insure the satisfactory condition of the curbs, gutter, sidewalk, drive approaches, landscaping, paving (including proper patching of asphalt cuts when required), and other public improvements installed on and in close proximity to the individual lot or lots for which the building permit was issued. In addition, the bond is required as an incentive only for the satisfactory completion of the construction for which the permit was issued. Where building permits are issued for houses on lots not abutting City streets, the bond amount may be reduced to a minimum of Five Hundred Dollars (\$500) to satisfy the construction completion requirement, if the owner or contractor produces evidence a bond is in place warranting public improvements to the affected entity who owns the street right-of-way. The bond shall not obligate the City to complete any construction authorized by the issuance of the permit. The bond agreement shall terminate, and the bond, together with accumulated interest, will be released at the time the Certificate of Occupancy is issued, provided that the Building Official has made his inspection and found the construction to be complete and the improvements to be in satisfactory condition. In the event no Certificate of Occupancy has been issued within two years after the issuance of the building permit, the bond agreement shall terminate, and the bond, together with accumulated interest, shall be forfeited to the City.

(2) **On-site Improvements.** Any on-site improvements required by this Title for multiple-family residential uses, commercial uses, commercial recreation uses, industrial uses, or any conditional use, including, but not limited to, landscaping, fencing, curbs, gutters, sidewalks, parking lot paving, or flood control improvements shall be satisfactorily installed prior to issuance of a Certificate of Occupancy and/or a Business License. In lieu of actual completion of required improvements, a developer may file with the City a cash, escrow, irrevocable letter of credit, or property bond agreement, on a form acceptable to the City to insure completion of such improvements. The bond amount shall be based on the City Engineer's estimated cost of improvements plus twenty percent (20%). Only the four (4) types of bond agreements specified herein shall be accepted. The maximum time period for a bond to guarantee completion of on-site improvements shall be not more than one year. The bond may be extended by the City Council upon a request by the developer. Upon completion of the improvements for which an on-site bond agreement has been filed, the developer shall call the Planning Department for inspection.

(3) **Off-site Improvements and Other Public Improvements.** Off-site and/or other public improvements required by this Title for multiple-family residential uses, commercial uses, commercial recreation uses, industrial uses, or any conditional use, including, but not limited to, curb, gutter, and sidewalk, paving, fire hydrants, water distribution lines, or flood control improvements shall be installed before permits will be issued for development. In lieu of actual completion of required improvements, a developer may file with the City a cash, escrow, irrevocable letter of credit, or property bond agreement, on a form acceptable to the City to ensure completion of such improvements. The bond amount shall be based on the City Engineer's estimated cost of improvements plus twenty percent (20%). Only the four (4) types of bond agreements specified herein shall be accepted. The maximum time period for a bond to guarantee completion of on-site improvements shall be not more than two (2) years. The bond may be extended by the City Council upon a request by the developer. Upon completion of the improvements for which an off-site bond agreement has been filed, the developer shall call the City for inspection.

(4) **Inspections.** Inspection shall be made within a reasonable time after a request is received. If the inspection shows the City standards and specifications have been met in completion of the required improvements, the bond may be released within a reasonable time after the inspection. If the bond is not released, refusal to release and the reasons therefore shall be given to the developer within a reasonable time from the time of the inspection. The bond may be partially released based on the percentage of completion of the required improvements.

(5) **Existing Buildings.** The Building Official may require a bond on any alteration or remodel of any existing building if, within his discretion, such alteration or remodel could potentially cause damage to existing public improvements. Any ruling of the Building Inspector regarding the amount of required bond or the release date of the bond on remodels or alterations may be appealed to the City Manager. The purpose of a bond on any alteration or remodel, if required, shall be for the sole purpose of warranting the maintenance of public improvements, and not for the purpose of assuring construction completion for which the permit was taken out. Said bond shall be released immediately after the risk of damaging public improvements has passed.

(6) **Bond Refused.** If the City determines that issuance of a Certificate of Occupancy prior to completion of any required improvement may be injurious to the health, safety, or welfare of the City or its inhabitants, the City may refuse to accept a bond agreement in lieu of actual completion of required improvements or it may limit the time period of the bond to lesser periods than specified herein.

11-4-108 Violations.

If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and the action necessary to correct it. The Zoning Administrator shall order the discontinuance of illegal buildings, structures, or additions to buildings or structures; discontinuance of any illegal work being done, or shall take other action authorized by this Ordinance to ensure compliance.

11-4-109 Right of Appeal.

Any person aggrieved by any decision of the Zoning Administrator or the Planning Commission in the administration of this Ordinance, may appeal such decision in accordance with the provisions of this Section:

(1) An appeal of an action or decision of the Zoning Administrator made in the administration of this Ordinance may be made as outlined in Section 11-5-106.

(2) An appeal of an action or decision of the Planning Commission made in the administration of this Ordinance shall be made to the City Council. 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.

(3) An appeal stays all proceedings in furtherance of the action appealed from unless the Planning Commission 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.

(4) 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 Planning Commission. A concurring vote of a simple majority of the total membership of the Council shall be necessary to act on the appeal.

(5) 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.

11-4-200 and 11-4-300 Amended, 8/15/90, Ord. 90-27
Chapter 4 Amended, 7/17/91, Ord. 91-26

CHAPTER 5

BOARD OF ADJUSTMENT

- 11-5-101** **Creation.**
- 11-5-102** **Board Members.**
- 11-5-103** **Organization and Meetings.**
- 11-5-104** **Powers and Duties of Board.**
- 11-5-105** **Zoning Administrator's Determinations.**
- 11-5-106** **Appeals.**
- 11-5-107** **Nonconforming Use of Buildings, Structures, and Land.**
- 11-5-108** **Variances.**

11-5-101 **Creation.**

A Board of Adjustment is hereby created pursuant to Section 10-9-6 of the Utah Code Annotated, 1953, as amended.

11-5-102 **Board Members.**

(1) The Board of Adjustment shall consist of five (5) members, each to be appointed by the Mayor with the advice and consent of the City Council. Each member shall serve for a term of five (5) years, with the terms beginning on the first day of July and so arranged that the term of not more than one (1) member will expire each year. Terms of each of the members shall expire on the last day of June in the last year of the term. Any member may be removed for cause by the City Council upon written charges and after public hearing, if such public hearing is requested.

(2) Vacancies on the Board occurring for reasons of death, resignation, removal, or disqualification shall be promptly filled by the City Council for the unexpired term of such member.

(3) One (1) member, but no more than one (1), of the Planning Commission shall be a member of the Board of Adjustment. The Planning Commission member appointed to the Board shall serve for one (1) calendar year and may be reappointed for additional terms.

11-5-103 **Organization and Meetings.**

(1) At the beginning of each year, the Board of Adjustment shall elect one of its members to act as Chairman for the year. At meetings where the Chairman is absent the Board shall elect a temporary or acting Chairman for that particular meeting.

(2) Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his/her absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

(3) The Board shall keep minutes of its proceedings showing the members present and the vote of each member upon each question. The Board shall also keep records of its examinations and other official actions. Records of the Board shall be filed in the City office and be available for public review.

(4) All decisions of the Board shall be based upon the finding of fact and every finding shall be supported in the record of the meetings of the Board. The concurring vote of three (3) members of the Board shall be necessary to decide in favor of the applicant on any matter before the Board.

(5) The Board of Adjustment may adopt rules of procedure not inconsistent with this Title and/or state law.

11-5-104 Powers and Duties of Board.

The Board of Adjustment shall have the power and duty to hear and decide:

(1) Appeals - The Board shall hear and decide appeals from any order, requirement, determination, or decision of the Zoning Administrator. Such appeals may be made by any person aggrieved, or by any officer, department, board, or bureau of the City which is affected by such order, requirement, decision, or determination. The appeal shall be made in accordance with Section 11-5-106 and the rules adopted by the Board.

(2) Nonconforming Uses - Nonconforming use determinations, other than those decided by the Zoning Administrator as provided in this chapter, and applications for the expansion of a nonconforming use shall be determined by the Board. These determinations shall be made as provided in Section 11-5-107 of this chapter, State Law, and the rules adopted by the Board.

(3) Variances - The Board shall have the power to hear and decide all applications for variance from the Zoning Ordinance except for allowing a use in a zone which is not specifically listed as a permitted or conditional use. Such decisions shall be made in accordance with Section 11-5-108 of this chapter, State Law, and the rules adopted by the Board.

11-5-105 Zoning Administrator's Determinations.

The Zoning Administrator may decide certain matters as designated by the Board, consistent with guidelines established by this chapter, State Law, and rules adopted by the Board. Pursuant to that authority, the Zoning Administrator may decide all cases which are routine in nature, uncontested, do not impact on the character of the neighborhood, or are primarily brought about as a result of recent changes in the Zoning Ordinance which create a large number of nonconforming structures or uses. The specific types of decisions the Zoning Administrator is authorized to make shall include:

(1) Variances to setback requirements in which the proposed reduction is not more than twenty-five percent (25%) of the normal required setback;

(2) Variances to parking requirements where a reduction in the number of parking spaces is not more than ten percent (10%) of the normal requirement;

(3) Determination of a nonconforming use which can be verified by substantial evidence. Substantial evidence, for the purpose of this Section, shall mean official documents such as written correspondence from a Public body or Agency, receipts, permits, tax notices, or other property information which may establish the truth of the matter asserted by the applicant;

(4) Consider additions or alterations to existing buildings or structures which are nonconforming as to yard regulations provided the addition follows the existing wall lines and does not increase the extent of the nonconformity;

(5) Consider a change in status of a nonconforming use to a less intense use than that which exists;

(6) Final review and approval of plans where the Board has required that a final plan be submitted which includes all requirements imposed by the Board as conditions of granting an approval.

11-5-106 Appeals.

Appeal may be made to the Board of Adjustment by the City or any person aggrieved by a final decision, determination, or requirement of the Zoning Administrator made under the provisions of this Title. All appeals shall be made as follows:

(1) The appeal shall be made within fifteen (15) days of the action or decision being appealed from by filing a written notice of appeal, along with a designated fee, with the Zoning Administrator and Board of Adjustment;

(2) The notice of appeal shall specify, in detail, the action and grounds upon which the applicant or other interested parties deem themselves aggrieved. A notice which fails to specify grounds for appeal may be summarily dismissed by the Board with or without prejudice;

(3) All papers constituting the record upon which the action being appealed is based shall be transmitted to the Board of Adjustment;

(4) The Board of Adjustment shall set the appeal for hearing to be held within a reasonable time from the date the appeal is received. Public Notice of the appeal hearing shall be given as required by law and according to Policies adopted by the Board. Written notice of the date set for hearing shall be mailed to the appellant at least seven (7) days prior to the hearing. An applicant may appear in person or may be represented by an attorney or other authorized agent at any meeting of the Board. Written authorization shall be required for an agent. After hearing the appeal, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from. An affirmative vote of three (3) members of the Board shall decide any matter under consideration;

(5) The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Board. Said stay shall exist unless the Zoning Administrator certifies to the Board, after the notice of appeal has been filed, that by reason of facts stated in the notice, the stay would cause imminent peril to life or property. In such a case, proceedings shall not be stayed except by restraining order granted by the District Court on application, notice, and due cause shown;

(6) The City, or any person aggrieved by any decision of the Board, may bring and maintain a plenary action for relief in any court of competent jurisdiction, provided the petition for such relief is presented to the Court within thirty (30) days after the date of the hearing at which the decision of the Board was rendered.

11-5-107 Nonconforming Use of Buildings, Structures, and Land.

(1) Determinations of Nonconforming Buildings and Uses - All matters regarding the nonconforming use of buildings and land shall be determined by the Board of Adjustment except as otherwise provided herein. Upon application, and after a public hearing on the matter, the Board shall determine if the use or building is nonconforming in respect to the provisions of this Title. The Zoning Administrator may determine routine and uncontested requests to verify nonconforming uses as provided in Section 11-5-105 of this chapter and according to rules adopted by the Board.

(2) Nonconforming Lots of Record - The requirements of this Title as to minimum lot area or lot width shall not be construed to prevent the development of any lot or parcel of land for a use allowed in the zone in which the lot or parcel is located, provided that the property has access to a public street and is a legally divided lot, held in separate ownership, at the time such requirements became effective. The Zoning Administrator shall make a determination as to the nonconformity of such lots based on documentation submitted by the lot owner. Reduction in required yards for such lots shall require variances which shall be requested and processed as outlined in this chapter.

(3) Nonconforming Use of Open Land - A nonconforming use of land lawfully existing on the effective date of this Title may be continued provided such nonconforming use shall not be expanded or extended into any other open land except as provided herein. The Board, after holding a public hearing, may allow the expansion of a nonconforming use of land provided such change is in harmony with the surrounding neighborhood and meets the intent of the Master Plan and this Title. Reasonable conditions may be attached to the approval in order to insure neighborhood compatibility. If said nonconforming use is discontinued for a continuous period of one (1) year or more, the use shall be considered to be abandoned and any future use of such land shall conform to the provisions of the zone in which it is located.

(4) Alteration of Nonconforming Buildings and Structures - Buildings and structures which are determined to be nonconforming in respect to setbacks or height may be continued. Additions or structural alterations may be made to the extent that they are required by law. In addition, the Board, after holding a public hearing, may allow an enlargement or structural alteration provided such change is in harmony with the surrounding neighborhood and meets the intent of the Master Plan and this Title. Reasonable conditions may be attached to the approval in order to insure neighborhood compatibility. If a nonconforming building or structure is removed or destroyed, every future use of the land on which the building or structure was located shall conform to the provisions of this Title.

(5) Nonconforming Use of Structures and Buildings - The nonconforming use of any structure or building lawfully existing on the effective date of this Title or amendment may be continued as provided in this Chapter. A nonconforming use may be extended to include the entire floor area of the existing structure or building in which it was conducted at the time the use became nonconforming. If said nonconforming use is discontinued for a continuous period of one year or more, the use shall be considered abandoned and any future use of such structures and buildings shall conform to the provisions of the zone in which they are located.

(6) Change in Status of a Nonconforming Use - A nonconforming use may be succeeded, upon approval by the Zoning Administrator, by a less intense and more restrictive nonconforming use of a more desirable nature. Such change must be effected within one (1) year from the first day on which the previous use is discontinued. After a change to a less intensive use occurs, the use shall not change back to a more intensive use.

(7) Reconstruction of Nonconforming Building or Structure Partially Destroyed

a. A nonconforming building or structure, other than a dwelling of two dwelling units or less, damaged or destroyed to the extent of not more than fifty percent (50%) of its reasonable replacement value at the time of its destruction by fire, explosion, other casualty, act of God, or action of a public enemy, may be restored. Occupancy or use of such building or structure which existed at the time of such partial destruction may be continued subject to the provisions of this chapter.

b. A nonconforming dwelling of two dwelling units or less which has been damaged or destroyed by fire, explosion, other casualty, act of God, or action of a public enemy, may be restored or reconstructed to the same nonconforming building or structure as existed before such damage or destruction, provided there is no increase in any nonconformity. The City must issue a building permit for such restoration or reconstruction within one (1) year of the damage or destruction, and construction shall be carried on without interruption.

(8) Amortization of Nonconforming Uses - The Board may provide for the timely modification or removal of a nonconforming use of land for open storage or signs deemed to be incompatible with the surrounding neighborhood. A reasonable period may be granted in which the nonconforming use shall be modified or removed to comply with the Master Plan and Zoning Ordinance.

11-5-108 Variances.

(1) The Board of Adjustment may authorize upon appeal, variance from the provisions of this Title where it can be shown that due to special conditions the literal enforcement of this Title would result in undue hardship to the property owner. Special conditions that warrant a variance shall apply to a specific parcel of property and include such things as exceptional narrowness, shallowness, or shape of the property; exceptional topographic conditions; or other extraordinary and exceptional situations or conditions. Hardship, as used herein, shall be distinguished from a mere inconvenience to the property owner or a desire to reduce financial costs. In granting a variance, the Board may affix any conditions it feels are necessary to carry out the intent of this Ordinance.

(2) Variance Criteria - Unless otherwise provided in this Title, the Board may grant a variance from the requirements of any provision of the Zoning Ordinance to the extent that such a grant shall be consistent with the provisions of this section. Each case shall be considered only on its individual merits; a previous variance shall not be deemed to set a precedent. Before a variance can be granted, the applicant must show that all the following criteria have been met:

- (a) The variance will not authorize a use other than those uses specifically allowed as permitted or conditional uses in the zone in which the subject property is located;
- (b) The variance will not substantially affect the intent of the Zoning Ordinance and that adherence to the strict letter of the ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the ordinance. "Hardship" and "difficulties", as used in this section, shall mean a hardship peculiar to the property and not created by any act of the owner. In this context, personal, family, or financial difficulties, loss of

prospective profits, or neighboring violations are not hardships justifying a variance;

- (c) Special circumstances apply to the property covered by the application which do not generally apply to other property in the same zoning district;
- (d) That because of special circumstances attached to the property, the owner is deprived of privileges possessed by other property owners in the same zoning district and the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

Chapter 5 Amended and Combined (Chap 5 and 37), 2/6/91, Ord. 91-8
11-5-107(7) enacted by Ord. 2005-03, 01/19/05

CHAPTER 6

ZONING ORDINANCE AND MAP AMENDMENTS

- 11-6-010** Amendments Permitted.
- 11-6-020** Procedure for Proposed Amendments.
- 11-6-030** Fees and Costs.
- 11-6-040** Approval Not Affecting Other Requirements.
- 11-6-050** Required Commencement of Construction.
- 11-6-060** Documentation.
- 11-6-070** Disapproval of Proposed Amendment.

11-6-010 Amendments Permitted.

The City Council may from time to time amend any of the provisions of the Farmington City Zoning Ordinance or the Official Zoning Map of the City in accordance with the procedures set forth herein, including amendments to the number, shape, boundaries, or area of any zoning district; any regulation of or within the zoning district; or any other provision of the zoning ordinance. The provisions set forth herein shall not apply to amendments to the City General Plan which procedure is more specifically provided for elsewhere in this Title, nor temporary regulations which may be enacted without public hearing in accordance with Utah Code Ann. § 10-9-404, as amended.

11-6-020 Procedure for Proposed Amendments.

(a) Interested Parties. Proposed amendments to the Zoning Ordinance or Zoning Map may be initiated by the City Council, Planning Commission, Board of Adjustments or any other interested party.

(b) Application. Proposed amendments submitted by interested parties as provided herein, other than the City Council, Planning Commission or Board of Adjustments, shall be submitted to the City Planner for consideration by the Planning Commission in the form of an Application containing, at a minimum, the following information:

- (i) the name and address of applicant and the name and address of every person or company that the applicant represents;
- (ii) the requested amendment and the reasons therefor;
- (iii) if the proposed amendment requires a change in the Zoning Map, the Application shall include an accurate property map showing all areas which would be affected by the proposed amendment, all abutting properties, and the present and proposed zoning classifications; and an accurate legal description of the area to be rezoned and approximate common address; and
- (iv) if the proposed amendment would require a change in the text of the Ordinance, the application shall include the Chapter and Section, and a draft of the proposed wording that is desired.

(c) City Planner Review. The City Planner shall review the application to verify that all of the information required by this Chapter and other applicable ordinances, rules and regulations, are included.

(d) Planning Commission Review. All proposed amendments must be first submitted to the Planning Commission for review and recommendations. The Planning Commission shall study and examine each application and proposed amendment. The Planning Commission should consider the following issues when reviewing each proposed amendment: (1) is the proposed amendment reasonably necessary; (2) is the proposed amendment in the public interest; and (3) is the proposed amendment consistent with the City General Plan and in harmony with the objectives and purpose of the Zoning Ordinance. After study and analysis, the Planning Commission shall prepare written recommendations regarding the application and proposed amendment and forward the same to the City Council for its consideration.

(e) City Council Review. Except as provided herein, the City Council shall review the proposed amendment to the Zoning Ordinance or Zoning Map and shall schedule and hold a public hearing on the proposed amendment. The City Council shall provide reasonable notice of the public hearing at least fourteen (14) days before the date of the hearing. After the public hearing, the City Council may make any modifications to the proposed amendment to the Zoning Ordinance or Zoning Map that it considers appropriate and in accord with the City General Plan and may thereafter adopt the amendment as proposed, modify the amendment and adopt or reject the modified amendment, or reject the proposed amendment.

11-6-030 Fees and Costs.

Proposed amendments submitted by interested parties other than the City Council, Planning Commission or Board of Adjustments, shall be accompanied by the appropriate fee as set forth in the City Fee Schedule adopted by the City by Resolution.

11-6-040 Approval Not Affecting Other Requirements.

Any approval of an amendment to the Zoning Ordinance or Zoning Map by the City Council shall in no way imply or constitute an approval of any conditional use permit, building permit site plan or improvements thereon. Approval of site plans, conditional use permits, building permits, and other approvals must be obtained in accordance with applicable City Ordinances.

11-6-050 Required Commencement of Construction.

Except as otherwise provided in writing by the City Council, any rezone approval initiated by an interested party other than the City shall be conditioned upon commencement of actual construction or improvements on the affected property or the actual occupancy and utilization for the use of the proposed development upon the affected property within two (2) years from the date of such approval. If the Applicant fails to commence such construction or improvements, or any other conditions imposed by the City Council, to the satisfaction of the City, within the required time frame, the property's zoning classification and zone district shall automatically, and without further notice or hearings thereon, revert to its prior zoning classification and district. For purposes of this Section, "commencement of actual construction or improvements" shall mean that the City has either inspected and approved completion of all designated improvements or the City has inspected and approved completion of construction of all footings of the proposed development or structure on the affected property.

11-6-060 Documentation.

All documents required to effect the amendment or rezone shall be prepared, executed and filed as directed by the City. All recorded documents concerning a rezone shall contain a recital of all conditions imposed by the City Council and notice of automatic reversion if such conditions and the required commencement of construction are not completely fulfilled, executed and satisfied within the required time frame.

11-6-070 Disapproval of Proposed Amendment.

Disapproval of an application to amend the Planning and Zoning Ordinance or Zoning Map shall preclude the filing of another application to amend such ordinances or map regarding the same property, or any portion thereof, to the same zone classification within one (1) year of the date of the final disapproval of the application by the City Council, unless the Planning Commission determines that there has been a substantial change in the circumstances to merit consideration of a second application prior to the expiration of such time.

11-6-101 and 11-6-105 Amended, 2/7/96, Ord. 96-06
Chapter 6 Renumbered and Recodified, 11/19/97, Ord. 97-55

CHAPTER 7

SITE DEVELOPMENT STANDARDS

- 11-7-101 Purpose.**
- 11-7-102 Applicability.**
- 11-7-103 Application.**
- 11-7-104 Site Development Plan Review Process.**
- 11-7-105 Standards for Development of a One-Family or Two-Family Dwelling on an Individual Lot.**
- 11-7-106 Standards for Building Additions, Site Modifications, or Change of Use for Permitted Uses on a Developed Site.**
- 11-7-107 Standards for Construction of Multiple-Family Residential, Commercial, Commercial Recreation, or Industrial Conditional Uses or Permitted Uses on an Undeveloped Site.**
- 11-7-108 Off-Site Improvements and Public Streets.**
- 11-7-109 Amendment or Modifications.**
- 11-7-110 Compliance with the Site Plan.**
- 11-7-111 Final Plan Requirements.**
- 11-7-112 Appeal.**

11-7-101 Purpose.

The purpose of this Chapter is to establish minimum standards for the review of development applications to insure that the general appearance, interrelationships and functioning of buildings, structures, and the improvements upon the land shall be compatible and contribute to the stability of land values, the encouragement and protection of investments, the enhancement of the urban environment and streetscape, the preservation and promotion of the City's unique characteristics and values, and the general welfare of the community, while mitigating negative impacts upon adjacent neighborhoods. It is not the purpose of this Chapter that design should be so rigidly controlled so as to stifle creativity or individual expression.

It is the intent of this Chapter that the standards, as outlined, shall be supplemented by other requirements of this Ordinance when additional review is specified for projects such as a Planned Unit Development, a Planned Dwelling Group, a Conditional Use Permit, or a development in the Foothill Zone. Wherever the provisions of these various Chapters conflict, the more restrictive standards or provisions shall prevail.

11-7-102 Applicability.

- (1) Site Plan Review and approval shall be required for:
 - (a) All new developments on a previously undeveloped site;
 - (b) Additions to existing structures;
 - (c) Changes to a site which include expansion into a previously undeveloped area of a site, addition or modification of parking lots, modifications of vehicular access points, modification of required landscaping, modifications which may result in additional impermeable area causing an

increase in the volume of storm runoff, modification to existing drainage patterns, or the addition of outside storage areas; or

- (d) Changes in use.

11-7-103 Application.

Application for site plan review shall be made by the property owner, or an authorized agent certified in writing by the property owner, by submitting to the City Planner site plans, drawn to a standard scale which is not less than one inch equals forty feet (1"= 40'), showing lot configuration, dimensions, and north arrow, on a suggested sheet size of approximately twenty-four (24) inches by thirty-six (36) inches, but not less than 8-1/2 inches by 11 inches, and including any or all of the specifications outlined herein. The City Planner shall review the site plan to verify that the minimum requirements are satisfied. If the application is not complete, or if revisions or additions are necessary, it shall be returned to the applicant. Building Permits for Conditional Uses shall not be issued until the Planning Commission has approved the use and the Conditional Use Permit has been issued.

11-7-104 Site Development Plan Review Process.

(1) The Applicant shall prepare and make a submission to the City consistent with the standards contained in this Chapter. The applicant shall not engage in any site development or building construction until the necessary approvals, as outlined herein, have been obtained.

(2) Proposed site plans shall be delivered by the applicant to such City departments, special districts, governmental boards, bureaus, utility companies, and other agencies, which will need to provide facilities and services to the site, for their information and comment. The Planning Department is responsible for coordinating the comments received from all public and private entities, and shall decide which agencies to refer proposed site plans to.

(3) The Planning Department shall review the site plan for conformance with the standards outlined herein; for conformance with the Comprehensive Plan and the Zoning Ordinance; for environmental impacts which may be associated with the design; and shall process the site plan and reports as provided in this Chapter.

(4) The City Engineer and Public Works Department shall review the site plan and make recommendations concerning: flood control requirements; engineering requirements for street widths, grades, and alignments; sewer and water requirements; whether the proposed public improvements conform to the requirements of this Chapter and other applicable ordinances; and shall be responsible for the approval and inspection of all public improvements.

(5) The City Planner shall review all applications for Permitted Uses in Agricultural and Single-family Residential Zones including applications for duplexes. If desired, an applicant may request a review by the Planning Commission of a permitted use. This provision is intended to resolve conflicts or differences of opinion between the applicant and City staff concerning the requirements or interpretation of this Chapter.

(6) The Planning Commission shall review all Conditional Uses, as well as all multiple-family residential, commercial, commercial recreation, office, or industrial Permitted Uses which are subject to the requirements of this Chapter unless such review is waived by the Commission and is delegated to the Planning Department. After adequate review, an application

may be approved, approved with conditions, continued for further study, or disapproved for the use and/or site plan.

(7) The applicant shall be notified within a reasonable time after receipt of the application of the City's decision. The City may either issue a Building Permit, advise the applicant of the approval of the application, or advise the applicant of additional information required by the City in order to act upon the application.

11-7-105 Standards for Development of a One-Family or Two-Family Dwelling on an Individual Lot.

Applications for construction of a one-family or two-family dwelling on an individual lot shall be accompanied by, and shall comply with, the following:

- (1) A completed Building Permit application;
- (2) Two (2) sets of site development plans which include the following information;
 - (a) Date, North arrow, and appropriate scale to clearly show the detail necessary to describe what is proposed. The drawing shall be accurate in terms of scale and dimensions;
 - (b) A title block showing the name, address, and phone number of the applicant and the designer, and the name (if applicable) and address of the proposed project, and date of preparation. When required by the City, the drawings shall be prepared and stamped by a registered Engineer and/or architect;
 - (c) The location and width of existing and proposed abutting streets, property lines, easements, and holding strips;
 - (d) The location of all existing and proposed structures on the property and the location of existing structures on adjoining properties;
 - (e) The location of existing fencing and significant existing trees and shrubbery;
 - (f) The location of off-street parking, driveways, and hard-surfaced areas; and
 - (g) The location of existing and proposed curb, gutter, and sidewalk, and curb cuts.
- (3) Final grading of individual lots shall be performed in such a way that excess water shall either be entirely contained on the site, directed to an improved street, or directed to an approved drainage inlet, drainage channel, or drainage easement. Excess water shall not be allowed to drain onto adjacent private property unless approved as part of an overall system, as reflected in a subdivision approval or otherwise. At the discretion of the City, a grading plan may be required which shall include the existing and proposed grades in contour intervals of two (2) feet or less as well as intermediate spot elevations.
- (4) Residential site development in the Foothill Overlay Districts shall comply with the provisions of Chapter 30 of this Title.

11-7-106 Standards for Building Additions, Site Modifications, or Change of Use for Permitted Uses on a Developed Site.

Applications for building additions, site modifications, or changes in use, for permitted uses, on a developed site shall include all applicable information specified in Section 11-7-105, above, and, in addition, shall be accompanied by, and shall comply with, the following:

- (1) A completed Permitted Use Application and fee as well as a Building Permit Application, if applicable, shall be submitted.
- (2) The applications shall be accompanied by three sets of site development plans. Additional sets of plans may be required depending on the number of reviewing agencies involved.
- (3) Site development plans shall include the following information:
 - (a) A title block showing the name, address, and phone number of the applicant and the designer, the name and address of the proposed project (if applicable), and the date of preparation. When required by the City, the drawings shall be prepared and stamped by registered Engineer and/or architect;
 - (b) The location and width of existing and proposed abutting streets, property lines, easements, and holding strips;
 - (c) The location of all existing and proposed structures on the property and the location of existing structures on adjoining properties. If building additions are proposed, architectural plans and elevations shall be included which indicate the materials and colors to be used. Building additions shall be architecturally integrated with the existing building in terms of design and materials;
 - (d) The location of existing fencing and landscaping. If landscaping is disturbed or displaced, a Landscape Plan shall be submitted showing rehabilitation of disturbed areas and/or establishment of landscaping elsewhere on the site that is at least equal to the amount displaced. Fencing and/or landscaping, at least six feet in height, shall be used to screen any proposed service or storage areas;
 - (e) The location of off-street parking, driveways, loading facilities, and hard-surfaced areas;
 - (f) The location of existing and proposed curb, gutter, and sidewalk, and curb cuts. If property abuts a state highway, approval of the Utah State Department of Transportation Right-of-Way Engineer must be obtained for location of curb, gutter, and sidewalk. Location and number of curb entrances must also be approved by the Utah Department of Transportation. Necessary improvements shall be installed at the applicant's expense;
 - (g) If the site is modified to the extent that there is a significant impact on the existing storm drainage system, plans shall be submitted which illustrate how this impact will be mitigated and a storm drainage fee may be

assessed. Necessary improvements shall be installed at the applicant's expense; and

- (h) The location, height, and size of proposed signs and lighting.

11-7-107 Standards for Construction of Multiple-Family Residential, Commercial, Commercial Recreation, or Industrial Conditional Uses or Permitted Uses on an Undeveloped Site.

Applications made pursuant to this Section shall include all applicable information specified in Section 11-7-106, above, and, in addition, shall be accompanied by, and shall comply with, the following:

(1) A completed Conditional Use Application Form, Permitted Use Application Form, and/or Building Permit Application, with appropriate fees, shall be submitted.

(2) Three sets of site development plans shall be submitted for Permitted uses and five (5) sets shall be submitted for Conditional Uses. Additional sets of plans may be required depending on the number of reviewing agencies involved.

(3) Architectural Plans shall include the following:

(a) Architectural drawings, sketches, perspectives, and/or exterior elevations of proposed structures and an indication of the materials and colors to be used. Include height of structures and indicate screening of roof-based mechanical equipment, parking, dumpsters, etc. All commercial, commercial recreation, and industrial developments shall be designed to include, as a part of the exterior facade of buildings or as architectural elements in the landscape, an element of "Farmington Rock".

(b) Plans shall illustrate the visual impact of the structures and the location of the structures in relationship to each other, the adjacent development, and the neighborhood in general. Development shall be harmonious and not negatively impact adjoining structures and neighborhoods. The developer shall use design in screening features to mitigate the visual effect of contrast in height, mass, and scale, etc.

(c) Plans shall illustrate the relationship between the exterior design of the proposed structures, adjacent structures, and the neighborhood in general. Exterior design and materials of the project shall be compatible with, and shall not detract from, that of structures in the neighborhood.

(4) A Landscaping Plan shall be submitted which illustrates proposed landscaping and fencing in enough detail that the screening and aesthetic qualities of the landscaping can be effectively reviewed by the Planning Commission. All required Landscape Plans shall include:

(a) Percent of site to be landscaped. A minimum of forty percent (40%) of a multiple-family residential site, fifteen percent (15%) of a commercial site, and five percent (5%) of an industrial site shall be landscaped. Upon a request by the applicant, landscaping percentages may be reduced if the Planning Commission finds that, due to the size of the parcel, the amount of landscaping required is unreasonable and cannot be located in useful locations. The Planning Commission may also require an increase in

landscaping as a requirement for Conditional Use Approval if it is determined that such an increase is necessary to help mitigate some aspect of a proposed use;

- (b) A plant legend specifying the total number of each type of plant, each plant's common name, and size of plants at time of installation;
- (c) Location of individual trees, shrubs, groundcovers, and other planting areas showing approximate distances from roadways, sidewalks, and buildings. The retention of healthy existing trees and other vegetation is strongly encouraged;
- (d) Description and location of any proposed ornamental landscaping elements (colored and crushed rock, gravel, large boulders, etc.);
- (e) Description, location, and dimensions of fences and landscaping protective devices;
- (f) All landscaped areas shall be provided with an automatic irrigation system that will maintain the living material in a good and healthy condition.

(5) 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.

(6) Site plans shall clearly show the locations of refuse containers, service yards, storage areas, and utility installations.

(7) Screening shall be provided in the following situations and according to the following standards:

- (a) The site plans shall indicate the location, height, design, and materials of walls, fences, hedges, and other buffers. These features shall be used to screen or conceal storage areas (including refuse containers), service yards, utility installations or other unsightly features, to minimize any negative impacts on adjacent property, and to create a harmonious streetscape.
- (b) A six (6) foot high masonry fence and/or a thirty (30) foot buffer zone with sufficient plantings of trees and shrubs to provide adequate suppression of sound and light, shall be constructed between a residential property line or zone boundary and any parking area, road, or driveway of a proposed use determined to be of a commercial or industrial nature. All fences shall be engineered to withstand wind loads up to 100 mph and shall be approved by the City Engineer. The Planning Commission may consider an alternative fence on its own initiative or upon petition by affected property owners.
- (c) Where visual barrier fencing containing wood, metal, plastic, or vinyl strips is either proposed by the applicant or required by the City, such strips shall be properly secured. Fences shall be constructed so that

significant variation in top line, bottom line and/or height does not occur due to erratic grading of the site.

- (d) Where a parking lot is located across a street from a residential use or residential zone, a landscaped berm, three (3) feet in height with a slope ratio not exceeding one (1) vertical foot for each three (3) feet of horizontal distance, shall be provided within the required setback along the street. The height of the berm shall be measured from the top of the parking lot curb.

(8) Sign plans shall indicate the location, height, and appearance of signs upon the site and the effects upon parking, ingress and egress, and adjacent properties. Such signs shall be compatible with the character of the neighborhood.

(9) Grading and drainage plans shall include the following:

- (a) Plans shall clearly delineate the design and adequacy of the proposed storm water drainage system and the impact of the project on the existing system. All impacts shall be mitigated at the developer's expense by project design, off-site improvements, and/or impact fees;
- (b) Plans shall be prepared by a registered Civil Engineer and shall be reviewed and approved by the City Engineer prior to final approval;
- (c) The existing and proposed grades shall be indicated in contour intervals of two (2) feet or less;
- (d) The location and design of the surface and subsurface storm water drainage system shall be shown, including locations and calculations for on-site detention;
- (e) Waterways and ditches on, and within fifty (50) feet of the property shall be shown. The relocation, covering or fencing of irrigation ditches, drainage channels, and similar facilities shall be approved in writing by the appropriate watermaster and/or water users prior to issuance of a Building Permit;
- (f) Plans shall delineate all areas within 100-year flood plains as designated by the Federal Emergency Management Agency and the City Storm Drainage Master Plan; and
- (g) A soils report shall accompany the grading and drainage plan and shall include, among other things, a detailed water table analysis. Developments which are five (5) acres or larger shall submit a plan for erosion and sediment control which is consistent with current Federal NPDES regulations.

(10) Transportation and circulation plans shall include the following:

- (a) The impact of the project on the traffic conditions of the abutting streets. A traffic impact study may be required by the City and shall be prepared by an engineer specializing in traffic analysis. The traffic study shall include an analysis of on-site circulation, capacities of existing streets,

number of additional trips which will be generated, origin/destination studies, and peak traffic volumes and movements. All negative impacts shall be mitigated at the developer's expense and shall be approved by the City Engineer;

- (b) The location of ingress, egress, internal traffic circulation, off-street parking and loading facilities, pedestrian ways, etc., and their interrelationship. Said interrelationship shall not compromise but protect the safety and convenience of occupants of the proposed project and neighborhood. The relationship shall also enhance the appearance of the project while mitigating adverse effects of noise and pollution;
 - (c) The location, existing width, and, if applicable, proposed widening of all rights-of-way in or adjacent to the subject property. All driveways and intersections within one hundred fifty (150) feet of the property shall also be shown;
 - (d) Compliance with the off-street parking and loading facilities standards within Chapter 32 of this Title;
 - (e) When a project requires the construction and/or dedication of a public street, the site plan application shall also include drawings for all utilities and other public improvements. The design and construction of these improvements shall be in compliance with standards established by the City. Plans shall be prepared by a registered Civil Engineer and shall be reviewed and approved by the City Engineer prior to final approval.
- (11) Water and sewer plans shall include the following:
- (a) Plans shall illustrate the impact of the proposed project on the water and sewer system in the City. Negative impact shall be mitigated at the developer's expense. Unacceptable and unmitigated negative impacts are grounds for denial;
 - (b) Plans shall show the location and size of all existing or proposed sewer lines, water lines, and fire hydrants that will provide service to the project and which are necessary to protect existing uses in the zone and to provide for the orderly development of land.
- (12) The following general information shall also be required, if applicable:
- (a) The site plan shall include a table indicating the total area of the site and the percentage of that total which is occupied by structures, by parking and service areas, and by landscaping. For multiple-family residential developments the table shall also include the proposed density in terms of the number of dwelling units per acre;
 - (b) If a project is to be developed in phases, phasing lines shall be shown on the plans. Phased areas shall be carefully planned so that each phase is capable of functioning independently;

- (c) Any other information, plans, or modifications specifically required by the following departments, divisions, or agencies shall be attached or incorporated into the final plans:
 - (i) Farmington City Building Inspection Department, Fire Department, Public Works Department, City Engineer, Police Department, Planning Department, or City Attorney;
 - (ii) County Agencies;
 - (iii) State Agencies;
 - (iv) Pressure Irrigation or Sewer Districts;
 - (v) School District; or
 - (vi) Public Utilities.
- (d) Any additional plans or information specifically required by the Planning Commission in conjunction with a Conditional Use application;
- (e) Any other information, exhibits, or models that the applicant deems to be pertinent.

11-7-108 Off-Site Improvements and Public Streets.

(1) The developer of a site requiring site plan approval shall dedicate to the City and improve all streets within or adjacent to the proposed development which are necessary to serve the vehicular and pedestrian needs of that development. Minimum improvements shall include highback curb, gutter and sidewalk along the entire property line which abuts any public street. These off-site improvements shall comply with the minimum requirements for construction of public improvements as established by the City. Where, because of topographical or other conditions peculiar to the site, a departure may be made from the requirements of this Section without destroying the intent of such requirements, and after receiving a recommendation from the City Engineer, the Planning Commission may approve an adjustment in street width or may waive the requirement for sidewalks.

(2) Any improvement or modifications within State rights-of-way shall require the approval of the Utah State Department of Transportation.

(3) If, after a favorable recommendation by the City Engineer, and in the judgment of the Planning Commission, the immediate installation of public improvements is not in the best interest of the area, the applicant may be permitted to execute an agreement, in a form acceptable to the City Attorney, delaying the installation of any or all of the public improvements required pursuant to this Title. This agreement shall be recorded in the office of the Davis County Recorder. This agreement shall run with the land and shall be binding on the original applicants, their heirs, successors, and assigns.

11-7-109 Amendment or Modifications.

(1) Modifications to an approved Site Plan Approval may be granted when it can be determined that such changes or modifications are necessary or desirable to accommodate special circumstances related to the location, siting, or implementation of the approved

development. The request for amendment shall be made in writing and documented on the site plan of the project. Where, after favorable review by the City Engineer, Building Inspector, and Planning Staff, the Staff finds such modifications are so insignificant and minor as not to measurably change the approved Site Plan Approval or the intent of conditions that may have been imposed, the City Planner shall review and approve the modifications. Modifications so approved by the City Planner shall be reported at the next Planning Commission meeting. Amendments which are determined to constitute a significant change to the site plan, or where there is not unanimous staff approval, shall be heard by the Planning Commission.

(2) Once revisions are approved, they shall be clearly marked and dated on the approved site plan and kept on file in the office of the Planning Department.

11-7-110 Compliance with the Site Plan.

The Building Official and City Planner shall insure that development is undertaken and completed in compliance with the approved Site Plan and any conditions pertaining thereto. Any required on-site or off-site improvements shall be installed or bonded for as specified in Section 11-4-107.

11-7-111 Final Plan Requirements.

The following information shall be required after a Permitted or Conditional Use is approved, and must be received by the Planning Department prior to issuance of any Building Permits:

- (1) Revised site plans incorporating all recommendations and requirements established during the preliminary review;
- (2) Final landscape plans and details;
- (3) Final building construction plans and details;
- (4) Complete engineering plans including final construction drawings for streets, utilities, grading, and storm drainage; and
- (5) All required improvements shall be installed or bonded for as required by Section 11-4-107 of this Title.

11-7-112 Appeal.

Any decision made in administration of this Chapter may be appealed as outlined in Section 11-4-109 of this Title.

CHAPTER 8
CONDITIONAL USES

- 11-8-101 Purpose and Intent.**
- 11-8-102 Application.**
- 11-8-103 Application Review.**
- 11-8-104 Public Hearing.**
- 11-8-105 Conditional Use Standards.**
- 11-8-106 Amendment or Modification of a Conditional Use.**
- 11-8-107 Planning Commission Action.**
- 11-8-108 Notice of Planning Commission Action.**
- 11-8-109 Issuance of Conditional Use Permit and Building Permit.**
- 11-8-110 Compliance with Conditional Use Permit Before Issuance of Certificate of Occupancy.**
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- 11-8-113 Appeal.**

11-8-101 Purpose and Intent.

The purpose of this Chapter is to establish standards for certain land uses which, because of their unique characteristics or potential impacts on the City, surrounding residential neighborhoods, or other adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required which mitigate or eliminate the detrimental impacts. The standards for the issuance of a Conditional Use Permit are established to insure compatibility with surrounding land uses, conformity with the Farmington City Comprehensive Plan, and the protection, preservation, and promotion of the public interest, health, safety, convenience, comfort, prosperity, and general welfare.

To help achieve this purpose, any Conditional Use application which includes new development on a previously undeveloped site, additions to existing structures, changes to a developed site, or a change in use, shall conform to the Site Development Standards contained in Chapter 7 of this Title.

11-8-102 Application.

(1) Application for a Conditional Use Permit shall be filed with the City Planner. The application shall be signed by the property owner or his authorized agent and shall be accompanied by the following:

- (a) Five (5) sets of the site development plans required by Section 11-7-107;
- (b) A fee as specified in the current fee schedule;
- (c) The applicant shall provide to the Planning Department the names and addresses of all property owners within three hundred (300) feet from the boundary of the subject property as listed in the current records of the Davis County Recorder.

(2) After all the information required by this Section is received by the Planning Department, the application may be placed on an agenda for consideration by the Planning Commission.

11-8-103 Application Review.

(1) Documents required for the application shall be delivered by the applicant to those departments and entities designated by the Planning Department, which may include, but are not limited to the following:

- (a) Farmington City Building Inspection Department, Fire Department, Public Works Department, City Engineer, Police Department, Planning Department, or City Attorney;
- (b) County Agencies;
- (c) Utah Department of Transportation and other State Agencies;
- (d) Pressure Irrigation Districts, Sewer Districts, or other special districts in which the property is located;
- (e) School Districts; or
- (f) Public Utilities.

All information and comments received from these departments and entities shall be returned to the Planning Department.

(2) The Planning Department shall review each application for conformance to the standards outlined in this Chapter; for conformance with the Comprehensive Plan and all applicable City ordinances; for conformance with good planning practice; for environmental impacts which may be associated with the site development; and shall present its recommendations to the Planning Commission.

(3) The Public Works Department and City Engineer shall review and make comments concerning flood control requirements; engineering requirements for street widths, grades, and alignments; whether the proposed public improvements conform to sound engineering practice and design standards established by the City; and shall be responsible for the approval and inspection of all public improvements.

11-8-104 Public Hearing.

The Planning Commission shall hold a public hearing on all Conditional Use applications. Notice of public hearings shall be given as required by law and according to policies established by the Commission. The Planning Commission shall take action on the application within a reasonable time after the filing of a complete application.

11-8-105 Conditional Use Standards.

Conditional Use applications shall be reviewed in accordance with, and shall conform to, all of the following standards:

(1) The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community;

- (2) The proposed use shall comply with the regulations and conditions in this Ordinance for such use;
- (3) The proposed use shall conform to the goals, policies, and governing principles of the Comprehensive Plan for Farmington City;
- (4) The proposed use shall be compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development;
- (5) Adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation are available or may be provided; and
- (6) Such use shall not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A proposed use shall be considered detrimental:
 - (a) If it will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;
 - (b) If it will unreasonably interfere with the lawful use of surrounding property; or
 - (c) If it will create a need for essential municipal services which cannot be reasonably met.

11-8-106 Amendment or Modification of a Conditional Use.

Once granted, a Conditional Use shall not be enlarged, changed, extended, increased in intensity, or relocated unless a new Conditional Use application is made and approved by the Planning Commission, except as provided below:

- (1) Modifications to an approved Conditional Use Permit may only be granted when it can be determined that such changes or modifications are necessary to accommodate special circumstances related to the location, siting, or implementations of the approved development and where such modifications are found to be so insignificant and minor so as not to measurably change the approved Conditional Use Permit or the intent of conditions that may have been imposed. The request for amendment shall be made in writing and documented on the site plan of the project.
- (2) The applicant may specifically request that the Conditional Use Permit be modified by enlarging or diminishing the size of the structure(s), shifting the location of the structure(s), or changing the use to a different permitted use in the underlying zone.
- (3) The City Planner may review and approve requests for modification of a Conditional Use Permit. Amendment requests which are determined to constitute a significant change to the approved use shall be heard by the Planning Commission. A revised Conditional Use Permit shall be filed by the City Planner and replace the previously approved permit.

11-8-107 Planning Commission Action.

(1) At the public hearing, testimony may be given by the applicant and all other persons either in support or opposition to the application. After consideration of the testimony, the application, and all other evidence presented, the Planning Commission may approve the application, approve the application with conditions, continue the application to a subsequent meeting, or disapprove the application.

(2) Appropriate conditions may be attached to any approval where, and to the extent that, the Planning Commission finds that the imposition of such conditions will directly mitigate or eliminate some impact created by the proposed use which violates the intent of this Chapter and Title.

(3) All conditions shall be entered into the minutes of the Planning Commission and on the Conditional Use Permit. Except as specified in Section 11-8-111, all conditions shall run with the land, and shall be binding on the original applicants, their heirs, successors, and assigns.

11-8-108 Notice of Planning Commission Action.

Within a reasonable time following the public hearing, the applicant shall be notified, by letter, of the Planning Commission's action. If the application is approved, the action letter shall outline conditions attached to the approval, if any, the procedures to be followed prior to obtaining a business license or Building Permit, and the expiration date of the approval.

11-8-109 Issuance of Conditional Use Permit and Building Permit.

A Building Permit shall not be issued for any building or structure requiring a Conditional Use Permit until the permit is approved by the Planning Commission. The City Planner shall review and approve the final plans and, if all conditions are met, may sign and issue the Conditional Use Permit on behalf of the Planning Commission and may recommend approval of the Building Permit.

11-8-110 Compliance with Conditional Use Permit Before Issuance of Certificate of Occupancy.

The Building Official shall not issue a Certificate of Occupancy unless the land and/or structures for which the certificate is requested is in full compliance with the conditions of the Conditional Use Permit. The certificate shall be reviewed and approved by the Zoning Administrator. The bonding requirements as outlined in Section 11-4-107 shall apply to all Conditional Uses.

11-8-111 Expiration.

(1) Unless there is substantial action under a Conditional Use Permit within a period of twelve (12) months from the date of Planning Commission approval, the permit shall expire. Substantial action shall be demonstrated by submitting final plans for approval and obtaining, and maintaining, a current Building Permit. If construction is not proposed as an element of the Conditional Use, a business license shall be obtained to satisfy this requirement.

(2) If the conditional use permit is to expire pursuant to (1) of this section, a request for extension may be filed with the Planning Department not less than thirty (30) days prior to the expiration date. The original conditional use approval shall remain valid until the request for extension is acted upon by the Planning Commission. Failure to request the extension in a timely manner shall cause a conditional use permit to expire without further notice. A new conditional use application shall be requested prior to any reinstatement of the use.

(3) The Planning Commission for reasonable cause may, after evaluating the applicant's progress in the previous year and after considering the Planning Department's recommendation, grant an extension of up to one (1) year on the conditional use permit. Only one (1) extension shall be granted.

(4) If the approved use or activity should cease for any reason for a continuous period of one (1) year or more, the Conditional Use Permit shall automatically terminate without notice. Application for, and approval of, a new Conditional Use shall be required prior to any subsequent reinstatement of the use.

11-8-112 Revocations.

(1) Any violation of a Conditional Use Permit, any conditions thereof, or any requirement of this Title shall be grounds for the review and possible revocation of a Conditional Use Permit by the Planning Commission.

(2) The Planning Commission shall provide the property owner an opportunity to be heard in a hearing following notice. Upon hearing, the Planning Commission shall either sustain or revoke the permit. The Planning Commission may grant a period in which the property may come into compliance with the conditions of the Conditional Use Permit.

11-8-113 Appeal.

Any decision made in administration of this Chapter may be appealed as outlined in Section 11-4-109 of this Title.

CHAPTER 9

ESTABLISHMENT OF ZONES

- 11-9-101** **Establishment of Zones.**
- 11-9-102** **Zoning Map Amendments.**
- 11-9-103** **Zoning Boundary Interpretation.**
- 11-9-104** **Zoning of Annexed Territory.**
- 11-9-105** **Zone Requirements.**

11-9-101 **Establishment of Zones.**

Farmington City is hereby divided into the zones as shown the map titled **Official Zoning Map, Farmington City, Utah**, which, together with all notations, references and other information shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

11-9-102 **Zoning Map Amendments.**

If, in accordance with the provisions of Chapter 6, changes are made in zone boundaries or any other matter portrayed on the Official Zoning Map, such changes shall be entered on the map promptly after the amendment has been approved by the City Council along with an entry giving the date and ordinance number of the approved amendment.

11-9-103 **Zoning Boundary Interpretation.**

Where uncertainty exists with respect to the boundaries of the various zones, the following rules shall apply:

- (1) Where the indicated boundaries on the Zoning Map are approximately street, railroad, or public or private rights-of-way, or alley lines, the center line of said rights-of-way shall be construed to be the zone boundaries.
- (2) Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the zone boundaries unless otherwise indicated.
- (3) Where the indicated boundaries are approximately canals, water courses, or other clearly defined natural features, the center lines of such features shall be construed to be the zone boundaries unless otherwise indicated.
- (4) In the absence of any street, land survey, lot, canal, watercourse, or other natural feature, the zone boundary shall be determined by the use of scale or measurement shown on the map.
- (5) Where uncertainty continues to exist, the Board of Adjustment shall interpret the map.

11-9-104 **Zoning of Annexed Territory.**

All property hereafter annexed to the City of Farmington shall be automatically classified in the A-1 Zone unless official action is taken at the time of annexation to have it classified to a

different zone. All regulations of the A-1 Zone shall apply to such property unless and until action is taken to classify the annexed property to a different zone. Any zoning hearing whether held at the time of annexation or at a later date shall conform to the requirements of Chapter 6.

11-9-105 Zone Requirements.

The use of all real property within the corporate limits of the City shall be limited and restricted as follows:

(1) Use of Land - No land shall be used or occupied except as specifically permitted in the regulations for the zone in which it is located. Such uses shall either be a use by right, a conditional use, or an accessory use.

(2) Minimum Requirements - The requirements set by this Ordinance within each zone shall be the minimum requirements and shall apply uniformly to each class or kind of structure or land.

(3) Supplementary Regulations - In addition to the specific requirements of each zone, the user of this Ordinance should consult Chapter 28, Supplementary and Qualifying Regulations.

CHAPTER 10

AGRICULTURAL ZONES

- 11-10-010 Purpose.**
- 11-10-020 Schedule of Uses.**
- 11-10-030 Development Options.**
- 11-10-040 Lot and Setback Standards.**
- 11-10-050 Maximum Building Height.**
- 11-10-060 Site Development Standards.**

11-10-010 Purpose.

The "AA", "A" and "AE" zones are intended to provide areas for the keeping of farm animals and fowl in conjunction with single-family dwelling units to an extent consistent with said development and in proportion to the amount of land area provided for this purpose.

The AE zone is expressly established to accommodate residential developments which are oriented to a lifestyle that includes farming which is generally non-commercial. To accomplish this purpose, this chapter includes provisions which encourage the design of residential communities to include non-commercial stables, training areas, and equestrian trails as part of the development.

Property in the AA and A zones is intended to be used primarily for commercial agriculture, farming, and large estate parcels for residential living. Additionally, the AA zone is created to apply to environmentally sensitive areas such as flood plains, wetlands, debris flow areas, areas within one hundred (100) feet of a stream channel, all land above an elevation of 5,200 feet above sea level, all land below an elevation of 4,218 feet above sea level.

All lands within agricultural zones are intended, to some extent, for either private or commercial agricultural production, farming, protection of environmentally sensitive areas, and/or open space. Owners, occupants, and users of these properties, or neighboring properties, may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to, noise, odors, dust, the operation of machinery, including crop dusting aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of these properties, or neighboring properties, should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations and are hereby put on official notice that Section 78-38-7, Utah Code Annotated, 1953, as amended, may bar them from obtaining a legal judgment against such normal agricultural operations.

11-10-020 Schedule of Uses.

The following table identifies permitted uses by the letter "P" and conditional uses by the letter "C". The letter "X" indicates that the use is not allowed. Uses not listed shall not be allowed except as provided in Section 11-4-105(6):

USE	AGRICULTURE ZONES		
	AA	AE	A
Accessory Dwellings	C	C	C
Accessory Living Quarters	C	X	X
Agriculture	P	P	P
Boarding kennel	X	X	C
Class "A" animals (small animals)	P	P	P
Class "B" animals (large animals)	P	P	P
Class "C" animals (commercial farming)	P	C	P
Class "D" animals (dangerous animals)	X	X	X
Commercial outdoor recreation, minor (i.e., family reunion center, outdoor reception facilities, equestrian facilities, picnic grounds, tennis courts, etc.)	C	C	C
Day-care, preschool	X	C	C
Greenhouse, wholesale	C	C	C
Fruit and vegetable stands for sale of produce grown on the premises	P	P	P
Home occupations complying with provisions of the Home Occupation Chapter of this Title except as specified in Section 11-35-104	P	P	P
Home occupations specified in Section 11-35-104	C	C	C
Planned Unit development	C	C	C
Private school, Public School, or hospital	X	C	C
Public uses	X	C	C
Trails and Parks	C	C	C
Public utility installations (not including lines and rights-of-way)	C	C	C
Quasi-public uses	X	C	C
Radio, television, and telephone transmission and relay towers and facilities except as specified in Section 11-28-190	C	C	C
Residential facilities for the elderly	X	C	C
Residential facilities for the handicapped	X	C	C
Signs complying with Title 12	P	P	P
Single-family dwelling	P	P	P

USE	AGRICULTURE ZONES		
	AA	AE	A
Sportsman's kennel (three to five dogs for non-commercial use)	C	C	C
Uses customarily accessory to a listed permitted use	P	P	P
Uses customarily accessory to a listed conditional use	C	C	C
Veterinary clinic	C	C	C

11-10-030 Development Options.

Residential subdivisions within agricultural zones may be developed as a non-Conservation Subdivision in accordance with the standards set forth in this Chapter. Alternatively, residential subdivisions within the agricultural zones may be developed as a Conservation Subdivision in accordance with the provisions of Chapter 12 of this Title providing innovative and flexible subdivision design options.

11-10-040 Lot and Setback Standards

(1) The following shall be the minimum lot areas, widths, and main building setbacks in agricultural zones:

Zone	Lot Area	Lot Width		Front	Side	Side Corner	Rear
		Interior	Corner				
AA	10 acre	150'	160'	40'	15' min., total 30'	30'	40'
A	2 acre	100'	110'	30'	10' min., total 24'	25'	30'
AE	1 acre	100'	110'	30'	10' min., total 24'	25'	30'

(2) Lot coverage: Not more than twenty-five percent (25%) of the gross area of a lot shall be covered by the main building, accessory buildings, or other structures in the A and AE zones and not more than ten percent (10%) of the gross area of a lot for the AA zone.

(3) Area required for Class "B" animals: Not more than two (2) horses or cows or four (4) sheep, goats, pigs or similar size animals shall be kept on a one-half (1/2) acre lot. For lots larger than one-half (1/2) acre, one (1) additional horse or cow or two (2) additional sheep, goats, pigs, or similar size animals may be kept for each five thousand (5,000) square feet over one-half (1/2) acre. Animals younger than six (6) months in age shall not be counted in determining the total number of animals on the lot.

(4) Area required for Class "C" animals: The minimum lot size for Class "C" animals (commercial farming) shall be five acres. Class "C" animal operations shall not include hog, mink, turkey and chicken farms.

(5) Area required for Sportsman Kennel: The minimum lot size for a Sportsman Kennel shall be one acre.

(6) Land within green belt corridors, waterways, and trail dedications shall not be used in calculating final lot area in Conservation Subdivisions.

(7) Accessory buildings and structures:

- (a) Accessory buildings, except those listed in paragraph (b) below, shall be located six (6) feet to the rear of the main building and at least five (5) feet from all property lines and shall be fifteen (15) feet from a dwelling on an adjacent lot. Accessory buildings shall not be built over utility easements that may run along the side and rear property lines.
- (b) No farm animal structure, hay barn, stable, silo, coop, corral or other similar building or structure which is accessory to the agricultural use of land may be located closer than ten (10) feet to any side or rear boundary line or one hundred (100) feet to any public street or to any dwelling on adjacent properties. This provision shall not apply to pastures.
- (c) A detached accessory building, or other architecturally compatible structure as approved by the Planning Commission, may be located in the side yard of a lot providing that a six (6) foot separation is maintained from the residence and all front, side, and rear setbacks are provided as specified in Section 11-10-040.
- (d) Equipment or materials stored or located in accessory buildings, yards, or structures in AE zones shall be permitted only for the personal use of the occupants of the property. No such storage or use related to a non-agricultural commercial business shall be allowed.

(8) Transmission towers, except as specified in Section 11-28-190, shall be set back from all property lines a distance equal to the height of the tower plus thirty (30) feet.

11-10-050 Maximum Building Height.

(1) Main buildings shall not exceed twenty-seven (27) feet in height.

(2) The height of accessory buildings and structures shall not exceed twenty-five (25) feet unless an increased height is approved by the Planning Commission after review of a conditional use application filed by the property owner. No fee shall be assessed for such application.

(3) Transmission towers have no restriction on height provided they meet the setbacks established in Section 11-10-040 above and Chapter 28 of this Title.

11-10-060 Site Development Standards.

(1) Site development standards. Site development on agricultural lots shall conform to applicable requirements of Chapter 7 of this Title.

(2) Parking restrictions. In an AE zone, minimum parking required by this Title shall not be located within the minimum required front or side yard setback adjacent to a public or private street. Surfacing of access drives to such parking shall be either gravel, asphalt, or concrete in order to minimize tracking of dirt onto public roads.

(3) Temporary buildings. Temporary buildings, or the temporary use of a building or yard, shall only be allowed in conjunction with a construction project. Temporary buildings may be used only as an office or for storage of equipment or materials. The temporary building or use shall be removed and/or terminated not less than thirty (30) days after final inspection of the construction project or one (1) year after issuance of the building permit, whichever comes first.

(4) Trail dedications. Developers of major subdivisions in agricultural zones may be required by the City to dedicate equestrian and/or pedestrian trails, waterways, or other open space corridors in order to allow internal circulation, separated from vehicular traffic, and connections to a regional trail system. At the discretion of the City, such dedications may be made in lieu of the Park Acquisition and Development Fee required by, and according to the standards established in, the Subdivision Ordinance.

(5) Major Street Plan. All developments shall comply with recommendations of the City's Major Street Plan.

Chapter 10 Amended and Recodified, 7/15/92, Ord. 92-22

Chapter 10 Amended, 12/1/93, Ord. 93-39

11-10-102 and 11-10-103, Amended, 12/8/93, Ord. 93-44

11-10-102 and 11-10-103(8), Amended, 4/2/97, Ord. 97-17

Chapter 10 Amended and Establish AA Zone, 4/21/99, Ord. 99-17

11-10-050(1) Amended, 4/19/00, Ord. 2000-15

11-10-040(7) Amended, 10/3/01, Ord. 2001-37

11-10-020 Amended, 8/6/03, Ord. 2003-30, Adds "Accessory Dwellings".

11-10-020 Amended, 6/2/04, Ord. 2004-27, Adds "Accessory Living Quarters".

CHAPTER 11

SINGLE-FAMILY RESIDENTIAL ZONES

11-11-010	Purpose.
11-11-020	Permitted Uses.
11-11-030	Conditional Uses.
11-11-040	Development Options.
11-11-050	Minimum Lot and Setback Standards.
11-11-060	Accessory Buildings and Structures.
11-11-070	Building Height.
11-11-080	Nonconforming Subdivisions.
11-11-090	Parking Restrictions.
11-11-100	Site Development.

11-11-010 Purpose.

The purpose of this zone is to provide areas in the City for low to medium density single-family residential development. Four (4) zoning districts are provided for this purpose: R (Residential); LR (Large Residential); S (Suburban); and LS (Large Suburban). These zones are distinguished primarily by differences in lot size, and setback standards, and development option standards.

11-11-020 Permitted Uses.

The following are permitted uses in all single-family residential zones. No other permitted uses are allowed, except as provided by Section 11-4-105(6).

- (a) Agriculture;
- (b) Class "A" animals;
- (c) Class "B" animals (except in the R zone);
- (d) Home occupations complying with the Home Occupation Chapter of this Title, except as specified in Section 11-11-030 below;
- (e) Signs complying with Title 12;
- (f) Single-family residential dwellings; and
- (g) Uses customarily accessory to a listed permitted use.

11-11-030 Conditional Uses.

The following are conditional uses in all single-family residential zones. No other conditional uses are allowed, except as provided by Section 11-4-105(6) and Section 11-12-090(b)(2).

- (a) Condominiums, Planned Unit Developments;
- (b) Dwelling, Accessory (except in the R zone);
- (c) Home occupations as identified in Section 11-35-104 of this Title;
- (d) Private school or hospital;
- (e) Public uses;
- (f) Public utility installations (except lines and rights-of-ways)
- (g) Quasi-public uses;
- (h) Residential facilities for the elderly;
- (i) Residential Facilities for the disabled; and
- (j) Two-family dwellings (except in the R zone).

11-11-040 Development Options.

Subdivisions within the single-family residential zones may be developed as a non-Conservation Subdivision in accordance with the standards set forth in this Chapter. Alternatively, subdivisions within the single-family residential zones may be developed as a Conservation Subdivision in accordance with the provisions of Chapter 12 of this Title providing innovative and flexible design opportunities.

11-11-050 Minimum Lot and Setback Standards.

(a) The following shall be the minimum lot areas, widths, and main building setbacks for Conventional Layout subdivision development in single-family residential zones:

Zone	Lot Area	Lot Width		Front	Side	Side Corner	Rear
		Interior	Corner				
R	16,000 s.f.	75'	85'	25'	8' min., total 18'	20'	30'
LR	20,000 s.f.	85'	95'	25'	10' min., total 22'	20'	30'
S	30,000 s.f.	95'	100'	25'	10' min., total 22'	20'	30'
LS	40,000 s.f.	100'	110'	30'	10' min., total 24'	25'	30'

(b) In zones allowing Class “B” animals, twenty thousand (20,000) square feet shall be required for two (2) sheep or goats or for one (1) horse or cow.

11-11-060 Accessory Buildings and Structures.

(a) Accessory buildings, except those listed in Subsection (b), shall be located at least six (6) feet to the rear of the dwelling, shall not encroach on any recorded easement, shall not occupy more than twenty-five percent (25%) of the rear yard, and shall be located at least fifteen (15) feet from any dwelling on an adjacent lot. Such buildings may be located within one (1) foot of the side or rear property line. Accessory buildings shall, without exception, be subordinate in height and area to the main building.

(b) Animal shelters, hay barns, coops, corrals or other similar buildings or structures shall be located not less than ten (10) feet from any side or rear property line and one hundred (100) feet from any public street or from any dwelling on an adjacent property.

(c) A detached garage, or other architecturally compatible structure as approved by the Planning Commission, may be located in the side yard of a lot providing that a six (6) foot separation is maintained from the residence and all front, side, and rear setbacks are provided as specified in Section 11-11-050.

(d) On double-frontage lots, accessory buildings shall be located not less than twenty-five (25) feet from each street upon which the lot has frontage.

11-11-070 Building Height.

(a) Main buildings:

- (1) Main buildings shall not exceed twenty-seven (27) feet in height;
- (2) No dwelling or structure shall contain less than one story.

(b) Accessory buildings or structures shall not exceed fifteen (15) feet in height unless an increased height is approved by the Planning Commission after review of a conditional use application filed by the property owner. No fee shall be assessed for such application.

11-11-080 Nonconforming Subdivisions.

Lots in subdivisions approved and recorded prior to May 14, 1986, which were located in R-1-4 zones which have subsequently been rezoned to R-1-8, may be approved for construction of new single-family homes with the minimum side yard setbacks established for the R-1-4 zone. These minimum setbacks were five (5) feet on each side of the home. Front and rear yard setbacks shall comply with the current zoning. Subdivisions in which this provision may be applied include Oakridge Country Club Estates III, Woodridge Village 1 & 2, Fairway Fields, and Aegean Village A & B.

The four thousand (4,000) square foot minimum lot size, twin-home use, and the minimum setbacks as were approved and recorded in Woodridge Village 1 and 2 shall be allowed in the adjacent 2.63 acres, preliminarily approved as the Farmington Court Subdivision by the Planning Commission on March 20, 1984, and by the City Council on March 21, 1984, as a conditional use, to allow reasonable use of the land and conformity with, the use of the street that will serve the property.

11-11-090 Parking Restrictions.

Minimum parking required by this Title shall not be located within the minimum required front or side yard setback adjacent to a public or private street in any single-family residential zone.

11-11-100 Site Development.

Site development on single-family residential lots shall conform to Section 11-7-105 of this Title.

Chapter 11 Recodified, 4/1/92, Ord. 92-08
11-11-102 and 11-11-103 Amended, 12/8/93, Ord. 93-44
11-11-106 Amended, 3/2/94, Ord. 94-12
11-11-105 Amended, 7/6/94, Ord. 94-30
11-11-107 Amended, 11/1/95, Ord. 95-45
11-11-104 Amended, 11/11/96, Ord. 96-43
Chapter 11 Amended, 11/20/96, Ord. 96-42
Chapter 11 Amended, 4/21/99, Ord. 99-20
11-11-070(a) Amended, 4/19/00, Ord. 2000-15
11-11-030(b) Enacted, 1/24/02, Ord. 2002-14
11-11-060 & 11-11-070 Amended, 4/6/05, Ord. 2005-11

CHAPTER 12

CONSERVATION SUBDIVISION DEVELOPMENT STANDARDS

11-12-010	Purpose.
11-12-020	Applicability.
11-12-030	Definitions.
11-12-040	Development Options.
11-12-050	Approval Process.
11-12-060	Development Activities Prohibited.
11-12-065	Waiver.
11-12-070	Subdivision Yield Plan.
11-12-080	Sensitive Area Designation Plan.
11-12-085	Master Development Plan.
11-12-090	Dimensional Standards.
11-12-100	Design Standards.
11-12-110	Conservancy Lots.
11-12-120	Use Regulations.
11-12-130	Conservation Land Design Standards.
11-12-140	Permanent Protection of Conservation Lands.
11-12-150	Ownership of Conservation Lands.
11-12-160	Maintenance of Conservation Lands.

11-12-010 Purpose.

The purpose of this Chapter is to provide for subdivision development within Farmington City in a manner that:

- (a) Protects constrained and sensitive lands, including those areas containing sensitive and undevelopable features such as steep slopes, floodplains and wetlands, by setting them aside from development;
- (b) Conserves conservation and open space land, including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, archeological sites, and green space, by setting them aside from development;
- (c) Provides greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;

(d) Reduces erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes and other constrained and sensitive lands;

(e) Provides for a diversity of lot sizes to accommodate a variety of age and income groups and residential preferences, so that the community's population diversity may be enhanced;

(f) Provides incentives for the creation of greenway systems and open space within the City for the benefit of present and future residents;

(g) Implements adopted City policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Comprehensive General Plan;

(h) Implements adopted land use, environment, natural hazards, transportation, and community policies, as identified in the Comprehensive General Plan;

(i) Protects areas of the City with productive agricultural soils for continued agricultural use by conserving blocks of land large enough to allow for viable farm operations;

(j) Creates neighborhoods with direct visual and/or recreational access to constrained, sensitive and conservation land;

(k) Provides for the conservation and maintenance of constrained, sensitive and conservation land within the City to achieve the above-mentioned goals;

(l) Provides incentives and design alternatives for landowners to minimize impacts on environmental resources such as, sensitive lands, wetlands, floodplain, and steep slopes, and to minimize disturbance of natural or cultural features such as, mature woodlands, tree lines, wildlife habitats and corridors, historic buildings, and floodplain walls;

(m) Provides standards accommodating to some extent the varying circumstances and interests of individual landowners and the individual characteristics of their properties; and

(n) Conserves scenic views and elements of the City's rural and scenic character and minimizes perceived density by minimizing views of new development from existing roads.

11-12-020 Applicability.

The election to develop property as a Conservation Subdivision is voluntary and provided to developers as an alternative to development of property as a Conventional Subdivision pursuant to other applicable provisions of this Title. The intent of this Chapter and the Conservation Subdivision options is to encourage the creation and development of flexibly-designed open space subdivisions. Conservation Subdivisions may be developed within applicable agricultural and residential zones of the City. Conservation Subdivisions shall be developed in accordance with and subject to the development standards, conditions, procedures and regulations of this Chapter and with all other applicable subdivision ordinances and zoning regulations of the City which are not otherwise in conflict with the provisions of this Chapter.

11-12-030 Definitions.

For purposes of this Chapter, the following words shall have the meanings set forth herein:

(a) Conservation Land. Conservation land means land containing unique, historic, cultural, archeological, natural or other significant features, including, but not limited to, meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat, historic buildings and/or sites, archeological sites, and open space.

(b) Constrained and Sensitive Land. Constrained and sensitive land means land which is generally unbuildable and which contains constrained and sensitive features including, but not limited to, wetlands, floodplains, steep slopes, faults and other geologically or environmentally sensitive features.

11-12-040 Development Options.

Developers desiring to develop property as a Conservation Subdivision in accordance with and subject to the development standards, conditions, procedures and regulations of this Chapter are provided the following Conservation Subdivision development options. These options are provided as an incentive to encourage developers to designate, preserve and protect a greater percentage of their property as permanent open space.

(a) Option One: Basic Conservation. Option One Conservation Subdivision provides for residential development at the base density permitted in the relevant zone plus any corresponding density incentive as provided herein for Option One Conservation Subdivisions. In order to obtain the full density incentive permitted herein for an Option One Conservation Subdivision, the development must utilize a conservation design which sets aside and preserves all constrained and sensitive lands, natural hazards and resources, and provides the required percentage of conservation land within the development.

(b) Option Two: Enhanced Conservation. Option Two Conservation Subdivision provides for residential development at the base density permitted in the relevant zone plus any corresponding increased density incentive as provided herein for Option Two Conservation Subdivisions. In order to obtain the increased density incentive provided herein for an Option Two Conservation Subdivision, the development must utilize a conservation design which sets aside and preserves all constrained and sensitive lands, natural hazards and resources, and provides the required increased percentage of conservation land within the development.

11-12-050 Approval Process.

Applications for a Conservation Subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in the City Subdivision Ordinance, including submission and approval of schematic, preliminary and final plans or plats, and any additional procedural requirements set forth in this Chapter, including, but not limited to, submission of a Subdivision Yield Plan, Sensitive Area Designation Plan and/or Master Development Plan.

11-12-060 Development Activities Prohibited.

In order to ensure the preservation and enhancement of existing conditions of certain property within the City, including, but not limited to, constrained and sensitive lands, natural and cultural resources, wildlife habitat and other unique and sensitive lands, no new development activity shall be permitted on property proposed for development as a Conservation Subdivision prior to final plat approval as provided herein. Upon final plat approval, all development activity shall be conducted in accordance with and subject to applicable permit and development approval processes required by City Ordinances, rules and regulations. For purposes of this Section, “development activity” shall include any disturbance or alteration of the property in any way, but shall not include continuation of any currently existing permitted use of the property.

11-12-065 Waiver.

Subject to the provisions set forth herein, any provision of this Chapter may be waived by the City upon a vote of not less than four (4) members of the City Council. Such waiver(s) shall be granted only in limited circumstances as deemed appropriate and necessary by the City Council. No waiver shall be granted absent a finding of good cause based upon specific special circumstances attached to the property. No waiver should be granted that would be contrary to the public interest or contrary to the underlying intent of this Chapter. Any waiver of the required minimum conservation land dedication shall require comparable compensation, off-site improvements, amenities or other consideration of comparable size, quality and/or value.

11-12-070 Subdivision Yield Plan.

All applications for a Conservation Subdivision shall include a Subdivision Yield Plan prepared in accordance with the provisions set forth herein. The Subdivision Yield Plan is utilized to determine and calculate the base number of dwelling units for any given property to be developed as a Conservation Subdivision.

(a) Subdivision Yield Plan. Applicants shall prepare a Subdivision Yield Plan for the proposed project showing how the property within the project could be developed under a Conventional Subdivision layout using the dimensional standards set forth in Subsection (c). The Subdivision Yield Plan is not intended to propose or permit the actual development of the property in accordance with the dimensional standards set forth herein, but is prepared merely to determine the base number of dwelling units to be used in calculating the permitted number of dwelling units and lot size for the actual Conservation Subdivision. No subdivision may be developed in accordance with the dimensional standards set forth in Subsection (c) or a proposed Subdivision Yield Plan.

(b) Realistic Layout. The Subdivision Yield Plan must be drawn to scale and must exhibit a realistic layout reflecting a Conventional Subdivision layout that could reasonably be expected to be implemented in consideration of dimensional standards set forth herein and calculating and addressing the presence of non-buildable or infrastructure areas, including, but not limited to, rights-of-way, public improvement areas, wetlands, floodplains, steep slopes, restricted areas subject to the Farmington City Foothill Development Standards, and existing easements or encumbrances. A sample Subdivision Yield Plan is set forth in Exhibit “A,” attached hereto and incorporated herein by this reference, providing an example of a hypothetical Yield Plan for land zoned Large Suburban.

(c) Dimensional Standards. The Subdivision Yield Plan shall reflect the following dimensional standards:

Subdivision Yield Plan Dimensional Standards			
Zone	Lot Area	Lot Width	
		Interior	Corner
R (Residential)	8,000 s.f.	75'	85'
LR (Large Residential)	10,000 s.f.	85'	95'
S (Suburban)	15,000 s.f.	95'	100'
LS (Large Suburban)	20,000 s.f.	100'	110'
AE (Agriculture Estates)	½ Acre	100'	110'

Subdivision Yield Plan Dimensional Standards			
Zone	Lot Area	Lot Width	
		Interior	Corner
A (Agriculture)	1 Acre	100'	110'
AA (Agriculture-Very Low Density)	5 Acre	150'	160'

(d) Approval. The Subdivision Yield Plan must be approved in writing by the City Planner for compliance with the standards and provisions of this Section prior to the submission of a Schematic Plan for a Conservation Subdivision.

11-12-080 Sensitive Area Designation Plan.

All applications for a Conservation Subdivision shall include a Sensitive Area Designation Plan prepared in accordance with the provisions set forth herein. The Sensitive Area Designation Plan shall identify all constrained and sensitive lands within the property boundaries and within four hundred (400) feet outside of the property boundaries, including, but not limited to, floodplains, wetlands, steep slopes, and restricted areas as regulated by the Farmington City Foothill Development Standards. The Sensitive Area Designation Plan shall also clearly identify all natural or cultural resources present on the property and within four hundred (400) feet outside of the property, including, but not limited to, geographic features, including, but not limited to, meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat; historic buildings and/or sites; archeological sites; cultural features and green space. Some, but not all, of certain constrained and sensitive lands are designated and shown on the Farmington City Resources and Site Analysis Plan which may be utilized by applicants for the purpose of preparing a Sensitive Area Designation Plan. Applicants are solely responsible for checking and ensuring the accuracy and designation of constrained and sensitive lands and natural and cultural resources on the Sensitive Area Designation Plan for their particular project and applicable adjacent property. If site analysis, surveying and/or identification of constrained and sensitive lands and natural and cultural resources require entry onto adjacent properties, applicants are solely responsible for obtaining all required permits and/or approvals for such entry and analysis, surveying and/or identification.

11-12-085 Master Development Plan.

When deemed necessary or desirable by the City, application and approval for a Conservation Subdivision may require the submission and approval by the City of a Master Development Plan and/or Development Agreement. Such Master Development Plan and/or Development Agreement may be required by the City at any stage of the subdivision approval process.

11-12-090 Dimensional Standards.

(a) Density. The permitted density for development within a Conservation Subdivision shall be determined in accordance with the following chart, hereinafter referred to as the “Development Incentive Chart.” The percentage increases noted as the “multiplier” in the Chart are percentage increases from the base density identified in the approved Subdivision Yield Plan for the proposed development.

Option One - Development Incentive Chart				
Zone	Conservation Land	Incentive Multiplier	Typical Lot Area	Lot Size Minimum
R	10%	0%	7,200 s.f.	6,500 s.f.
LR	10%	0%	9,000 s.f.	7,500 s.f.
S	15%	0%	12,750 s.f.	9,000 s.f.
LS	25%	5%	14,286 s.f.	10,000 s.f.
AE	25%	5%	14,286 s.f.	10,000 s.f.
A	30%	10%	25,455 s.f.	14,000 s.f.
AA	30%	10%	138,600 s.f.	14,000 s.f.

Option Two - Development Incentive Chart				
Zone	Conservation Land	Incentive Multiplier	Typical Lot Area	Lot Size Minimum
R	15%	10%	6,182 s.f.	5,500 s.f.
LR	15%	10%	7,727 s.f.	6,500 s.f.
S	20%	15%	10,435 s.f.	8,000 s.f.
LS	30%	20%	11,667 s.f.	9,000 s.f.
AE	30%	20%	11,667 s.f.	9,000 s.f.
A	40%	20%	20,000 s.f.	12,000 s.f.
AA	40%	20%	108,900 s.f.	12,000 s.f.

(b) Minimum Required Conservation Land. All Conservation Subdivisions shall provide at least the minimum percentage of conservation land within the Conservation Subdivision as set forth in the Development Incentive Chart in Subsection

(a). The minimum percentage of required conservation land for any given Conservation Subdivision shall be calculated based upon the total acreage of property within the proposed subdivision less areas containing constrained and sensitive lands. Required conservation land shall not include any constrained or sensitive lands as defined herein. Except as otherwise provided herein, conservation land shall not be included within any residential lot.

(c) Lot Area. The lot area and minimum lot size for lots within a Conservation Subdivision shall be determined in accordance with the Development Incentive Chart set forth in Subsection (a). The typical lot area is likely to be much closer in size to the established threshold for each zone because that lot size can be delivered by developers while still meeting the minimum conservation land requirements set forth herein.

(d) Lot Width at Building Line. The minimum lot width at the building line for main buildings within a Conservation Subdivision shall be seventy-five (75) feet, except in the R and LR zones the minimum lot width shall be sixty (60) feet.

(e) Street Frontage. The minimum street frontages for lots within a Conservation Subdivision shall be determined in accordance with the street frontage regulations provided for the relevant zone.

(f) Yard Regulations. The builder or developer of a Conservation Subdivision is encouraged to consider variations in the principal building position and orientation, but shall observe the following minimum standards for buildings within a Conservation Subdivision. Exceptions to these minimum setback regulations may be approved by the City, in its sole discretion, during plat approval process when deemed appropriate and desirable under the circumstances.

- (1) Front Setback. The minimum front yard setback for main buildings in a Conservation Subdivisions shall be twenty (20) feet . Notwithstanding the foregoing, the minimum front yard setback for front-loaded garages in any Conservation Subdivision shall be thirty (30) feet.
- (2) Rear Setback. The minimum rear yard setback for main buildings within a Conservation Subdivisions shall be thirty (30) feet.
- (3) Side Setback. The minimum side yard setback for main buildings within a Conservation Subdivision shall be ten (10) feet.
- (4) Side Corner Setback. The minimum side corner setback for main buildings within a Conservation Subdivision shall be fifteen (15)

feet from the property line in compliance with clear vision standards set forth in Section 11-28-150 of this Title.

11-12-100 Design Standards.

(a) Individual Lots. Individual lots in Conservation Subdivisions shall be laid out pursuant to the dimensional standards set forth herein. Except as otherwise provided for herein, individual residential lots shall not encroach upon or contain any of the required minimum designated conservation land for the Subdivision or any constrained or sensitive lands, as defined herein.

(b) Buffer from Road. All new dwellings shall be arranged and located a minimum of eighty (80) feet from all external roads with a functional classification higher than a local street.

(c) Views of Houselots. Views of houselots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the City's landscaping requirements for residential subdivisions.

(d) Access. Houselots shall be accessed from interior streets, rather than from roads bordering the tract.

(e) Abut Conservation Lands. At least half of the lots shall directly abut conservation land or face conservation land across a street.

(f) Conservation Lands. Standards pertaining to the quantity, quality, configuration, use, permanent protection, ownership, and maintenance of the conservation land within a Conservation Subdivision shall be complied with as provided herein.

(g) Constrained and Sensitive Lands. Restrictions and regulations regarding the preservation, protection, ownership and maintenance of constrained and sensitive lands within a Conservation Subdivision shall be complied with as provided herein.

11-12-110 Conservancy Lots.

(a) Conservancy Lots. Conservation land and constrained and sensitive land may be included within individual residential lots in limited circumstances when such areas can be properly protected and preserved in accordance with the intent and purpose of this Chapter. Such lots shall be known and referred to as "Conservancy Lots" and must be approved by the City in conjunction with the subdivision approval.

(b) Minimum Conservancy Lot Size. The minimum acreage required for any Conservancy Lot containing conservation land shall be determined in accordance with the following chart:

Zone	Yield Plan Lot Size	Minimum Lot Size for Conservancy Lots Containing Conservation Land	
		Large Subdivisions *	Small Subdivisions
R	8,000 s.f.	1.5 acre (60,000 s.f.)	One conservancy lot not meeting minimum lot standards referred to herein for conservancy lots may be approved at the discretion of the City Council.
LR	10,000 s.f.	2.0 acre (80,000 s.f.)	
S	15,000 s.f.	2.5 acre (100,000 s.f.)	
LS	20,000 s.f.	3.0 acre (120,000 s.f.)	
AE	½ acre	4 acre	
A	1 acre	5 acre	
AA	5 acre	10 acre	
* Large subdivisions means those developments where 80% of the required conservation land is equal to or exceeds the minimum required lot size referenced herein for conservancy lots.			

(c) Regulations. Conservation land and constrained and sensitive land within a Conservancy Lot shall remain subject to all regulations and requirements for such land as set forth herein, including, but not limited to, use, design, maintenance, ownership and permanent protection.

11-12-120 Use Regulations.

(a) Subdivision. Subject to use and development restrictions of constrained and sensitive lands as set forth herein, land within Conservation Subdivisions may be used for the following purposes:

- (1) Permitted Uses. Any uses permitted in the relevant zone.

- (2) Conservation Land. Conservation land, subject to the use and development restrictions of conservation land as set forth herein.
- (3) Accessory Uses. Any permitted accessory uses as provided in the relevant zoning regulations.

(b) Conservation Land. Conservation land may be used for the following purposes:

- (1) Permitted Uses. The following uses are permitted in conservation land areas:
 - (A) Conservation of open land in its natural state; *e.g.*, meadow, grassland, tree stands, farmland, etc.
 - (B) Agricultural and horticultural uses, including raising crops or Class “B” livestock and associated buildings that support an active, viable agricultural or horticultural operation, excluding commercial livestock operations involving swine, poultry, and mink.
 - (C) Pastureland for sheep, cows and horses.
 - (D) Equestrian facilities for Class “B” animals.
 - (E) Underground utility easements for drainage, access, sewer or water lines, or other public purposes.
 - (F) Above-ground utility and street rights-of-way may traverse conservation land if permitted under City Ordinances; provided, areas encumbered by such facilities and/or rights-of-way shall not be counted towards the minimum required conservation land for the Subdivision.
- (2) Conditional Uses. The following uses shall be considered as conditional in conservation land areas:
 - (A) Agricultural uses, not otherwise permitted, including Class “C” Animals, but excluding commercial livestock operations involving swine, poultry and mink.
 - (B) Wholesale nurseries and associated buildings that are specifically needed to support active, viable horticultural operations.

- (C) Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
 - (D) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact.
 - (E) Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways.
 - (F) Golf courses, not including miniature golf.
 - (G) Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation land.
 - (H) Fencing, when deemed necessary and appropriate for the particular use, condition, purpose and/or location of the conservation land.
- (3) Prohibited Uses. Except as otherwise approved and permitted by the City as a permitted or conditional use in conjunction with the Conservation Subdivision approval, the following uses shall be considered prohibited in conservation land areas:
- (A) Any residential, commercial or industrial activity;
 - (B) Any development, construction or location of any man-made modification or improvements such as buildings, structures, roads, parking lots, or other improvements;
 - (C) Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals or other resources from the property;
 - (D) Any dumping or storing of ashes, trash, garbage or junk;
 - (E) Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes;

- (F) The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles, except as may be necessary to maintain and operate the property and/or utility facilities within the property;
- (G) Hunting or trapping for any purpose other than predatory or problem animal control;
- (H) Advertising of any kind or nature and any billboards or signs; provided, directory and information signs may be displayed describing the easement and prohibited or authorized use of the same;
- (I) Any cutting of trees or vegetation, except as necessary for fire protection, thinning, elimination of diseased growth, control of non-native plant species, maintenance of landscaped areas, and similar protective measures or those activities relating to permitted agricultural uses;
- (J) The change, disturbance, alteration, or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property;
- (K) The division, subdivision or de facto subdivision of the property;
- (L) Changing the topography of the property by placing on it any soil, dredging spoils, land fill, or other materials, except as necessary to conduct specific permitted purposes; and
- (M) All other uses and practices inconsistent with and detrimental to the stated objectives and purpose of the easement.

(c) Constrained and Sensitive Lands. No development or residential uses shall be permitted within constrained and sensitive lands.

11-12-130 Conservation Land Design Standards.

Designated conservation land within a Conservation Subdivision shall meet the following standards:

(a) Significant Areas and Features. Conservation land should include the most unique and sensitive resources and locally significant features of the property within the Subdivision such as meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmlands, wildlife corridors and/or habitat, historic buildings and/or sites, archeological sites, cultural features, green space, scenic views, etc.

(b) Contiguous Land. Conservation lands within a development shall be contiguous to provide for large and integrated open space areas within the Subdivision. Non-contiguous parcels of conservation lands may be approved by the City during plat approval process upon a finding that such exception is necessary and/or desirable based upon consideration of the size of the project, the size of the conservation parcels, the types of features and resources included within the conservation lands, and other relevant considerations. Long thin strips of conservation land (less than one hundred (100) feet wide) are prohibited, unless approved by the City during plat approval process upon a finding that such configuration of the conservation land is necessary and/or desirable to connect other significant areas, to protect linear resources such as streams or trails, or to provide a buffer.

(c) Open Space Network Connection. Conservation land within a Conservation Subdivision shall be designed and laid out as part of a larger continuous and integrated open space system in general accordance with the Farmington Resource and Site Analysis Plan to ensure that an interconnected network of open space will be provided throughout the City.

(d) Visibility. Conservation land shall be located and designed within the Conservation Subdivision to add to the visual amenities of neighborhoods and to the surrounding area by maximizing the visibility of internal open space. Such enhanced visibility of conservation land may be accomplished through design and location of such open space as terminals at the ends of streets or along “single-loaded” street segments, particularly along the outside edges of street curves, and by maximizing the visibility of external open space as perimeter “greenbelt” conservation land.

(e) Resource Uses. A substantial amount of the minimum required conservation land may be devoted to active resource uses such as agriculture, horticulture, or equestrian uses; provided, at least twenty percent (20%) of the minimum required conservation land remains available for the common use and enjoyment of the subdivision residents or the public.

(f) Recreational Uses. A substantial amount of the minimum required conservation land may be comprised of active recreation facilities such as playing fields, golf courses, tennis courts, etc., exclusive of parking lots; provided, at least twenty percent (20%) of the minimum required conservation land remains available for common use and enjoyment of the subdivision residents or the public.

(g) Buffering. Conservation land shall be designed to provide buffers and to protect scenic views as seen from existing roadways and from public parks. Where the proposed development abuts a national forest or other public park, open space, wildlife sanctuary or preserve, a natural greenway buffer at least fifty (50) feet wide shall be provided within the development along its common boundary with said land, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction or fire safety). Where this buffer is unwooded, the City may require vegetative screening to be planted at developer's sole cost and expense and/or that the buffer be managed to encourage natural forest succession through 'no-mow' policies and the periodic removal of invasive alien plant and tree species.

(h) Pedestrian Access. Developer shall provide adequate pedestrian access to conservation land which is open to public or resident use.

(i) Maintenance Access. Developer shall provide sufficient maintenance access to all conservation land and constrained and sensitive lands within the Conservation Subdivision.

(j) Landscaping. All conservation land that is not wooded, farmed, or maintained as conservation meadows, grassland, or other approved open space, shall be landscaped at developer's sole cost and expense in accordance with landscaping requirements for subdivisions.

11-12-140 Permanent Protection of Conservation Lands.

(a) Conservation Easement. All conservation land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the City. Under no circumstances shall any development be permitted in the conservation land at any time, except for those permitted or conditional uses listed herein and approved in conjunction with the Conservation Subdivision. All conservation easements, or other acceptable method of protection and preservation of the conservation land within a Conservation Subdivision, shall be approved by the City and recorded prior to or concurrent with the recording of the final plat for the Conservation Subdivision.

(b) Terms and Conditions. All conservation easements, or other acceptable method of protection and preservation of the conservation land within a Conservation Subdivision, shall be in substantially the same form as the standard conservation easement form provided by the City and shall include, at a minimum, the following terms and/or conditions:

- (1) legal description of the easement;

- (2) description of the current use and condition of the property;
- (3) permanent duration of easement;
- (4) permitted and conditional uses;
- (5) prohibited development and/or uses;
- (6) maintenance responsibilities and duties; and
- (7) enforcement rights and procedures.

(c) Grantee. Unless otherwise approved by the City, the grantee of a conservation easement shall consist of one of the following acceptable entities which entity shall be qualified to maintain and enforce such conservation easement: land trust, conservation organization or governmental entity. The City may, but shall not be required to, accept, as grantee, a Conservation Easement encumbering conservation lands within a Conservation Subdivision, provided there is no cost of acquisition to the City for the easement and sufficient access to and maintenance responsibilities regarding the conservation land are provided.

11-12-150 Ownership of Conservation Lands.

(a) Undivided Ownership. Unless otherwise approved by the City and subject to the provisions set forth in this Chapter, the underlying fee ownership of the conservation land shall remain in single ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental entity, or private individual.

(b) Property subject to a conservation easement, or other acceptable method of protection and preservation, shall not be subdivided.

(c) Owners' Association. Conservation land may be held in common ownership by a condominium homeowners' or other acceptable owners' association, subject to all of the provisions for owners' associations set forth in State regulations and the City's Subdivision regulations. In addition, the following regulations shall be met:

- (1) A description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for conservation land, including restrictive covenants for the Subdivision, shall be submitted by the developer with the Preliminary Plat application.

- (2) The proposed association shall be established and operating (with financial subsidization, if necessary) prior to or concurrent with the recording of the Final Plat for the Subdivision.
- (3) Membership in the association shall be mandatory for all purchasers of property within the Subdivision and their successors in title.
- (4) The association shall be responsible for maintenance and insurance of conservation land.
- (5) The by-laws of the association and restrictive covenants for the Subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
- (6) Written notice of any proposed transfer of conservation land by the association or the assumption of maintenance for the conservation land must be given to all members of the association and to the City no less than thirty (30) days prior to such event.
- (7) The association shall have adequate staff to administer, maintain, and operate such conservation land.

11-12-160 Maintenance of Conservation Lands.

(a) Costs. Unless otherwise agreed to by the City, the cost and responsibility of maintaining conservation land shall be borne by the owner of the underlying fee of the conservation land.

(b) Plan. The developer shall submit a Maintenance Plan providing for and addressing the means for permanent maintenance of the conservation land within the proposed Conservation Subdivision with the Preliminary Plat application for the Subdivision. The Maintenance Plan shall provide the following:

- (1) The Plan shall define ownership.
- (2) The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (*e.g.*, lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, cropland, woodlands, etc.).

- (3) The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the conservation land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- (4) At the City's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year.

(c) Approval. The Maintenance Plan must be approved by the City prior to or concurrent with Final Plat approval for the Subdivision. The Maintenance Plan shall be recorded against the property and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Maintenance Plan shall be approved by the City.

(d) Failure to Maintain. In the event that the organization established to maintain the conservation land and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the City may assume responsibility, as a right but not an obligation, for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

(e) Corrective Action. The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the County Recorder's office. The Maintenance Plan and all other documents creating or establishing any association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property.

Formerly "Residential Zone R-22", repealed 4/1/92, Ord. 92-08
Recodified as "Multiple Family Residential Zones", 4/15/92, Ord. 92-14
Chapter 12 Amended, 12/8/93, Ord. 93-44
11-12-106 Amended, 3/2/94, Ord. 94-12
11-12-104(1) Amended, 4/19/95, Ord. 95-15
Recodified from Chapter 12 to Chapter 13, 4/21/99, Ord. 99-19
New Chapter 12 Adopted, 4/21/99, Ord. 99-21
Chapter 12 Amended and Recodified, 10/17/01, Ord. 2001-38

CHAPTER 13

MULTIPLE-FAMILY RESIDENTIAL ZONES

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11-13-090	Site Development.

11-13-010 Purpose.

The purpose of this zone is to provide areas in the City for medium density residential development. Three (3) zoning districts are provided for this purpose: R-2, R-4, and R-8. These zones are distinguished primarily by differences in lot size and setback standards.

11-13-020 Permitted Uses.

The following are permitted uses in multiple-family residential zones. No other permitted uses are allowed, except as provided by Section 11-4-105(6):

- (1) Agriculture;
- (2) Class A animals;
- (3) Home occupations complying with the Home Occupation Chapter of this Title except as specified in Section 11-13-103 below;
- (4) Signs complying with Title 12;
- (5) Single-family dwellings;
- (6) Two-family dwellings; and
- (7) Uses customarily accessory to a listed permitted use.

11-13-030 Conditional Uses.

The following are conditional uses in multiple-family residential zones. No other conditional uses are allowed, except as provided by Section 11-4-105(6):

- (1) Apartment dwelling group;
- (2) Class B animals;
- (3) Class D animals;
- (4) Condominiums, Planned Unit Developments;
- (5) Day-care center;
- (6) Dwelling, Accessory (only in the R-2 zone);
- (7) Dwellings, three family (R-4 and R-8 zones only);
- (8) Dwellings, four family (R-4 and R-8 zones only);

- (9) Dwellings, five to eight family in R-8 zones only (may exceed density standard established by Section 11-13-104 as approved by the Planning Commission up to a maximum density of fifteen (15) dwelling units per acre);
- (10) Greenhouses, private with no retail sales;
- (11) Home occupations as identified in Section 11-35-104 of this Title;
- (12) Professional offices (except in R-2 zones);
- (13) Private school or hospital;
- (14) Public uses;
- (15) Public utility installations (except lines and rights-of-way);
- (16) Quasi-public uses;
- (17) Residential facilities for the elderly;
- (18) Residential facilities for the handicapped; and
- (19) Secondary dwelling unit.

SECTION 11-13-040 Minimum Lot and Setback Standards.

(1) The following shall be the minimum lot areas, widths, and main building setbacks in multiple-family residential zones:

Zone	Lot Area	Lot Width		Front	Side	Side Corner	Rear
		Interior	Corner				
R-2	10,000 s.f. for each single-family or two-family dwelling. Maximum of two dwelling units per building per lot	85'	95'	30'	10' min., total 22'	20'	30'
R-4	10,000 s.f. for each single-family or two-family dwelling plus 4,000 s.f. for each additional dwelling unit to a maximum of four dwelling units per building per lot	90'	100'	30'	12' min., total 24'	20'	30'
R-8	10,000 s.f. for each single-family or two-family dwelling plus 4,000 s.f. for each additional dwelling unit with a maximum of four dwelling units per building and not more than two buildings per lot unless a greater number of dwelling units or buildings are approved as specified in Section 11-13-030(8)	100'	110'	30'	15' min., total 30'	30'	30'

(2) Class B animals may be approved by the Planning Commission only if the area of the lot is twenty thousand (20,000) square feet or larger. Class B animals shall be limited to not more than one (1) horse or cow and not more than two (2) sheep or goats for each twenty thousand (20,000) square feet of a lot.

11-13-050 Accessory Buildings and Structures.

(1) Accessory buildings, except for those listed in Section 11-13 -050(2) below, may be located within one (1) foot of the side or rear property line, provided they are at least six (6) feet to the rear of the dwelling, do not encroach on any recorded easements, occupy not more than twenty five percent (25%) of the rear yard, and are located at least fifteen (15) feet from any dwelling on an adjacent lot. Accessory buildings shall, without exception, be subordinate in height and area to the main building.

(2) Animal shelters, hay barns, coops, corrals or other similar buildings or structures shall be located not closer than ten (10) feet from any side or rear property line and one hundred (100) feet from any public street or from any dwelling on an adjacent property;

(3) On double-frontage lots, accessory buildings shall be located not less than twenty-five (25) feet from each street upon which the lot has frontage.

11-13-060 Building Height.

(1) Main buildings:

(a) Main buildings shall not exceed twenty-seven (27) feet in height .

(b) No dwelling structure shall contain less than one (1) story.

(2) Accessory buildings or structures shall not exceed fifteen (15) feet in height unless an increased height is approved by the Planning Commission after review of a conditional use application filed by the property owner (no fee shall be assessed for such application).

11-13-070 Parking Restrictions.

(1) Minimum parking required by this Title shall not be located within the minimum required front or side yard setback adjacent to a public or private street in any multiple-family residential zone.

(2) Required parking for multiple-family buildings shall be located in the rear yard of the lot unless fully enclosed and covered parking is attached to, and designed as an architecturally integrated element of, the main building.

11-13-080 Apartment Dwelling Groups.

The following provisions shall apply to the development of planned dwelling groups in the City:

(1) The dwelling group shall be owned by one person, partnership, or legal entity and shall not be divided and sold as individual buildings.

(2) The development shall cover an area of not less than one (1) acre.

(3) The planned dwelling group shall maintain minimum setbacks from adjacent lots as specified in Section 11-13-040(1) above. On corner lots, or in planned dwelling groups that have frontage on more than one public street, the front yard may be designated by the developer; EXCEPT that a public street frontage that is less than one hundred (100) feet in width shall not be designated as a front yard.

(4) Common open space shall be provided in all planned dwelling groups. This open space shall comprise fifteen percent (15%) of the site, shall be accessible to all units, and shall be of such dimension as to provide adequate space for general recreational activities such as playgrounds, picnicking, volley ball, etc. No streets, driveways, parking areas, minimum required setback areas, or areas with slopes greater than thirty percent (30%) shall be included in the computation of common open space.

(5) Private garages, attached or detached, or other off-street parking space shall not be constructed in any required open space.

(6) No residential building shall face the rear of another building on the development site.

(7) A separation of at least fifteen (15) feet shall be maintained between buildings which are located side by side.

(8) The minimum distance between the fronts of buildings which face one another shall be thirty (30) feet.

(9) No building shall contain more units than is specifically allowed in the zone.

(10) All off-street parking spaces, walkways, and driveways shall be hard-surfaced.

(11) All buildings shall be served by public sewer and public water supply.

(12) The Planning Commission may impose other reasonable conditions as may be necessary to accomplish the purpose of this Title.

11-13-090 Site Development.

Site development for multiple-family residential development shall conform to Section 11-7-105 through 11-7-107 of this Title.

Formerly Residential Zone R-22, Repealed 4/1/92, Ord. 92-08

Chapter 12 Recodified as Multiple Family Residential Zones, 4/15/92, Ord. 92-14

Chapter 12 Amended, 12/8/93, Ord. 93-44

11-12-106 Amended, 3/2/94, Ord. 94-12

11-12-104(1) Amended, 4/19/95, Ord. 95-15

Recodified Multi-Family Residential Zones from Chapter 12 to Chapter 13, 4/21/99, Ord. 99-19

11-13-060(1) Amended, 4/19/00, Ord. 2000-15

11-13-030(6) added 1/24/02, Ord. 2002-14

11-13-030, amended 4/2/03, Ord. 2003-12

11-13-050 & 11-13-060 Amended 4/6/05, Ord. 2005-11

CHAPTER 14

BUSINESS PARK ZONE (BP)

- 11-14-010 Purpose.**
- 11-14-020 Permitted Uses.**
- 11-14-030 Conditional Uses.**
- 11-14-040 Conceptual Plan and Site Plan Review.**
- 11-14-050 Minimum Lot and Setback Standards.**
- 11-14-060 Height Standards.**
- 11-14-070 Design Standards.**

11-14-010 Purpose.

The purpose of this zone is to provide areas primarily for planned general office and business park developments and related services which will be compatible with, and serve as a transition to, nearby residential areas and will promote a quiet, clean environment. In certain unique locations, residential planned unit developments may also be appropriate to provide this transition. Development in this zone should emphasize a high level of architectural and landscape excellence. These zone districts will generally be established along high volume arterial streets in order to buffer the impacts of these streets from less intensive land uses. The intent is to create an attractive environment that will compliment, and serve as a transition to, surrounding land uses.

11-14-020 Permitted Uses.

The following are permitted uses in the BP Zone after a conceptual development plan has been approved as provided in this Chapter. No other permitted uses are allowed, except as provided by Section 11-4-105(6):

- (1) Agriculture;
- (2) Business and professional offices;
- (3) Commercial testing laboratories and services;
- (4) Data processing services;
- (5) Day care/preschool;
- (6) Funeral home;
- (7) Printing/publishing;
- (8) Public park;
- (9) Public or quasi-public administrative offices (excluding temporary or portable buildings);
- (10) Public utility lines and rights-of-way;
- (11) Research services;
- (12) Residential facility for the elderly;
- (13) Residential facility for the handicapped;
- (14) Seasonal fruit/produce vendor stands;
- (15) Signs complying with provisions of the Sign Ordinance;
- (16) Uses customarily accessory to a listed permitted use.

11-14-030 Conditional Uses.

The following are conditional uses in the BP zone. No other conditional uses are allowed, except as provided by Section 11-4-105(6):

- (1) Any development which includes multiple buildings or is proposed on a site which is over one (1) acre in size;
- (2) Athletic or tennis club;
- (3) Commercial outdoor recreation, minor (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.);
- (4) Financial institutions;
- (5) Light manufacturing uses (fabrication, assembly, treatment, or packaging operations conducted in a totally enclosed building using previously prepared materials);
- (6) Outside storage;
- (7) Planned unit development or condominium, commercial;
- (8) Planned unit development or condominium, residential, in areas where such development provides an appropriate transition from non-residential to lower density residential uses;
- (9) Public and quasi-public uses, other than administrative offices, developed on an undeveloped site (excluding those not specifically listed as a permitted or conditional use) and material additions or modifications on a developed site;
- (10) Public utility substations, wireless transmission towers except as specified in Section 11-28-190, generating plants, pumping stations, and buildings;
- (11) Restaurants (traditional sit-down only);
- (12) Storage/warehousing, as an accessory use, as necessary to maintain a principal use;
- (13) Temporary uses;
- (14) Uses customarily accessory to a listed conditional use.

11-14-040 Conceptual Plan and Site Plan Review.

(1) When a development will include multiple buildings or is proposed on a site which is over one (1) acre in size, an overall conceptual development plan, encompassing the entire site, shall be submitted to the Planning Commission for conditional use and site development review. The intent of this requirement is to commit the developer to a general plan within which individual businesses can be placed. Once approved, any material change to the conceptual plan shall require the approval of the Planning Commission. A material change shall be interpreted as any change which substantially alters the original plan and/or has the potential of causing a significant impact beyond the site.

(2) The conceptual development plan shall include the following specific information and shall also comply with all other applicable standards contained in Chapter 7 of this Title. The plan shall:

- (a) Indicate the location of existing streets and, if applicable, the proposed street layout for the entire development;
- (b) Identify the general location of building pads and the height of all proposed buildings and structures;
- (c) Identify the general location and extent of existing and proposed parking areas;

- (d) Include a conceptual landscape plan showing the general location, density and size of trees, shrubs and ground cover;
- (e) Identify proposed phasing of the project (if any);
- (f) Illustrate the architectural design of buildings including type of materials, colors, and any proposed signs;
- (g) Illustrate the relationship of the proposed development to surrounding uses.

11-14-050 Minimum Lot and Setback Standards.

(1) **Setback from Streets:** The minimum setback from public or private streets shall be twenty (20) feet for buildings or structures twenty (20) feet or less in height. Buildings or structures over twenty (20) feet in height shall be setback an additional foot for each foot of height over twenty (20) feet. Parking lots shall not be permitted within the minimum required street setback(s).

(2) **Commercial side and rear setbacks:** The minimum side and rear setbacks from property lines shall be twenty (20) feet for buildings and structures twenty (20) feet or less in height. Buildings or structures over twenty (20) feet in height shall be setback an additional foot for each foot of height over twenty (20) feet. If the area of the side or rear setback is used for parking or as a service area, a landscaped strip, not less than ten (10) feet in width shall be maintained along the property lines.

(3) **Residential side and rear setbacks:**

- (a) The minimum side yard setback from non-residential zone boundaries for a new residence in a BP zone shall be twenty (20) feet. A mix of evergreen and deciduous trees and shrubs shall be planted in such yard area to help mitigate potential impacts from adjacent non-residential uses;
- (b) The minimum rear setback from non-residential zone boundaries shall be forty (40) feet. A landscaped strip, not less than twenty (20) feet in width shall be maintained along the rear property line to help mitigate potential impacts from adjacent non-residential uses;
- (c) Side and rear yard setbacks from boundaries of zones which are exclusively residential shall be the same as the adjacent residential zone.

(4) **Minimum lot size:**

- (a) The minimum lot size for a non-residential use or development in the BP Zone shall be one half (½) acre.
- (b) The minimum development acreage for a residential planned unit development or condominium shall be not less than five (5) acres. Lot size, dimensions, and/or arrangement of buildings shall be determined by the Planning Commission after review of the conceptual development plan. Gross density shall not exceed eight (8) dwelling units per acre.

(5) Lot Width: The minimum lot width in a BP zone, except in a residential planned unit development or condominium, shall be one hundred (100) feet. For individual lots with a single use, one hundred (100) feet of frontage shall be provided on a fully improved public street.

(6) Maximum lot coverage: The maximum percentage of coverage for all buildings and structures in a BP zone shall be fifty percent (50%).

(7) Minimum district size: A BP zone district shall contain not less than five (5) acres.

11-14-060 Height Standards.

Non-residential buildings or structures in a BP Zone shall not exceed forty (40) feet in height. Residential main buildings and accessory buildings shall not exceed thirty (30) feet in height.

11-14-070 Design Standards.

(1) All areas of a developed site not occupied by buildings, required parking, driveways, sidewalks, or service areas, shall be appropriately landscaped with lawn, trees, shrubs and other landscaping materials in accordance with an approved landscaping plan. A minimum of fifteen percent (15%) of the gross area of a commercial site and forty percent (40%) of a residential site shall be landscaped. Gross area is interpreted as the total site area remaining after any required street dedication.

(2) Parking lots shall be provided with landscaping around the periphery and in islands and bays in the interior of the lot. If parking lots are oriented parallel to the street, a landscaped berm, at least three (3) feet in height, shall be provided between the parking lot and sidewalk in order to help screen vehicles from view.

(3) Street trees shall be planted along the street frontage(s) of all sites and shall be spaced at not more than thirty (30) feet on center. The minimum caliper size for street trees shall be two (2) inches.

(4) In landscape buffers adjacent to residential zones and between residential and non-residential uses within the zone, a mix of evergreen and deciduous trees shall be planted at a ratio of not less than one (1) tree for each three hundred (300) square feet of landscape area. For conditional uses, this requirement may be increased if, in the opinion of the Planning Commission, additional screening or buffering is necessary on a specific site.

(5) All uses located in the zone shall be conducted entirely within a fully enclosed building. There shall be no outside storage of materials or equipment, other than motor vehicles licensed for street use, except as specifically approved by the Planning Commission in conjunction with a conditional use application.

(6) Trash storage and dumpsters shall be located in an area convenient for pick-up and shall be screened from public view by a six (6) foot masonry wall.

(7) A masonry or architectural concrete wall or alternative visual barrier as approved by the Planning Commission, at least six (6) feet in height, shall be erected along all

development boundaries adjoining a residential zone or a residential use within the BP zone. The required wall shall be constructed prior to, or concurrently with, construction of the first building on the site.

(8) All utility transmission lines shall be placed underground. Transformers, meters and similar apparatus shall be at or below ground level and shall be screened from public view by a wall or fence, landscaping, earth berming, or special architectural treatment acceptable to the Planning Commission.

(9) All uses shall be free from objectionable or excessive odor, dust, smoke, noise, radiation or vibration.

Repealed as Residential-Suburban R-S, 4/1/92, Ord. 92-08

Establish Business Park Zone BP, 5/18/94, Ord. 94-22

Establish Business/Residential Zone BR, 10/19/94, Ord. 94-42

11-13-103(10) Amended, 4/2/97, Ord. 97-17

Recodified from Chapter 13 to Chapter 14, 4/21/99, Ord. 99-19

Business/Residential Zone BR Recodified from Chapter 14 to Chapter 15, 4/21/99, Ord. 99-19

CHAPTER 15

BUSINESS/RESIDENTIAL ZONE (BR)

- 11-15-010 Purpose.**
- 11-15-020 Permitted Uses.**
- 11-15-030 Conditional Uses.**
- 11-15-040 Lot Standards for Residential Uses.**
- 11-15-050 Lot Standards for Office/Commercial Uses.**
- 11-15-060 Height Standards.**
- 11-15-070 Design Standards.**

11-15-010 Purpose.

The intent of this zone is to provide an area in the City for a mix of professional and government offices, limited commercial uses, and residential land uses. The standards and guidelines contained herein are further intended to encourage compatibility between new and existing development, to enhance the physical appearance of the district, and, where applicable, to reinforce the historic character and development pattern of the district.

11-15-020 Permitted Uses.

The following are permitted uses in the BR Zone subject to site development review. No other permitted uses are allowed, except as provided by Section 11-4-105(6):

- (1) Agriculture;
- (2) Business and professional offices;
- (3) Class "A" beer outlet;
- (4) Commercial testing laboratories;
- (5) Data processing services;
- (6) Day care, pre-school;
- (7) Financial institutions;
- (8) Funeral home;
- (9) Neighborhood service establishments (low impact retail and service uses such as bakery, bookstore, dry-cleaning, hair styling, coin laundry, pharmacy, art supply/gallery, craft store, photo-copy center, etc.);
- (10) Printing, publishing;
- (11) Public park;
- (12) Public utility lines and rights-of-way;
- (13) Reception center;
- (14) Research services;
- (15) Residential facility for the elderly;
- (16) Residential facility for the handicapped;
- (17) Seasonal fruit/produce vendor stands;
- (18) Signs complying with provisions of the Sign Ordinance;
- (19) Single-family dwelling;
- (20) Two-family dwelling;
- (21) Uses customarily accessory to a listed permitted use.

11-15-030 Conditional Uses

The following are conditional uses in the BR Zone. No other conditional uses are allowed, except as provided by Section 11-4-105(6):

- (1) Apartment dwelling group;
- (2) Athletic or tennis club;
- (3) Car wash;
- (4) Commercial indoor recreation (movie theater, video arcade, bowling alley, etc.);
- (5) Commercial outdoor recreation, minor (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.);
- (6) Convenience store (sale of grocery items, non-prescription drugs, and/or gasoline from building with less than five thousand (5,000) square feet gross floor area);
- (7) Fast food establishments, attached (walk-in service only, no exterior walk-up or vehicle drive-thru service);
- (8) Fuel sales and/or storage;
- (9) Greenhouse/garden center (retail or wholesale);
- (10) Hotels, motels;
- (11) Multiple-family buildings with three or more units;
- (12) Neighborhood grocery (grocery store not exceeding fifteen thousand (15,000) square feet in gross floor area);
- (13) Nursing home, convalescent center;
- (14) Pet store or pet grooming establishment;
- (15) Planned unit development or condominium, commercial;
- (16) Planned unit development or condominium, residential;
- (17) Public and quasi-public uses except the following prohibited uses:
correctional/detention facilities, half-way houses, drug or alcohol rehabilitation facilities, facilities for the treatment or confinement of the mentally ill, homeless shelters, domestic violence shelters, and other similar facilities including those which may allow or require that clients stay overnight or longer;
- (18) Public or quasi-public uses, material additions or modifications on a developed site;
- (19) Public utility substations, wireless transmission towers except as specified in Section 11-28-190, generating plants, pumping stations, and buildings;
- (20) Reduction of minimum setbacks for office/commercial buildings located next to residential uses within the BR zone (see Section 11-15-105(c));
- (21) Restaurant (traditional sit-down);
- (22) shopping center (commercial complex);
- (23) Small Auto Dealership;
- (24) Temporary uses;
- (25) Uses customarily accessory to a listed conditional use.

11-15-040 Lot Standards for Residential Uses.

(1) The minimum lot size for single-family residential uses in the BR zone shall be eight thousand (8,000) square feet. Dimensions, setbacks, maximum height of buildings, and related provisions for single-family residential uses in the BR zone shall comply with standards for the R zone as specified in Chapter 11 of this Title.

(2) Lot size, dimensions, setbacks, maximum height of buildings, and related provisions for multiple-family residential uses in the BR zone shall comply with standards specified in Chapter 13 of this Title.

(3) Development of apartment dwelling groups shall comply with provisions of Section 11-13-080 of this Title.

11-15-050 Lot Standards for Office/Commercial Uses.

(1) Building setbacks:

- (a) Front and side yards. No setback is required for office/commercial buildings and structures except as specified in (c) below;
- (b) Where office/commercial development in a BR zone share a common property line with a residential zone, the minimum setback for the yard(s) abutting the residential zone shall be the same as that required for such residential zone.
- (c) Where office/commercial development in a BR zone share a common property line with a residential use within the zone, the minimum front, side, and rear yard setbacks shall be ten (10) feet unless, upon receipt and review of a conditional use application, a lesser, or no, setback is approved by the Planning Commission.
- (d) Parking shall not be permitted within the minimum required setbacks.

(2) Minimum lot size: The minimum lot size for each separate office/commercial use in the BR Zone shall be one half (½) acre unless otherwise provided by a conditional use permit. This standard shall not apply to lots legally established prior to the effective date of this Chapter.

(3) Lot width: The minimum lot width for commercial or office uses in a BR zone shall be one hundred (100) feet unless otherwise provided by a conditional use permit. For individual lots with a single use, one hundred (100) feet of frontage shall be provided on a fully improved public street. These standards shall not apply to lots legally established prior to the effective date of this Chapter.

(4) Maximum lot coverage: The maximum percentage of lot coverage for all buildings and structures in a BR zone shall be fifty percent (50%).

11-15-060 Height Standards.

No building or structure in a BR Zone shall exceed forty (40) feet in height.

11-15-070 Design Standards.

(1) All areas of a developed site not occupied by buildings, required parking, driveways, sidewalks, or service areas, shall be appropriately landscaped with lawn, trees, shrubs, and other landscaping materials in accordance with an approved landscaping plan.

(2) Parking lots shall be provided with landscaping around the periphery and in islands and bays in the interior of the lot. The minimum width of such landscaping shall be ten (10) feet.

(3) For new office/commercial development, landscaping shall be required on a minimum of fifteen percent (15%) of the gross area of the site. For residential development,

landscaping shall be required on forty percent (40%) of the gross area of the site. Gross area is interpreted as the total site area remaining after any required street dedication.

(4) Street trees shall be planted along the frontage of development sites and shall be spaced at not more than thirty (30) feet on center. The minimum caliper size for street trees shall be two (2) inches.

(5) In landscape buffers adjacent to residential zones or uses, a mix of evergreen and deciduous trees shall be planted at a ratio of not less than one (1) tree for each three hundred (300) square feet of landscape area. For listed conditional uses, this requirement may be increased if, in the opinion of the Planning Commission, additional screening or buffering is necessary on a specific site.

(6) All uses located in the zone shall be conducted entirely within a fully enclosed building. There shall be no outside storage of materials or equipment, other than motor vehicles licensed for street use, except as specifically approved by the Planning Commission in conjunction with a conditional use application.

(7) Trash storage and dumpsters shall be located in an area convenient for pick-up and shall be screened from view by a six (6) foot masonry wall.

(8) All new utility transmission lines shall be placed underground. Transformers, meters and similar apparatus shall be at or below ground level and shall be screened from public view by a wall or fence, landscaping, earth berming, or special architectural treatment acceptable to the Planning Commission.

(9) All uses shall be free from objectionable or excessive odor, dust, smoke, noise, radiation or vibration.

Chapter 14 Residential-Suburban R-S-20 Repealed 4/1/92, Ord. 92-08
Business Residential Zone BR Established 10/19/94, Ord. 94-42
11-14-103(19) Amended, 4/2/97, Ord. 97-17
Recodified from Chapter 14 to Chapter 15, 4/21/99, Ord. 99-19
11-15-040 Amended, 7/07/99, Ord. 99-33
11-15-050 Amended 8/01/01, Ord. 2001-28
11-15-030, Amended 8/6/03, Ord. 2003-31

CHAPTER 16

GENERAL COMMERCIAL ZONE (C)

- 11-16-010 Purpose.**
- 11-16-020 Permitted Uses.**
- 11-16-030 Conditional Uses.**
- 11-16-040 District Standards.**
- 11-16-050 Vehicular Circulation and Parking.**
- 11-16-060 Design Standards.**
- 11-16-070 Hours of Operation.**
- 11-16-080 Maintenance of Improvements.**

11-16-010 Purpose.

This zone is established to provide locations for a full range of office and retail commercial uses which are oriented to serve the City as a whole as well as other areas in the region. These uses may develop as freestanding facilities on individual lots, but are encouraged to occur in planned commercial centers which reflect unified designs that are architecturally compatible and in scale with the surrounding neighborhood. Property in the C zone is usually served by high volume arterial streets providing adequate transportation access to the sites. For this reason, control standards are established in this Chapter to insure that the street system will continue to function as intended.

11-16-020 Permitted Uses.

The following are permitted uses in the C Zone. No other permitted uses are allowed, except as provided by Section 11-4-105(6):

- (1) Agriculture;
- (2) Business and professional offices;
- (3) Class "A" beer outlet;
- (4) Commercial outdoor recreation, minor (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.);
- (5) Commercial testing laboratories;
- (6) Data processing services;
- (7) Fast food establishments, attached (walk-in service only, no exterior walk-up or vehicle drive-thru service);
- (8) Financial institutions;
- (9) Funeral home;
- (10) Neighborhood service establishments (low impact retail and service uses such as bakery, bookstore, dry-cleaning, hair styling, coin laundry, pharmacy, art supply/gallery, craft store, photo-copy center, etc.);
- (11) Printing/publishing services;
- (12) Public or quasi-public administrative offices in an existing building (excluding portable/temporary buildings);
- (13) Public park;
- (14) Public utility lines and rights-of-way;

- (15) Research and development activities;
- (16) Research services;
- (17) Seasonal fruit/produce vendor stands;
- (18) Signs complying with provisions the Sign Ordinance;
- (19) Uses customarily accessory to a listed permitted use.

11-16-030 Conditional Uses.

The following are conditional uses in the C zone. No other conditional uses are allowed, except as provided by Section 11-4-105(6):

- (1) Athletic or tennis club;
- (2) Auto, truck, recreational vehicle, and equipment sales and rental;
- (3) Automobile and truck repair, not including body work;
- (4) Car wash;
- (5) Class "B" beer outlet;
- (6) Commercial complex (commercial center);
- (7) Commercial indoor recreation (movie theater, video arcade, bowling alley, etc.);
- (8) Commercial outdoor recreation, major (miniature golf, batting cages, go-kart tracks, drive-in theaters, etc.);
- (9) Convenience store (sale of grocery items, non-prescription drugs, and/or gasoline from building with less than five thousand (5,000) square feet gross floor area);
- (10) Day care/pre-school center;
- (11) Department store;
- (12) Fast food establishments, detached (may include vehicle drive-thru facilities);
- (13) Fuel sales and/or storage;
- (14) Greenhouse/garden center (retail or wholesale);
- (15) Hotels and motels;
- (16) Lumber yard;
- (17) Neighborhood grocery (grocery store not exceeding fifteen thousand (15,000) square feet in gross floor area);
- (18) Pet store or pet grooming establishment;
- (19) Planned unit development or condominium, commercial;
- (20) Public and quasi-public uses developed on an undeveloped site (excluding those not specifically listed as a permitted or conditional use) and material additions or modifications on a developed site;
- (21) Public utility substations, wireless transmission towers except as specified in Section 11-28-190, generating plants, pumping stations, and buildings;
- (22) Reception center;
- (23) Restaurants (traditional sit-down);
- (24) Self-service storage facilities;
- (25) Supermarkets;
- (26) Temporary uses;
- (27) Uses customarily accessory to a listed conditional use;
- (28) Veterinary hospital.

11-16-040 District Standards.

(1) Lot Size: Except in the case of a legal nonconforming lot, each individual commercial use not located in an approved commercial complex shall have a lot not less than one half acre in size. For the purpose of this section, "pad" sites in a commercial complex shall be considered separate commercial sites.

(2) Lot Width: Except in the case of a legal nonconforming lot, the minimum width for a commercial lot shall be one hundred (100) feet. For individual lots with a single use, one hundred (100) feet of frontage shall be provided on a fully improved public street except for "pad sites" in approved commercial centers.

(3) Setback from Streets: The minimum setback from public or private streets shall be twenty (20) feet for buildings or structures twenty (20) feet or less in height. Buildings or structures over twenty (20) feet in height shall be setback an additional foot for each foot of height over twenty (20) feet. Any commercial building located adjacent to, or across a street from, a residential zone shall have the same front yard setback as that required in residential zone. Parking lots shall not be permitted within the minimum required street setback(s). Such areas shall be permanently landscaped, except for approved access drives.

(4) Side and rear setbacks: There shall be no minimum setback requirement except where the C zone shares a common boundary with a non-commercial zone. In such a case, the minimum side and rear setbacks from property lines shall be twenty (20) feet for buildings and structures twenty (20) feet or less in height. Buildings or structures over twenty (20) feet in height shall be set back an additional foot for each foot of height over twenty (20) feet. If the area of the side or rear setback is used for parking or as a service area, a landscaped strip, not less than 10 feet in width shall be maintained along the property lines.

(5) Gasoline pump islands: Gasoline pump islands, as well as canopies that may be constructed over such facilities, shall be set back a minimum of twenty (20) feet from any property line.

(6) Building Height: Maximum building height shall be forty (40) feet.

(7) Lot Coverage: The maximum lot coverage shall be fifty percent (50%) for all buildings. (The requirements for landscaped areas, building setbacks, and off-street parking may result in less than a fifty percent (50%) lot coverage.)

11-16-050 Vehicular Circulation and Parking.

(1) Parking shall be provided for each use in conformance with Chapter 32 of this Title.

(2) On a corner lot, no curb cut shall be located closer than forty (40) feet to the property line corner at street intersections.

(3) Curb cuts shall not be located closer than fifteen (15) feet to a side or rear lot line, and the distance between separate curb cuts serving adjacent land uses shall not be less than

forty (40) feet unless the Planning Commission approves an exception based on one or more of the following circumstances:

- (a) A common curb cut serves adjacent land uses;
- (b) Curb cuts cannot meet separation standards due to narrow lot frontage;
- (c) Curb cuts cannot meet separation standards due to location of existing cuts on adjacent lots; or
- (d) A professional traffic engineer, after preparing a traffic study, recommends in writing that curb cuts be located closer to interior lot lines in order to maintain a safe distance from street intersections.

(4) A commercial lot or commercial complex with three hundred (300) feet of frontage or less shall have no more than two (2) curb cuts on any single street right-of-way. One additional curb cut may be allowed for each additional three hundred (300) feet of frontage on a single street right-of-way. Curb cuts shall have a minimum distance of forty (40) feet between them.

11-16-060 Design Standards.

Standards listed below shall supplement the design and development standards contained in Chapter 7 of this Title.

(1) Landscaping: All open areas in the required yard spaces, except driveways, parking areas, walkways, and storage areas shall be maintained with suitable landscaping of plants, shrubs, trees, and grass.

- (a) All landscaped areas shall be provided with an irrigation system capable of complete coverage and designed to minimize run-off and other wasting of water. Such system shall be maintained in a fully-operational condition.
- (b) Street trees shall be planted along the frontage of commercial sites and shall be spaced at not more than thirty (30) feet on center. The minimum caliper size for street trees shall be two (2) inches.
- (c) In landscape buffers adjacent to residential zones, a mix of evergreen and deciduous trees shall be planted at a ratio of not less than one (1) tree for each three hundred (300) square feet of landscape area. For conditional uses, this requirement may be increased if, in the opinion of the Planning Commission, additional screening or buffering is necessary on a specific site.

(2) No outside storage shall be permitted except as expressly approved by the Planning Commission.

(3) Screening:

- (a) Garbage or other refuse shall be screened from public view by an architectural concrete or masonry wall, or may be stored completely within an enclosed building. Trash dumpsters shall be located a minimum of twenty (20) feet from any common boundary with a non-commercial zone.
- (b) Where any commercial lot shares a common boundary with a residential zone, a six (6) foot concrete or masonry wall and approved landscape buffer shall be provided along such boundary. The wall shall be constructed concurrently with the foundation of the first proposed building.
- (c) All mechanical equipment, including heating and air conditioning units, shall be completely screened from surrounding properties by use of a concrete or masonry wall or shall be enclosed within a building. Roof-mounted equipment shall be screened by parapet walls or other approved means.

11-16-070 Hours of Operation.

The Planning Commission may limit hours of operation for conditional uses which are determined to have a potential detrimental impact on non-commercial properties in the immediate area. The Planning Commission may, from time to time, review any previously granted conditional use permit for the purpose of evaluating detrimental impact on surrounding non-commercial properties. Based upon such evaluation, the Planning Commission may impose limitations on hours of operation where such limitations were not previously imposed.

11-16-080 Maintenance of Improvements.

All landscaping shall be maintained in a healthy, neat and orderly condition, free of weeds and litter. All paved areas, walls or fences shall be maintained in good repair without broken parts, holes, potholes or litter.

Section 23-300 General Commercial Section Amended, 11/6/91, Ord. 91-41
Residential R-1-10 Repealed 4/1/92, Ord. 92-08
Recodified from Chapter 23 to Chapter 15 as General Commercial Zone (C), 5/18/94, Ord. 94-21
11-15-103(21) Amended, 4/2/97, Ord. 97-17
Recodified from Chapter 15 to Chapter 16, 4/21/99, Ord. 99-19

CHAPTER 17

ORIGINAL TOWNSITE RESIDENTIAL ZONE (OTR)

- 11-17-010 Purpose.**
- 11-17-020 Permitted Uses.**
- 11-17-030 Conditional Uses.**
- 11-17-040 Minimum Lot and Setback Standards.**
- 11-17-050 Accessory Buildings and Structures.**
- 11-17-060 Fences.**
- 11-17-070 New Construction Design Guidelines.**

11-17-010 Purpose.

The purpose of this zone is to conserve and protect the beauty and historic character of the original townsite residential area of Farmington City through conservation of neighborhoods which reflect distinctive features of the original townsite, to promote the public welfare by keeping the original townsite area a desirable and attractive place in which to live, and to assure compatibility of design of new residential units, additions, remodels, and accessory structures. In order to assure compatibility with the purpose of this zone, these provisions shall also extend to existing or proposed conforming or non-conforming land uses such as commercial, public, and industrial land uses that are situated within the boundaries of the Original Townsite Residential (OTR) Zone.

11-17-020 Permitted Uses.

The following are permitted uses in the OTR Zone. No other permitted uses are allowed, except as provided by Section 11-4-105(6):

- (1) Agriculture;
- (2) Class “A” animals;
- (3) Class “B” animals (as provided herein);
- (4) Home occupations complying with the provisions of Section 11-35-103;
- (5) Single-family dwellings; and

11-17-030 Conditional Uses.

The following are conditional uses in the OTR Zone. No other conditional uses are allowed, except as provided by Section 11-4-105(6):

- (1) Class “D” animals;

- (2) Day-care center;
- (3) Dwelling, Accessory;
- (4) Dwelling, Secondary;
- (5) Greenhouses, private with no retail sales;
- (6) Home occupations requiring a conditional use permit under Section 11-35-040;
- (7) Private school;
- (8) Public uses (as provided herein);
- (9) Public utility installations (except lines and rights-of-way) (as provided herein);
- (10) Quasi-public uses (as provided herein);
- (11) Residential facilities for the elderly; and
- (12) Residential facilities for the handicapped.

11-17-040 Minimum Lot and Setback Standards.

(1) The following shall be the minimum lot areas, widths, and main building setbacks in the OTR Zone:

Zone	Lot Area	Lot Width		Front	Side	Side Corner	Rear
		Interior	Corner				
OTR	10,000 s.f. for each single-family	85'	95'	30'	10' min., total 22'	20'	30'

(2) Class “B” animals are permitted in the OTR Zone only if the area of the lot is twenty thousand (20,000) square feet or larger. Class B animals shall be limited to not more than one (1) horse or cow and not more than two (2) sheep or goats for each twenty thousand (20,000) square feet of a lot.

(3) Public uses, Public utility installations, and Quasi-public uses are only allowed on lots less than 40,000 square feet in size.

(4) Special Exception for Lot Width. Certain large, wide, and deep lots presently exist in the OTR zone. City records show that between 1969 and 1986 the minimum lot width in the original townsite area was seventy (70) feet. Furthermore, for all the years prior to World War II, no minimum lot width or lot size standards existed at all in the original townsite area. Consequently scores of lots exist in this area with frontages less than eighty-five (85) feet in width. The purpose of this section is to provide standards regarding a special exception for narrower lot width for the subdivision of large, wide lots located in the OTR zone.

- (a) The Planning Commission may grant a special exception from the minimum lot width standards set forth herein, provided such exception, and any new construction on the building lot created therefrom, shall conform to the New Construction Design Guidelines contained herein and to the following standards:

- i. The reduction in lot width shall not exceed fifteen feet (15');
- ii. The lot size must meet the minimum standard lot size described herein;
- iii. The lot, and any use proposed for the lot, shall be compatible with the character (including provisions outlined in Chapter 29 of this Title related thereto) of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development.
- iv. Any existing structures shall meet the setback requirements set forth in this Chapter.
- v. The Planning Commission may request a recommendation from the Farmington City Historic Preservation Commission regarding the requested special exception.

(b) Any person or entity desiring a special exception from the minimum lot width standards as provided herein may apply for a special exception in accordance with the procedures set forth in Section 11-3-045. The Planning Commission shall review and process such request for special exception in accordance with Section 11-3-045.

(5) Flag Lots as defined by the Farmington City Code shall be prohibited in the OTR Zone.

11-17-050 Accessory Buildings and Structures.

(1) Accessory buildings, except for those listed in Subsection (2) below, may be located within one (1) foot of the side or rear property line, provided they are at least six (6) feet to the rear of the dwelling, do not encroach on any recorded easements, occupy not more than twenty five percent (25%) of the rear yard, are located at least fifteen (15) feet from any dwelling on an adjacent lot, and accessory buildings shall, without exception, be subordinate in height and area to the main building;

(2) Animal shelters, hay barns, coops, corrals or other similar buildings or structures shall be located not closer than ten (10) feet from any side or rear property line and eighty (80) feet from any public street or from any dwelling on an adjacent property (exceptions to these setback requirements may be reviewed by the Planning Commission as a conditional use);

(3) On double-frontage lots, accessory buildings shall be located not less than twenty-five (25) feet from each street upon which the lot has frontage.

(4) All garages and any similarly related accessory buildings, whether attached or detached, shall be considered for approval as follows:

- (a) Under no circumstance shall any garage encroach into the front yard, or any other yard, except side yards and the rear yard, of the building lot;
- (b) Attached garages constructed even with the front setback line, or that are setback (or recessed) from the front setback less than a distance equal to half the depth of the main building, shall require a conditional use permit;
- (c) All other garages, unless otherwise provided herein, shall be considered as a Permitted Use.

11-17-060 Fences.

Fences consisting of chain link or vinyl materials located in the front yard or side corner yard shall be prohibited. Notwithstanding this, the Planning Commission may grant a special exception from the minimum fence standards set forth herein for the side corner yard only, provided that such exception shall conform to the following standards:

- (1) Side corner yard fences shall be set back at least eight (8) feet from the right-of-way line;
- (2) Upon consideration of any side corner yard fence consisting of vinyl or chain link materials, the Planning Commission shall review and approve an accompanying landscape plan. The purpose of the landscape element is to mitigate negative visual impact related to vinyl or chain link side corner yard fences.
- (3) Vinyl side corner yard fences, if approved, shall only be installed with colors consisting flat finishes;
- (4) All fences shall conform to requirements set forth in Chapter 28 of this Title.

11-17-070 New Construction Design Guidelines.

These standards apply to all structures requiring a building permit including new construction, additions, and alterations. Creative solutions that are compatible with the desired character of a historic neighborhood are strongly encouraged. Designs that seek to contrast with the existing context are discouraged. This guidance will help protect the established character of each neighborhood, while also allowing new, compatible design.

The area within the OTR Zone, including specific neighborhoods and buildings, conveys a certain sense of time and place associated with its history. It also remains dynamic, with alterations to existing structures and construction of new buildings occurring over time. New buildings and/or construction are not encouraged to look old, rather a new design should relate to

the fundamental characteristics of the district while also conveying the stylistic trends of today.

New construction should, to the greatest extent possible, maintain the established mass, scale, height, width, and form of other buildings on the street. New buildings and additions may be larger than earlier structures, but should not be so dramatically greater in scale such that the visual continuity of the street is compromised.

The Planning Department and/or Planning Commission may request a recommendation from the Farmington City Historic Preservation Commission regarding applications for Permitted Uses or Conditional Uses.

(1) **Setback and Orientation.** Situate new buildings such that they are arranged on their sites in ways similar to existing buildings in the area. This includes consideration of building setbacks, orientation, and open space. The Planning Commission may grant a special exception from the minimum setback standards contained herein, provided such exception shall conform to the following standards:

- (a) The reduction in the setback shall not exceed fifteen (15) feet;
- (b) The setback proposed shall be compatible with the character (including historic qualities related thereto) of the site, and the existing setback of structures on adjacent and surrounding properties.
- (c) The Planning Commission may request a recommendation from the Farmington City Historic Preservation Commission regarding the requested special exception.
- (d) The Planning Commission may require conditions consistent with the Farmington City General Plan, the intent and purpose of this Title, and other provisions contained herein,

(2) **Mass and Scale.**

- (a) New buildings and additions must be constructed to reinforce a sense of human scale. This may be accomplished by employing techniques such as these:
 - i. Using building materials that are of traditional dimensions;
 - ii. Providing one story porch on a main building dwelling that is similar to that seen traditionally;
 - iii. Using a building mass that is similar in size to those seen traditionally;

- iv. Using a solid-to-void ratio on all visible facades from the public right-of-way that is similar to that seen traditionally, and using window openings that are similar in size to those seen traditionally.
 - (b) New buildings and additions shall appear similar in scale to the scale that is established in the block or in the general vicinity. Subdivide larger masses into smaller “modules” that are similar in size to buildings seen traditionally. The area of a new construction or addition shall be equal to or less than that of the main dwelling or original building unless otherwise approved by the Planning Commission as a conditional use;
 - (c) Front elevations shall be designed similar in scale to those seen traditionally in the block. Fronts shall include a one story element, such as a front porch. In certain circumstances a two story element, such as a two story porch, may be appropriate. The primary plane of the front should not appear taller than those of typical structures in the block. A single wall plane should not exceed the typical maximum facade width in the zone.
- (3) Building Height.
- (a) New building height should be similar to those found historically in the vicinity, and shall not exceed twenty-seven (27) feet height;
 - (b) No dwelling structure shall contain less than one (1) story;
 - (c) The height of a new addition shall be equal to or less than that of the original building. Notwithstanding this, the back side of a building may be taller than the established norm if the change in scale will not be perceived from public ways;
 - (d) “Pop tops” or similar additions that significantly alter the height of a building or its roof line shall not be permitted.
 - (e) Accessory buildings or structures shall be subordinate in height to the main building and shall not exceed 15 feet in height unless approved by the Planning Commission after a review of a conditional use application filed by the property owner.

(4) Building and Roof Form. Building and roof forms should be similar to those seen traditionally on the block. Simple rectangular solids are typically appropriate. Visually, the roof is the single most important element in an overall building. Gable and hip roofs are appropriate for primary roof forms in most residential areas. Shed roofs are appropriate for some additions. Roof pitches must be within +/- 2 inches per foot of other roofs on that property and/or adjacent

properties of similar era (“shed style” roofs excepted).

(5) **Materials.** Building materials should contribute to the traditional sense of scale of the block, this will reinforce the sense of visual continuity in the district. New materials that are similar in character to traditional materials may be acceptable with appropriate detailing. Alternative materials should appear similar in scale, proportion, texture and finish to those used historically. They also must have a proven durability in similar locations in this climate. Except for the roof, exterior material on the front and side elevations facing the right-of-way of said structures shall consist of brick, rock, stucco, wood siding or combination thereof. Metal or vinyl exterior materials shall be permitted on the fascia and soffit on the rear and side elevations of said structures not facing the right-of-way and on windows and doors. All exterior materials and colors are to be specified on plans for said structures and shall be submitted for approval by the Planning Department and/or Planning Commission.

(6) **Color.** With respect to colors on an historic building, a scheme that reflects the historic style is preferred, although some new color selections can be compatible. For newer buildings and additions, a color scheme that complements the historic character of the zone should be used. Property owners are particularly encouraged to employ colors that will help establish a sense of visual continuity for the block.

- (a) Keep color schemes simple. Using one base color for the building is preferred. Muted colors are appropriate for the base color. Using only one or two accent colors is also encouraged, except where precedent exists for using more than two colors with some architectural styles.
- (b) Coordinating the entire building in one color scheme is usually more successful than working with a variety of palettes. Using the color scheme to establish a sense of overall composition for the building is strongly encouraged.

CHAPTER 18
RESIDENTIAL R-4

Repealed and reenacted as part of Chapter 12 of this Title on 4/15/92, Ord. 92-14

CHAPTER 19
RESIDENTIAL R-8

Repealed and reenacted as part of Chapter 12 of this Title on 4/15/92, Ord. 92-14

CHAPTER 20

B ZONE

11-20-101	Description.
11-20-102	Permitted Uses.
11-20-103	Conditional Uses.
11-20-104	Single-Family and Two-Family Dwellings.
11-20-105	Conditional Uses.
11-20-106	Off-Street Parking, Loading, and Access.
11-20-107	Signs.
11-20-108	Site Plan Review.

11-20-101 Description.

This zone covers a sensitive area with characteristics uncommon to other areas in the City. Farmington Creek bisects this zone providing a wooded riparian habitat for plants and wildlife. The area is bordered on the west by the Lagoon Amusement Park and on the east by Farmington's original townsite which includes many historic homes. The area is distinguished by open space, pasture lands, a pedestrian and equestrian trail, and a few residences. These characteristics combine to render any one of the existing zone requirements inadequate in guiding future development. This zone was created to remedy this deficiency. It is the intent of the City that this zoning district be limited to the area currently zoned B.

11-20-102 Permitted Uses.

- (1) Agriculture.
- (2) Park.
- (3) Class 'A' Animals.
- (4) Class 'B' Animals.
- (5) Home occupations complying with the Home Occupation Chapter of this title except as specified in Section 11-20-103 below.
- (6) Uses customarily accessory to a listed permitted use.

11-20-103 Conditional Uses.

Uses enumerated hereunder are principal uses. The location of these uses shall be subject to review and approval by the Planning Commission as provided in Chapter 8 and the requirements of this Chapter.

- (1) Single-family dwelling;
- (2) Two-family dwelling;
- (3) Reception center;

- (4) Restaurant that provides traditional sit-down service (as opposed to fast food);
- (5) Athletic or tennis club;
- (6) Outdoor recreation including such things as picnic grounds and excluding higher impact activities such as water parks or miniature golf courses and any commercial recreation amusement ride of any type;
- (7) Class 'C' animals;
- (8) Sportsman Kennel (three to five dogs for non-commercial use);
- (9) Home occupations as identified in Section 11-35-104 of this Title;
- (10) Seasonal fruit/produce vendor stands;
- (11) Temporary Uses;
- (12) Greenhouses, private with no retail sales;
- (13) Uses customarily accessory to a listed conditional use;
- (14) Any use which the City considers to be similar to the other uses of this Section and compatible with the description of the B Zone as set forth in Section 11-20-101 above.

11-20-104 Single-Family and Two-Family Dwellings.

The following regulation shall apply to one- and two-family dwellings:

- (1) Lot Standards - All lots shall be developed with the following minimum standards:
 - (a) Lot Size: half (½) acre;
 - (b) Lot Width: one hundred (100) feet;
 - (c) Lot Width Corner: one hundred ten (110) feet;
 - (d) Front and Rear Yard: thirty (30) feet minimum front or rear setback, main building only;
 - (e) Side Yard: ten (10) feet, one (1) side and a total of twenty-four (24) feet for both sides, main building only;
 - (f) Side Yard Corner: twenty-five (25) feet, on the side adjacent to the street;
 - (g) Accessory Buildings: Accessory buildings shall be six (6) feet in the rear of the main building and at least five (5) feet from all property lines; and shall be fifteen (15) feet from dwellings on adjacent lots. Accessory buildings shall not be built over utility easements that may run along the side and rear property lines.

- (h) No farm animal structure, hay barn, stable, silo, coop, corral or other similar building or structure which is accessory to the agricultural use of land may be located closer than ten (10) feet to any side or rear boundary line or thirty (30) feet to any public street or to any dwelling on adjacent properties.
- (i) Equipment or materials stored or located in accessory buildings, yards, or structures shall be permitted only for the personal use of the occupants of the property. No such storage or use related to a non-agriculture commercial business shall be allowed except for Home occupations as specified in Section 11-20-103 above;

(2) **Maximum Building Height:**

- (a) Main buildings shall not exceed thirty (30) feet;
- (b) Accessory structures shall not exceed fifteen (15) feet in height unless an increased height is approved by the Planning Commission after review of a conditional use application filed by the property owner (no fee shall be assessed for such application). However, accessory buildings shall, without exception, be subordinate in height and area to the main building.

(3) **Special Limitations** - To minimize the conflict between the amusement park and residential structures in the B zone, the Planning Commission shall require that the applicant demonstrate how the use of landscaping, building materials and the placement of the structure on the lot will minimize noise and visual impacts.

(4) **Animals** - The keeping of animals and fowl in this zone shall be pursuant to Chapter 29 of this Ordinance.

11-20-105 Conditional Uses.

The lot size, width, yard requirements, setbacks, etc., will be determined by the Planning Commission for all other Conditional Uses in the B Zone. The Planning Commission shall use the provisions of Chapter 8 to review Conditional Use permits. In addition, a six (6) foot high masonry fence or sufficient vegetation for sound suppression, or a thirty (30) foot buffer zone, suitable to the Planning Commission, must be placed between a residential property line and any parking area or driveway of a conditional commercial use.

11-20-106 Off-Street Parking, Loading, and Access.

The requirements of Chapter 32 of this Ordinance shall apply to this zone.

11-20-107 Signs.

The requirements of Chapter 34 of this Ordinance shall apply to this zone.

11-20-108 Site Plan Review.

The requirements of Chapter 7 of this Ordinance shall be in force for any use requiring Site Plan Review (see 7-190).

Chapter 20 Amended 4/19/95, Ord. 95-16

CHAPTER 21

SPECIAL USE RESTRICTED (SR)

- 11-21-101 Description.**
- 11-21-102 Permitted Uses.**
- 11-21-103 Conditional Uses.**
- 11-21-104 Single-Family and Two-Family Dwellings.**
- 11-21-105 Other Conditional Uses.**
- 11-21-106 Off-Street Parking, Loading and Access.**
- 11-21-107 Signs.**
- 11-21-108 Site Plan Review.**

11-21-101 Description.

This zone is intended to cover certain areas within the City having unique characteristics due to their location and proximity to elementary and/or secondary schools, churches as well as their relationship to residential neighborhoods. Areas included are unique not only due to their proximity to prime access, high visibility, special development problems or proximity to schools, churches, and residential neighborhoods, but also due to their being situated in corridors or areas of high pedestrian and/or vehicular traffic, such as primary walkways to schools, churches, etc. This zone is established to assure safe and pleasing development within those special areas described above which are located within the City. In order to allow proper interaction and coordination of uses within the City and to protect the public, the uses allowed within this zone are allowed for the most part only on the conditional use review and the issuance of a Conditional Use Permit. Public safety, circulation, compatibility with surrounding existing and proposed land uses, architectural character and impact upon existing services and tax base together with appropriate consideration of the desires of neighboring landowners are all critical factors to be considered in the review process. It is intended that creation of this Special Use Restricted Zone shall promote the health, safety, morals and welfare of the public by increasing the awareness of the special nature of the areas which are designated as Special Use Restricted in accordance with the foregoing description and providing appropriate safeguards for the public near these sensitive areas.

11-21-102 Permitted Uses.

- (1) Agriculture;
- (2) Park.

11-21-103 Conditional Uses.

Uses enumerated hereunder are principal uses. The location of these uses shall be subject to review and approval by the Planning Commission as provided in Chapter 8, Chapter 7 and the requirements of this Chapter:

- (1) Single-family dwelling;
- (2) Two-family dwelling;
- (3) Offices: Business and Professional;

- (4) Public and quasi-public uses;
- (5) Business services;
- (6) Reception Center;
- (7) Day Care Center;
- (8) Athletic or tennis club;
- (9) Restaurant that provides traditional sit-down services (opposed to fast food);
- (10) Retirement Living Centers;
- (11) Any use determined to be similar to the other uses of Section 11-21-103 and compatible with the description of the Special Use Zone as set forth in Section 11-21-101 above;
- (12) Outdoor Recreation (for profit) including such things as family reunion center, picnic grounds but excluding higher impact activities such as water park or miniature golf course.

11-21-104 Single-Family and Two-Family Dwellings.

The following regulations shall apply to one-family and two-family dwellings:

- (1) Lots Standards. All lots shall be developed with the following minimum standards:
 - (a) Lot Size: eight thousand (8,000) square feet;
 - (b) Lot Width: seventy (70) feet;
 - (c) Lot Width Corner: eighty (80) feet;
 - (d) Front & rear setback: twenty-five (25) feet minimum front or rear setback with a total minimum requirement of fifty-five (55) feet (main building only);
 - (e) Side Yard Setback: eight (8) feet one side and a total of nineteen (19) feet for both sides (main building only);
 - (f) Side Yard Corner: nineteen (19) feet, on the side adjacent to the street;
 - (g) Accessory Buildings: six (6) feet in the rear of the main building and at least one (1) foot from all property lines and shall be fifteen (15) feet from dwellings on adjacent lots. Accessory buildings shall not be built over utility easements that may run along the side and rear property lines.
- (2) Maximum Building Height:
 - (a) Main buildings shall not exceed thirty (30) feet;

- (b) Accessory structures shall not exceed thirty (30) feet;
- (c) All other accessory buildings shall not exceed fifteen (15) feet.

(3) Animals: The keeping of animals and fowl in this zone shall be pursuant to Chapter 29 of this Ordinance.

(4) Location of Accessory Structures. No animal shelters, hay barn, silo, equipment shed, storage building and similar accessory buildings to the agricultural use of land may be located closer than ten (10) feet to any side or rear boundary line.

(5) Special Limitations. The following limitations and additional requirements shall apply:

- (a) The placement of any residential structure in the zone shall be subject to a site plan review by the Planning Commission. The applicant must demonstrate that the requirements of Chapter 28 Flood Damage Prevention are adhered to and that the problems associated with the high water table will be solved.

11-21-105 Other Conditional Uses.

The lot size, width, yard requirements, setbacks and other lot standards and maximum building heights will be based on like uses as set forth in the provisions of Chapter 8 Conditional/Special Uses to review Conditional Use permits.

11-21-106 Off-Street Parking, Loading and Access.

The requirements of Chapter 32 of this Ordinance shall apply to this zone.

11-21-107 Signs.

The requirements of Chapter 34 of this Ordinance shall apply to this zone.

11-21-108 Site Plan Review.

The requirements of Chapter 7 of this Ordinance shall be in force for any use requiring Site Plan Review.

CHAPTER 22

SPECIAL USE (S)

- 11-22-101 Description.**
- 11-22-102 Permitted Uses.**
- 11-22-103 Conditional Uses.**
- 11-22-104 Single-Family and Two-Family Dwellings.**
- 11-22-105 Other Conditional Uses.**
- 11-22-106 Off-Street Parking, Loading, and Access.**
- 11-22-107 Signs.**
- 11-22-108 Site Plan Review.**

11-22-101 Description.

This zone covers an area with characteristics unique from any other area in the City. These areas are unique because of their proximity to prime access, high visibility, and special developmental problems. To define the land use in these areas within the existing structure of commercial, industrial, residential and recreation could prove to be too limiting to future development opportunities as they are currently not well defined and have changed and may continue to change with current economic and social growth.

To assure safe and pleasing development within the special use zone, and to ensure the close interaction of activities, some uses are excluded or allowed only upon conditional use review. Public safety, circulation, compatibility with surrounding existing and proposed land uses, architectural character and impact on existing services and tax base, and sensitivity to neighboring landowner's feelings are critical factors in the review process.

It is intended that the creation of the special use designation will curb irrational and sporadic land speculation, increase the awareness of the special nature of the area identified to Farmington's future image and growth, and increase the control of the Planning Commission in using the land for the most appropriate of land uses as development pressure increases.

11-22-102 Permitted Uses.

- (1) Agriculture;
- (2) Park;
- (3) Offices: Business and Professional.

11-22-103 Conditional Uses.

Uses enumerated hereunder are principal uses. The location of these uses shall be subject to review and approval by the Planning Commission as provided in Chapter 8, Chapter 7 and the requirements of this Chapter.

- (1) Single-family dwelling;
- (2) Two-family dwelling;

- (3) Personal services;
- (4) Public and quasi-public uses;
- (5) Amusements and recreational facilities;
- (6) Reception center;
- (7) Day care center;
- (8) Athletic or tennis club;
- (9) Auto, truck, recreational vehicle, and equipment sales (and rental);
- (10) Restaurants (traditional sit-down and fast food);
- (11) Business services;
- (12) Convenience store (e.g. grocery, drugs and gasoline service);
- (13) Demand or shopping goods (e.g. department and discount stores);
- (14) Dry cleaning facilities;
- (15) Construction services;
- (16) Commercial parking lots;
- (17) Light manufacturing;
- (18) Residential care facility as defined in Utah Code Section 26-21-2(14), to-wit: a public or privately operated and maintained facility and related dwellings providing personal or social care or both to two or more residents who require protected living arrangements (outside the 100-year flood plain);
- (19) Retirement living centers;
- (20) Research and development activities;
- (21) Any use determined to be similar to the other uses of Section 22-300 and compatible with the description of the Special Use Zone as set forth in Section 22-100 above.

11-22-104 Single-Family and Two-Family Dwellings.

The following regulation shall apply to one-family and two-family dwellings:

- (1) Lot Standards. All lots shall be developed with the following minimum standards:
 - (a) Lot Size: eight thousand (8,000) square feet;

- (b) Lot Width: seventy (70) feet;
 - (c) Lot Width Corner: eighty (80) feet;
 - (d) Front and Rear Setback: fifty (50) foot R.O.W.: twenty-five (25) feet minimum front or rear setback with a total minimum requirement of fifty-five (55) feet (main building only);
 - (e) Side Yard Setback: eight (8) feet, one side and a total of nineteen (19) feet for both sides (main building only);
 - (f) Side Yard Corner: nineteen (19) feet, on the side adjacent to the street;
 - (g) Accessory Buildings: six (6) feet in the rear of the main building and at least one (1) foot from all property lines and shall be fifteen (15) feet from dwellings on adjacent lots. Accessory buildings shall not be built over utility easements that may run along the side and rear property lines.
- (2) Maximum Building Height:
- (a) Main buildings shall not exceed thirty (30) feet;
 - (b) Accessory structures shall not exceed thirty (30) feet;
 - (c) All other accessory buildings shall not exceed fifteen (15) feet.
- (3) Animals. The keeping of animals and fowl in this zone shall be pursuant to Chapter 29 of this Ordinance.
- (4) Location of Accessory Structures. No animal shelters, hay barn, silo, equipment shed, storage building and similar accessory buildings to the agricultural use of land may be located closer than ten (10) feet to any side or rear boundary line.
- (5) Special Limitations. The following limitations and additional requirements shall apply:
- (a) The placement of any residential structure in this zone shall be subject to a site plan review by the Planning Commission. The applicant must demonstrate that the requirements of Chapter 31 Flood Damage Prevention are adhered to and that the problems associated with the high water table will be solved.
 - (b) To minimize the conflict between the amusement park and residential structures in the Special Use Zone, the Planning Commission shall require that the applicant demonstrate how the use of landscaping, building materials and the placement of the structure on the lot will minimize the noise impacts.

11-22-105 Other Conditional Uses.

(1) The lot size, width, yard requirements, setbacks and other lot standards and maximum building heights will be determined by the Planning Commission for all other Conditional Uses in the Special Use Zone. The Planning Commission shall use the provisions of

Chapter 8 Conditional/Special Uses to review Conditional Use permits. In addition the Planning Commission shall use the regulations of Chapter 23, General Commercial and Chapter 26, Manufacturing (Performance Standards) for all Conditional Uses similar to those listed in Chapter 23 and Chapter 26.

(2) A six (6) foot high masonry fence or sufficient vegetation for sound suppression, or a thirty (30) foot buffer zone, suitable to the Planning Commission, must be placed between a residential property line and any parking area or driveway of a use determined to be of a commercial or industrial nature.

11-22-106 Off-Street Parking, Loading, and Access.

The requirements of Chapter 32 of this Ordinance shall apply to this zone.

11-22-107 Signs.

The requirements of Chapter 34 of this Ordinance shall apply to this zone.

11-22-108 Site Plan Review.

The requirements of Chapter 7 of this Ordinance shall be in force for any use requiring Site Plan Review.

CHAPTER 23

GENERAL COMMERCIAL C-2

Section 23-300 Amended, 11/6/91, Ord. 91-41

General Commercial Amended and Recodified as Chapter 15, 5/18/94, Ord. 94-21

CHAPTER 24

COMMERCIAL HIGHWAY (C-H)

11-24-101	Description.
11-24-102	Conditional Uses.
11-24-103	Conditional Uses.
11-24-104	District Regulations.
11-24-105	Off-Street Parking and Loading.
11-24-107	Other Regulations.

11-24-101 Description.

This zone covers that portion of the City that most appropriately provides services to the traveling public. It is generally intended to be located adjacent to major thoroughfares or the interstate highway and to be kept isolated from residential areas. This district is maintained in recognition of the existence of an area presently committed to this type of development. It is the intent of the City that this type of development be limited to the area currently zoned C-H. To this end, no additional districts of C-H shall be created.

11-24-102 Conditional Uses.

Uses enumerated hereunder are principal uses. The location of these uses shall be subject to review and approval by the Planning Commission as provided in Chapter 8, Chapter 7 and the requirements of this Chapter:

(1) Automobile gasoline filling station which complies with all of the provisions for pump location and which has but one (1) building on the premises which is limited in size to two (2) single-car service bays plus restrooms and office and/or accessory supply storage space and which is limited in function to dispensing gasoline, oil, grease, antifreeze, tires, batteries, automobile accessories directly related to motor vehicles, and to washing, polishing, and servicing motor vehicles only to the extent of installation of the enumerated items and which does not rent or sell motor vehicles, trailers, or general replacement parts and does not overhaul or repair motors or bodies and does not provide brake relining service, upholstery work, auto glass work, painting, welding, tire recapping, or auto dismantling and which has no above-ground bulk storage facilities for gasoline or oil, except incidental supplies, within the building, in tanks having a capacity of not more than fifty-five (55) gallons each, and which does not use auxiliary equipment or does not display any goods or merchandise of any kind, for sale or otherwise, within any yard space provided around the building;

(2) Confectionery, including incidental sales or minor grocery items;

(3) Launderette and clothes cleaning pickup stations;

(4) Motel and trailer parks provided the requirements and conditions regulating such uses are set forth in general ordinance;

(5) Restaurants, including "drive-in" types, and soft drink and ice cream stands;

(6) Campgrounds;

(7) Automatic car wash;

(8) Beauty salons.

11-24-103 Conditional Uses.

(1) Public and quasi public uses;

(2) Any other commercial use the Planning Commission considers compatible to the C-H zone.

11-24-104 District Regulations.

(1) Lot Size: No requirements

(2) Lot Width: Minimum frontage on public street shall be thirty-five (35) feet, otherwise no width requirement.

(3) Front Yard: Minimum front yard of ten (10) feet, unless the front yard is used for public parking. In this case, the front yard shall be a size sufficient to provide a ten (10) foot landscaped area at the front property line. In commercial areas developed before this ordinance was adopted, the front yard shall be equal to the average existing front yards on all parcels of property on the block face where the parcel in question is located.

(4) Side Yards: No requirement, except that ten (10) feet shall be provided where the lot line is co-terminus with any residential boundary.

(5) Side Yard Corner: Minimum side yard for all buildings on corner lots shall be ten (10) feet on the side adjacent to a street.

(6) Rear Yard: No minimum, except that thirty (30) feet shall be provided where the lot line is co-terminus with any residential zone boundary.

(7) Accessory Buildings: Accessory buildings shall not be located on front of the main building. Accessory buildings shall be subject to the same yard requirements cited above, except that accessory buildings may be located on the rear yard line.

(8) Building Height: Maximum building height for main buildings shall be thirty (30) feet; accessory buildings, fifteen (15) feet.

(9) Lot Coverage: The maximum lot coverage shall be sixty percent (60%) for all buildings. (The requirements for landscaped areas, building setbacks, and off-street parking may result in less than a sixty percent (60%) lot coverage.)

11-24-105 Off-Street Parking and Loading.

The requirements of Chapter 32 shall apply to this zone.

11-24-106 Signs.

The requirements of Chapter 34 shall apply to this zone.

11-24-107 Other Regulations.

(1) Site Plan Review - Site plan review shall be required for all buildings and uses in the C zone, as specified in Chapter 7 of this Ordinance.

(2) Landscaping - All open areas in the required yard spaces, except driveways, parking areas, walkways, and storage areas shall be maintained with suitable landscaping of plants, shrubs, trees, grass, and similar landscape materials.

(3) Storage of Garbage - No garbage or other refuse shall be stored in an open area. All such materials shall be screened from public view by landscaping or opaque fencing or wall; or may be stored completely within an enclosed building.

(4) Adjacent Residential Zone - A decorative wall or opaque fence or hedge at least six (6) feet in height shall be erected along all said property lines adjacent to a residential zone.

(5) Gasoline Pump Islands - Gasoline pump islands, where permitted, shall be set back twelve (12) feet from the front lot line.

(6) Animals. The keeping of animals in this zone shall be pursuant to Chapter 29 of this Ordinance.

(7) Location of Accessory Structures - No animal shelter, hay barn, silo, equipment shed, storage building and similar accessory buildings to the agricultural use of land may be located closer than ten (10) feet to any side or rear property line.

CHAPTER 25

COMMERCIAL RECREATION (C-R)

- 11-25-101 Description and General Limitations.**
- 11-25-102 Permitted Uses.**
- 11-25-103 Conditional Uses.**
- 11-25-104 Single-Family and Two-Family Dwellings.**
- 11-25-105 District Regulations.**
- 11-25-106 Off-Street Parking and Loading.**
- 11-25-107 Signs.**
- 11-25-108 Other Regulations.**
- 11-25-109 Performance Standards and Requirements.**

11-25-101 Description and General Limitations.

This zone covers any area developed as a privately owned commercial amusement park or fairground open generally to the public. Such parks and fairgrounds require a large area of property and are somewhat autonomous in that they provide a variety of amusement, athletic and recreational facilities, food preparation and consumption facilities for patrons and employees, exhibition and display areas and buildings, living quarters for some employees, construction, maintenance and warehouse facilities, fire protection, and health and sanitation facilities. To that end, the Permitted Uses and Conditional Uses enumerated below are collective in the sense that no one of such uses or structures is permitted alone as an amusement park or fairground, but an amusement park or fairground is not necessarily required to have all of the uses or structures enumerated. Uses are not limited to those enumerated below; however, they shall be reviewed and approved by the Planning Commission to determine compliance with the approved site master plan. Any amendments occurring thereafter to an approved master plan shall be reviewed by the Planning Commission and approved by the City Council.

11-25-102 Permitted Uses.

Land and structures in this zone may be used in the manner in which privately owned commercial amusement parks, recreational grounds or resorts and fairgrounds, open to the public and operated for a profit, are operated in general, specifically including, but not limited to:

- (1) Mechanical amusements;
- (2) Rides and games of all types;
- (3) Swimming facilities;
- (4) Waterslides;
- (5) Boating and other athletic or amusement devices in or about water;
- (6) Miniature golf;
- (7) Athletic games or devices;
- (8) Enclosed shooting galleries;

- (9) Restaurants (traditional sit-down and fast food);
- (10) Reception center and dance hall facilities;
- (11) Grandstand (including arena, track and field areas for sporting events, non-mechanized racing);
- (12) Display areas and exhibition buildings;
- (13) Outdoor recreation including such things as family reunion center picnic grounds and picnic terraces;
- (14) Rodeo facilities;
- (15) Animals, animal pens display, and exhibition areas;
- (16) Public exhibitions and events;
- (17) Open air stages;
- (18) Theaters;
- (19) Storage, warehouse, maintenance, and construction facilities;
- (20) Electrical power generation facilities;
- (21) Greenhouses;
- (22) Single-family dwelling;
- (23) Two-family dwelling;
- (24) Athletic or tennis club;
- (25) Personal services.

11-25-103 Conditional Uses.

Uses enumerated hereunder are conditional uses. The location of these uses shall be subject to review and approval by the Planning Commission as provided in Chapter 8 and the requirement of this Chapter:

- (1) Hotel or motel;
- (2) Convenience Store (including grocery, drugs, and gasoline service) solely for use in connection with the operation of the amusement park and/or related facilities;
- (3) Three-family dwellings;
- (4) Four-family dwellings;
- (5) Planned dwelling group;

- (6) Any other use determined to be similar to the uses listed in Section 25-102 and deemed necessary for or incidental to the operation of such amusement park or fairground and structures for temporary use may be permitted as a conditional use.

11-25-104 Single-Family and Two-Family Dwellings.

All single-family and two-family dwellings shall follow the minimum lot standards as set forth in Section 11-13-104.

11-25-105 District Regulations.

(1) **Building Setback.** Ten (10) feet shall be provided from the property line of all abutting zones except the C-H zone; and for structures exceeding thirty (30) feet in height, twenty-five (25) feet shall be provided from the property line of all abutting zones, except the C-H zone.

(2) **Building Height.** No building or structure shall exceed eighty-five (85) feet in height and no ride or device, or attraction shall exceed one hundred fifty (150) feet in height without written permission granted from the Planning Commission.

(3) **Location of Accessory Structures.** No animal shelter, hay barn, silo, equipment shed, storage building and similar accessory buildings to the agricultural use of land may be located closer than ten (10) feet to any abutting zone, except the C-H zone.

(4) **Amusement Ride Setback.** All amusement rides and amusement devices installed after the effective date of this ordinance, except as shall be given specific approval by the Planning Commission, shall be set back one hundred (100) feet from any abutting zone, except the C-H zone.

11-25-106 Off-Street Parking and Loading.

Adequate off-street parking, loading, and access shall be provided to facilitate anticipated patrons and employees, but not less than one (1) parking space shall be provided for every ten (10) anticipated daily patrons. A minimum of one (1) handicapped parking space for every two hundred (200) parking spaces will be provided.

11-25-107 Signs.

All signs within twenty-five (25) feet of the property perimeter or that are intended to be viewed by the general public from outside the property line will be governed by Title 15.

11-25-108 Other Regulations.

(1) The purpose and intent of the site plan review is to determine compliance with this Section and to assure that the general appearance, interrelationships and functioning of buildings, structures, and the improvements upon the land shall be compatible and contribute to: the stability of land values, the encouragement and protection of investments, the enhancement of the urban environment and streetscape, and preservation and promotion of the City's unique characteristics and values, and the welfare of the community, while mitigating negative impacts upon adjacent neighborhoods. It is not the purpose of this Section that design should be so rigidly controlled so as to stifle creativity or individual expression, or that substantial additional investment should be unnecessarily incurred in the development of a site; rather it is the intent of this Section that any controls exercised be those reasonably necessary to achieve the objectives as

stated above, while keeping in mind the history, character, and existing uses within a particular neighborhood.

(2) Approval Required. Site Plan Review shall be required for all new developments, changes to the site of a significant nature, major additions to existing structures, or any development which may significantly and adversely affect the health, safety, and welfare of City residents.

(3) Waiver. The Planning Commission may waive the requirements of this section upon finding that a proposed building, structure, or other development will not significantly and adversely affect the character and quality of the neighborhood and the health, safety, and welfare of the public. To be valid, such a waiver must be in writing, signed and dated by the Planning Commission Chairman, and must manifest an intent to waive the requirements of this section or chapter with regard to a specified use, development, or building.

(4) Application. Application for the site plan review shall be made by the property owner or an authorized agent certified in writing by the property owner, by submitting to the City Planner five (5) copies of the site plan showing size of area to be developed, dimensions, and north arrow drawn to a standard scale and including any or all of the applicable specifications outlined below. The City Planner shall review the site plan to verify that the minimum requirements are satisfied:

- (a) A title block showing the name, address, and phone number of the applicant and the designer, the name (if applicable) of the proposed project, and the date of preparation.
- (b) The location and width of existing and proposed abutting streets, property and lot lines, easements and holding strips.
- (c) The location of existing and all proposed structures on the property or adjacent to the property to be developed and their distance from existing structures or the property perimeter.
- (d) The location of existing fencing and significant existing vegetation and their distance from existing structures or the property perimeter.
- (e) The location of off-street parking, driveways, loading facilities and paved areas.
- (f) The location of existing and proposed curb, gutter, sidewalks, curb cuts, and outdoor lighting. If property abuts a state highway, approval of the Utah State Department of Transportation Right-of-Way Engineer must be obtained for location of curb, gutter, sidewalk and number of curb entrances.
- (g) The existing and proposed grades in contour intervals of two (2) feet or less.
- (h) The location and design of the surface and storm water drainage system, including on-site detention.
- (i) The location and size of existing or all proposed utilities that will provide service to the project (including the location of the nearest fire hydrant)

- (j) The location of refuse container(s).
- (k) Architectural drawings, sketches, or perspectives of exterior elevations, structures, signs and an indication of the materials and colors to be used. Include height of structures and indicate screening of roof-based mechanical equipment, parking dumpsters, etc.
- (l) A landscape planting plan including the percent of site to be landscaped, typical plant legend, plant material location, location and type of proposed ornamental landscaping elements, and description and location of appropriate irrigation system.

(5) Off-Site Improvements and Public Streets. The developer of a site requiring site plan approval shall provide highback curb, gutter, and sidewalk along the entire property line which abuts any public street. These off-site improvements shall comply with the Minimum Improvement Requirements of the Subdivision Standards for Farmington City Corporation. Where the improvement requirements would cause unnecessary hardship if strictly adhered to, or where because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such requirements, the Planning Commission may authorize an adjustment.

(6) Site Plan Review Fee. The application for site plan review shall be accompanied by the appropriate fee, as specified from time to time by the City Council by resolution. The application shall be placed on the Planning Commission agenda following the receipt of the fee.

(7) Engineering Review. The storm water drainage, street design, and utility features or plans of the site plan shall be reviewed and approved by the City Engineer prior to review by the Planning Commission.

(8) Review Procedure. Review procedures shall follow the standards as set forth in Title 11-7-107.

(9) Appeal. Decisions of the Planning Commission may be appealed by any person to the Farmington City Council by filing an appeal with the City Recorder within fifteen (15) days after the date of the meeting at which the Planning Commission renders its decision. Similarly, within said fifteen (15) days, the City Council may, by its own initiative, give notice of its intent to review any action by the Planning Commission as if on appeal.

(10) Stay of Proceedings. Filing of an appeal or Council's Notice of Intent to Review stays the issuance of permits. The Council's review shall be conducted as a public hearing within thirty (30) days of appeal. Parties and the Planning Commission shall be given at least ten (10) days written notice of the hearing date. After the hearing the City Council may uphold, modify, or reverse the decision of the Planning Commission and impose any conditions they deem necessary. The decision of the City Council shall be final. A site plan approval affirmed by the City Council shall be effective immediately.

(11) Amendment or Modifications. Modifications to an approved Site Plan Approval or Master Plan may be granted when it can be determined that such changes or modifications are necessary or desirable to accommodate special circumstances related to the location, siting, or implementation of the approved development. The request for amendment shall be made in writing and documented on the site plan or Master Plan of the development. Where, after favorable review by the City Engineer, Building Inspector, and Planning Staff, the Staff finds

such modifications are so insignificant and minor as not to measurably change the approved Site Plan Approval or the intent of conditions that may have been imposed, the City Planner shall review and approve the modifications. Modifications so approved by the City Planner shall be reported at the next Planning Commission meeting. Amendments to requests denied by the City Planner as having significant changes or where there is not unanimous staff approval, may be heard before the Planning Commission. A revised Site Plan Approval shall be filed by the City Planner and replace the previously approved permit.

(12) Building Permit. A building permit shall not be issued for any structure or development requiring site plan review until the Planning Commission has issued a Site Plan Approval and the property owner has entered into an acceptable, written development agreement with the City agreeing to construct and install all improvements of every nature relating to the site in accordance with the approved Site Plan and any conditions pertaining thereto.

(13) Compliance with the Site Plan. The Building Inspector and City Planner shall insure that development is undertaken and completed in compliance with the approved Site Plan and any conditions pertaining thereto. Any off-site or other public improvements shall be installed in accordance with the requirements as set forth in Title 11-7-102 of the Farmington City Zoning Ordinance.

11-25-109 Performance Standards and Requirements.

(1) Fire, Hazardous Materials and Explosives. Activities involving use and the storage of, flammable, hazardous, and explosive materials shall have reasonable safety devices to protect against the hazard of fire or explosion. Burning of waste in open fires is prohibited at any point on the property without special permission obtained from local and state fire marshals.

(2) Landscaping. All open areas in the zone which may be observed from outside the property perimeter, except driveways, parking areas, walkways, and storage areas shall be reasonably maintained with suitable landscaping of plants, shrubs, trees, grass, and similar landscape materials.

(3) Storage of Garbage. No garbage or other refuse which may be observed from outside the property perimeter shall be stored in an open area. All such materials shall be screened from public view by landscaping or opaque fencing or wall; or may be stored completely within an enclosed building.

(4) Gasoline Pump Islands. Gasoline pump islands, where permitted, shall be set back twelve (12) feet from any abutting properties.

(5) Animals. The keeping of animals in this zone shall be pursuant to Chapter 29 of this ordinance.

(6) Outdoor Storage. Outside storage which is prominently visible from outside the perimeter shall be completely screened by landscaping or opaque fencing from view from any public street or abutting properties.

CHAPTER 26

LIGHT MANUFACTURING AND BUSINESS (LM&B)

11-26-010	Description.
11-26-020	Purpose.
11-26-030	Permitted Uses.
11-26-040	Conditional Uses.
11-26-050	Prohibited Uses.
11-26-060	Accessory Uses.
11-26-070	Yard and Lot Regulations.
11-26-080	Other Regulations.

11-26-010 Description.

The LM&B Zone is established to provide for the siting of light industrial, light manufacturing, fabricating, commercial, business park, professional offices, research and development businesses, and related uses within the City of Farmington. The regulations contained herein are intended to encourage a productive operating environment for light industry, manufacturing and business parks, to protect such businesses and development within the Zone from the adverse effects of incompatible uses, to reduce the impact of light industries, manufacturing and business parks on surrounding non-industrial, manufacturing and business land uses, to lessen traffic congestion, and to protect the health and safety of the residents and workers in the area and within the City in general.

11-26-020 Purpose.

The purpose of the standards and requirements of this Chapter are to control light industrial, manufacturing and business park uses and development in Farmington City so as to:

- (1) Encourage and provide an environment and location for light industrial, manufacturing and business park uses and development consistent with City goals and standards for attractive, well planned development;
- (2) Discourage uses from locating within the Zone that will tend to impede the use of the land for light industrial, manufacturing and business park purposes; and
- (3) To ensure that all light industrial, manufacturing and business park uses and development within the City will provide methods to protect the community from hazards and nuisances.

11-26-030 Permitted Uses.

The following are permitted uses in the LM&B Zone. No other permitted uses are allowed, except as provided by Section 11-4-105(6):

- (1) Business and professional offices;
- (2) Research and development activities;
- (3) Veterinary Clinic or Animal Hospital; and

- (4) Warehousing.

11-26-040 Conditional Uses.

The following are conditional uses in the LM&B Zone. No other conditional uses are allowed, except as provided by Section 11-4-105(6):

- (1) Any development which includes multiple buildings or is proposed on a site which is over one (1) acre in size;
- (2) Accessory Living Quarters;
- (3) Automotive Equipment and Accessories Sales;
- (4) Automotive Service and Maintenance Centers;
- (5) Automotive and Vehicle Sales;
- (6) Contractor Yards;
- (7) Dry Cleaning and Laundry Facilities;
- (8) Golf courses and/or related recreation uses;
- (9) Handicraft Manufacturing;
- (10) Light Manufacturing, Compounding and Processing, Assembling or Packaging of the following products:
 - (a) Beverages,
 - (b) Electric appliances and electronic instruments,
 - (c) Pharmaceutical or biological products,
 - (d) Food, except yeast, vinegar or rendering of fat,
 - (e) Scientific instruments,
 - (f) Signs, including electric and open,
 - (g) Wearing apparel,
 - (h) Automotive parts and accessories,
 - (i) Lumber and wood products,
 - (j) Rubber and plastic products, and
 - (k) Roof tile products;
- (11) Lumber and Building Material, Sales;

- (12) Mini-Warehousing/Self-Storage;
- (13) Outcall Services as defined and conducted in accordance with the City Business Regulations and Zoning Ordinances regarding sexually-oriented businesses are permitted in this zone;
- (14) Planned Commercial Development;
- (15) Printing/Publishing;
- (16) Public Utilities;
- (17) Retail uses compatible with area; and
- (18) Sexually-Oriented Businesses as defined and conducted in accordance with the City Business Regulations and Zoning Ordinances regarding sexually-oriented businesses.

11-26-050 Prohibited Uses.

Uses expressly prohibited in the LM&B Zone include, but shall not be limited to: auto wrecking, salvage, junkyards, redi-mix asphalt and concrete plants, dwellings (single family or multiple family), refineries, large or regional warehouse and distribution only facilities, refuse transfer station, and other heavy industrial or heavy manufacturing uses.

11-26-060 Accessory Uses.

Accessory uses and buildings customarily incidental to the permitted uses and conditional uses provided herein may be permitted within the LM&B Zone as a conditional use.

11-26-070 Yard and Lot Regulations.

- (1) Lot Size: No minimum.
- (2) Lot Width: No minimum, except each lot shall have a minimum frontage of thirty-five (35) feet on a public street.
- (3) Front Yard: 10 feet.
- (4) Side Yards: No minimum, except that thirty (30) feet shall be provided where the lot line is co-terminus with any residential zone boundary.
- (5) Side Yard Corner: Minimum side yard on corner lot shall be ten (10) feet on the side adjacent to the street.
- (6) Rear Yard: No minimum, except that thirty (30) feet shall be provided where the lot line is co-terminus with any residential zone boundary.
- (7) Accessory Buildings: Accessory buildings shall be subject to the yard requirements cited above. Accessory buildings shall not be located in front of the main building.
- (8) Building Height: Maximum building height shall be forty (40) feet (except for towers, chimneys and other structures with no human habitation).

(9) Lot Coverage: Maximum lot coverage for all buildings is 70 percent (70%). The requirements for landscaping, off-street parking, and yard setbacks may result in less than a 70 percent (70%) lot coverage.

11-26-080 Other Regulations.

(1) Site Plan Review. Site plan review shall be required for all buildings and uses in the LM&B Zone in accordance with the provisions of Chapter 7 of this Ordinance.

(2) Landscaping. Landscaping shall be required for all buildings, uses, and development within the LM&B Zone in accordance with the landscaping requirements set forth in Chapter 7 of this Ordinance. All open areas in the required yards, except driveways, parking areas, walkways and storage areas shall be maintained with suitable landscaping of plants, shrubs, trees, grass, and similar landscape materials. A minimum ten (10) foot landscaped area shall be provided along the front property line of all lots and development within the LM&B zone.

(3) Outside Storage. Outside storage shall be completely screened, by landscaping or opaque fencing, from view from any public street or abutting properties.

(4) Adjacent Residential Zone. A decorative wall or opaque fence or hedge at least six (6) feet in height shall be erected along all property lines which are adjacent to a residential zone.

(5) Off-Street Parking. Off-street parking shall comply with the provisions of Chapter 32 of this Ordinance.

(6) Signs. Signs shall comply with the provisions of Chapter 34 of this Ordinance. The placement and design of signs shall be compatible with the development project and with the surrounding area. Signs shall be compatible with the style and architectural characteristics of the buildings in terms of location, scale, color, materials and lettering and consistent with the goals and policies outlined in the General Plan.

(7) Architectural Compatibility. Buildings within a development shall incorporate predominant architectural features, materials and colors to create a theme or characteristic of the development.

(8) Noxious Conditions. No land or building in the LM&B Zone shall be used, constructed or operated so as to create any noxious, offensive, objectionable, dangerous, or other undesirable effect on persons or property outside the lot line by virtue of emission of smoke, particulate matter, noise, fumes, odor, vibrations, glare, liquid, and solid waste, heat, explosive materials or similar effects.

(9) Vibration. No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the property line.

(10) Glare. No direct or reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the property line. This restriction shall not apply to signs or lighting of buildings or grounds for security purposes as otherwise permitted by this Ordinance.

(11) Liquid and Solid Waste. No material or wastes shall be stored on any property in

the LM&B zone in such manner that they may be transferred off the property by natural causes or so that they attract insects or rodents.

(12) Fire and Explosive Hazards. All activities involving, and the storage of, flammable and explosive materials shall have adequate safety devices against the hazard of fire and explosion. Such industrial uses shall also have adequate fire fighting and fire suppression equipment and devices which are standard in the industry. Burning of waste in open fires is prohibited at any point on the property.

(13) Radioactivity or Electric Disturbances. No activities shall be permitted which emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

(14) Animals. The keeping of animals in the LM&B Zone shall be permitted in accordance with and pursuant to the provisions of Chapter 29 of this Ordinance.

(15) Compliance. All buildings, uses, development and activities conducted within the LM&B Zone shall be constructed, maintained, pursued and/or conducted in accordance with all applicable State, federal and local statutes and regulations, including health, safety, and environmental.

11-26-103 Amended, 1/22/97, Ord. 97-5

11-26-103.5 Enacted, 1/22/97, Ord. 97-5

Chapter 26 Replaced, 2/06/02, Ord. 2002-15

CHAPTER 27

PLANNED UNIT DEVELOPMENT (PUD)

- 11-27-010 Purpose.**
- 11-27-020 Definition.**
- 11-27-030 Combination with Residential Zones.**
- 11-27-040 Designation on the Official Map.**
- 11-27-050 Pre-Application Conference.**
- 11-27-060 Preliminary (PUD) Master Plan.**
- 11-27-070 Preliminary (PUD) Master Plan Review by Planning Commission.**
- 11-27-080 City Council Action on Preliminary (PUD) Master Plan.**
- 11-27-090 Final (PUD) Master Plan.**
- 11-27-100 Final (PUD) Master Plan Review by Planning Commission.**
- 11-27-110 Final (PUD) Master Plan Review by the City Council.**
- 11-27-120 Standards and Requirements.**
- 11-27-130 Permanent Protection of Planned Unit Development Open Space.**
- 11-27-140 Performance Bond and Guarantee of Improvements.**
- 11-27-150 Covenants and Restrictions.**
- 11-27-160 Time Limit.**

11-27-010 Purpose.

The intent of the Planned Unit Development chapter is to promote flexibility in site design, to achieve, for example, the clustering of buildings, the mixture of housing types, and the combining of housing with supplementary uses such as commercial centers, business parks or other multiple use centers, etc. This chapter is also intended to promote better design of residential developments through the use of design professionals. It is further intended that a Planned Unit Development will provide for more open space, more public amenities, and the preservation of natural features such as flood plains and steep slopes that would be possible under traditional development techniques. This Chapter, however, will not allow flexibility in the design and construction of streets. All streets in Planned Unit Development's shall be dedicated public streets and conform to the Minimum Improvement Requirements of the Subdivision Standards except for parking areas in apartment complexes.

11-27-020 Definition.

A Planned Unit Development is a large scale, predominantly residential development in which the regulations (EXCEPT streets) of the underlying zone are waived to allow flexibility and innovation in site and building design in accordance with a (PUD) Master Plan approved by the Planning Commission and City Council. Accessory nonresidential uses may be included in the development, as determined by the Planning Commission, to provide a necessary service to the residents of the development.

11-27-030 Combination with Residential Zones.

A Planned Unit Development shall be permitted as a conditional use only in the AA, A, AE, LS, S, LR, R, R-2, R-4, and R-8 BP, BR and C zones. The provisions of this Chapter shall prevail in cases of conflict between this Chapter and other chapters (the provisions of the Foothill Ordinance shall be more restrictive than this Chapter).

11-27-040 Designation on the Official Map.

A Planned Unit Development designation shall be used in combination with existing zones as designated above and not applied to a land area independently. The Planned Unit Development designation (PUD) shall become a suffix to the zone with which it is combined. For example, R-8 (PUD). Approval of the Planned Unit Development shall be accomplished in the same manner as other amendments to the official zoning map in compliance with Chapter 6 of this Ordinance.

11-27-050 Pre-Application Conference.

To obtain information and an interpretation of the Planned Unit Development Chapter and other provision in this Ordinance that pertain to Planned Unit Development's, each applicant shall confer with the City Planner and other Farmington City staff members as appropriate in a (PUD) Concept Plan pre-application conference before a Preliminary (PUD) Master Plan is submitted. The submission of general outlines of the proposal, sketch plans, and other conceptual documents are appropriate at this time. The City Planner shall furnish the applicant with written comments regarding the conference, including appropriate recommendations to assist the applicant in the preparation of a Preliminary (PUD) Master Plan. These comments and recommendations must be considered as guidance and as assistance to the applicant pending official action by Farmington City on the submitted Preliminary (PUD) Master Plan.

11-27-060 Preliminary (PUD) Master Plan.

All applications for approval by Farmington City of a Preliminary (PUD) Master Plan, shall include 6 copies of the proposed Preliminary (PUD) Master Plan. This development plan shall contain the following written documents:

- (a) A legal description of the total site proposed for development, including a statement of present and proposed ownership.
- (b) A development schedule indicating the approximate date when construction of the planned Unit Development or stages of the Planned Unit Development can be expected to begin and be completed.
- (c) A tabulation of the following: total number, by type, of dwelling units; total acreage of the site and the percentages thereof to be designated for various uses, i.e., parking, open space, streets, commercial, residential, etc.; gross and net dwelling unit densities and an estimate of the project population; anticipated number of employees, proposed lot coverage ratio of buildings and structures.
- (d) Site plan and supporting maps:

- (1) Topographic maps of the site, including contour intervals of no greater than 2 feet. This map should include existing conditions such as a drainage channel, flood plain, other unique natural features, and natural vegetation coverage.
 - (2) General location and size of all dwellings and other structures in the Planned Unit Development.
 - (3) Proposed circulation system and parking areas, including streets, pedestrian pathways, ingress and egress and recreational vehicle storage areas and proposed outdoor lighting.
 - (4) Parks, common open spaces, semi-private open spaces, playgrounds, school sites, and other public and private recreational facilities and improvements proposed for the Planned Unit Development.
 - (5) An existing and proposed utility system plan including sanitary sewers, culinary water, storm water, and easements for electricity, natural gas, and telephone, etc. This plan should also indicate from which point the utilities will be extended.
 - (6) A landscaping plan indicating the general type, location and treatment of trees, shrubs, ground covers and plan materials used for private and common open spaces and a preliminary layout of the sprinkling system. The retention of healthy existing trees and other vegetation is strongly encouraged.
 - (7) The proposed treatment of the perimeter of the Planned Unit Development, including materials and techniques used such as terms, planting screens, fences, and walls.
 - (8) Preliminary subdivision plat, if the entire Planned Unit Development is being subdivided in no more than one phase or plat, as required in the Farmington City Subdivision Standards showing the layout of all lots.
 - (9) Location of any proposed signs.
- (e) Preliminary elevations including building heights and appropriate perspectives of all building types proposed within the Planned Unit Development. To clearly show the nature, building materials, design and layout of the development site.
 - (f) Evidence that the applicant has sufficient control over the subject property to effectuate the proposed plan.
 - (g) Other materials data and studies as may be required by either the City Planner or the Planning Commission. The applicant may ask for a preliminary Planning Commission review as an agenda item to assist in establishing the type, need and extent for specific materials, data or studies. These may include, but not be limited to the following:
 - (1) An economic feasibility study or market analysis showing the need or

basis for the Planned Unit Development.

(2) Seismic, special topographic and soils studies.

(3) Other studies identified as being necessary because of the uniqueness of the proposed Planned Unit Development site or its general surroundings.

11-27-070 Preliminary (PUD) Master Plan Review by Planning Commission.

The Planning Commission shall review the application for approval of a Planned Unit Development designation and the Preliminary (PUD) Master Plan at a public hearing. The Planning Commission shall either approve the application and plan as presented, approve it subject to certain conditions, table the application pending receipt of required materials, data, studies and information, or disapprove it. Approval of the Preliminary (PUD) Master Plan shall be made only after the Planning Commission makes the following findings:

(a) That the proposed layout will provide a more pleasant and attractive living environment than a conventional development established under the strict applications of the provisions of the underlying zones. The Planning Commission shall consider the architectural design of the buildings and their relationship on the site and their relationship to development beyond the boundaries of the proposed Planned Unit Development. The Planning Commission shall consider the landscaping and screening as related to the several uses within the proposed Planned Unit Development and as a means of its integration into its surroundings.

(b) That the proposed Planned Unit Development will create no detriment to property adjacent to the Planned Unit Development and to this end the Planning Commission may require that the uses of least intensity or greatest compatibility be arranged around the boundaries of the project. The Planning Commission may require that yard and height requirements for the adjacent zone apply on the periphery of the Planned Unit Development.

(c) That the proposed Planned Unit Development will provide more efficient use of the land and more usable open space than a conventional development permitted in the underlying zone. The Planning Commission shall consider the residential density of the proposed development and its distribution.

(d) That the increased density allowed within the Planned Unit Development will be compensated by better site design and by the provision of increased amenities, common open space, and recreational facilities. To insure this requirement is achieved, site plans and other plans should be prepared by design professionals.

(e) That any variation allowed from the development standards of the underlying zone will not increase hazards to the health, safety, or general welfare of the residents of the proposed Planned Unit Development. Based on its action on the Preliminary (PUD) Master Plan, the Planning Commission shall make recommendations to the City Council. A recommendation for approval of the Preliminary (PUD) Master Plan shall also include a list of recommendations for deviation from the requirements of the underlying zone requirements.

11-27-080 City Council Action on Preliminary (PUD) Master Plan.

The City Council shall review the application for a Planned Unit Development designation to be added as a suffix to an underlying zone. The City Council shall also review and take action on the Preliminary (PUD) master Plan at a public hearing in accordance with Chapter 6 of this Ordinance.

11-27-090 Final (PUD) Master Plan.

(a) Following the public hearing on a Preliminary (PUD) Master Plan and prior to designation of a Planned Unit Development, in combination with an underlying zone, 6 copies of the Final (PUD) Master Plan shall be submitted to the City Planner. Any failure to submit a Final (PUD) Master Plan on the proposed Planned Unit Development or any portion thereof within one year of the approval of the Planned Unit Development designation and the Preliminary (PUD) Master Plan shall terminate all proceedings and render the proposed Planned Unit Development null and void.

(b) The City Planner shall review the Final (PUD) Master Plan to assure that it is in compliance with the requirements of this Chapter. The Planning Commission shall not place any Final (PUD) Master Plan on the Planning Commission agenda until all items required have been submitted or are omitted for good cause. The Final (PUD) Master Plan will allow the Planning Commission to review all the information required for the Preliminary (PUD) Master Plan in its finalized, detailed form. The final plan shall not vary substantially from the previously approved Preliminary (PUD) Master Plan. The Final (PUD) Master Plan shall be deemed in substantial compliance with the Preliminary (PUD) Master Plan provided that:

- (1) The lot areas do not vary by more than 10 percent;
- (2) A reduction of the area designated for common open space is no more than 5 percent;
- (3) An increase in the floor area proposed for non-residential uses is no more than 5 percent;
- (4) An increase in the ground coverage ratio by all buildings is no more than 5 percent.

(c) If it is determined that the final (PUD) Master Plan does vary substantially from the Preliminary (PUD) Master Plan, the applicant must repeat the procedure outlined in Section 27-060 to Section 27-080 before further action shall be taken on the Final (PUD) Master Plan. The applicant may be required to pay additional fees, as determined by the City Manager, for the repeated procedures required.

(d) The Final (PUD) Master Plan shall contain all of the site plans and maps required for the Preliminary (PUD) Master Plan in a finalized format. Specifically it shall contain the following:

- (1) Tabulations of all dwelling units to be constructed by types and number of bedrooms per unit (if multi-family);
- (2) Detailed site plan with complete dimensions showing precise locations of all buildings and structures, lot or parcel sizes and locations, designations of common spaces and special use areas, detailed circulation pattern;
- (3) Dimensioned parking layout and traffic circulation pattern including streets, location of individual parking stalls and all areas of ingress and egress and outdoor lighting;
- (4) Final exterior design for all building types, presented as exterior perspectives or exterior elevations;
- (5) Detailed engineering plans or final subdivision plat showing site grading, street improvements, drainage and public utility location.
- (6) Detailed landscaping plans with a legend showing the types and sizes of all planting materials and their locations, decorative materials, recreation equipment, sprinkler or irrigation systems and any recreation related outdoor lighting;
- (7) The fully executed declaration of covenants, conditions, restrictions together with open space easements and other bonds, guarantees, or agreements as required by this Chapter or as deemed necessary by the Planning Commission and/or the City Attorney;

11-27-100 Final (PUD) Master Plan Review by Planning Commission.

(a) The Planning Commission shall review the submitted final (PUD) Master Plan and may approve or disapprove it. The Planning Commission may approve the Final (PUD) Master Plan if they find that the proposed Planned Unit Development meets all of the requirements of this Chapter, that it is in substantial compliance with the approved Preliminary (PUD) Master Plan and that it meets the objectives and purposes of this Chapter. The Planning Commission may impose conditions with the approval of the Final (PUD) Master Plan that will insure that the proposed PUD meets with the objectives of this Chapter.

(b) Phased Development - Development Plans for an approved Preliminary (PUD) Master Plan may be submitted in phases, provided each phase can exist as a separate unit capable of independently meeting all the requirements and objectives of this Chapter. If the Planned Unit Development is developed in phases, the required open space and approved recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given development phase unless it is determined by the Planning Commission a greater amount of open space and recreation facilities must be provided in order to assure that these spaces and facilities can function properly.

(c) Fees- All final plans shall be accompanied by the appropriate fee, as specified

from time to time by the City Council.

11-27-110 Final (PUD) Master Plan Review by the City Council.

(a) The City Council shall review the Final (PUD) Master Plan after review and approval by the Planning Commission. If the City Council finds that the proposed Planned Unit Development meets the objectives and purposes of this Chapter, it may approve the Final (PUD) Master Plan subject to, but not limited to, the following:

(1) Building Permit - No building permit for any portion of the proposed Planned Unit Development shall be issued until the Final (PUD) Master Plan has been approved and all necessary subdivision ordinance requirements have been met. Building permits may be issued in accordance with the approved Final (PUD) Master Plan even though the yard requirements, building heights, minimum lot sizes, etc., differ from the requirements of the underlying zone in which the development is proposed.

(2) Permanent Protection of Planned Unit Development Open Space, Performance Bonds, Guarantee of Improvements, Covenants and Restrictions - All provisions pertaining to the requirements cited in Sections 11-27-130, 11-27-140 and 11-27-150 of this Chapter shall be met as required in the approved conditions of the Planned Unit Development prior to City Council final approval.

11-27-120 Standards and Requirements.

(a) The minimum area for a Planned Unit Development shall be five acres in AA, A, AE, LS and S zones, and two and one-half acres in LR, R and R-2 zones; and one and one half acres in R-4 and R-8 zones. Any proposal for a Planned Unit Development in areas smaller than those cited above, may be approved by the Planning Commission based upon the specific conditions related to the site upon which the development is proposed. Smaller Planned Unit Developments are encouraged in the older historical parts of the City in order to use lot interiors where unique conditions may exist.

(b) The base density of the Planned Unit Development shall be determined by the development of a yield plan as defined in Sections 11-2-020(86) of this Ordinance applying Subdivision Yield Plan Dimension Standards set forth in Chapter 12 and related requirements of the underlying zone.

(c) Lot area, width, yard, height, and coverage regulations shall be determined by approval of the Preliminary (PUD) Master Plan.

(d) The number of dwelling units in each building shall not exceed the number permitted in the zone when the underlying zone is R-4 or R-8. When the underlying zone is R-8 the maximum dwelling units in each building may be increased to 12 units provided that the maximum allowable density of the R-8 zone is not exceeded.

(e) The Planning Commission may require that yard and height requirements of adjacent zones be applied to the periphery of the Planned Unit Development.

(f) To assure that adjacent properties will not be adversely affected, the Planning Commission may require, where feasible, buildings and uses of lowest intensity be situated on the periphery of the Planned Unit Development.

(g) Every Planned Unit Development shall provide usable common open space, accessible to all lots or units, of not less than 10 percent of the net area (gross area less constrained or sensitive lands), in single-family Planned Unit Developments (see chart below) and 30 percent in multi-family Planned Unit Developments. (Open space requirements in a mixed single-family, multi-family Planned Unit Development shall be computed as a weighted average.) No streets, driveways, parking areas, yard areas typically used for individual structures or areas with slopes greater than 30 percent, wetlands or other constrained lands may be included in the computation of the required open space unless the Planning Commission determines that certain constrained, i.e., rock outcroppings, etc., qualify as unimproved open space in order to enhance the character and function of open space with the development. Playgrounds, parks, swimming pools and related amenities, tennis courts and similar bona fide recreation buildings and facilities and railway system land may be considered part of the usable common open space.

SINGLE FAMILY - ALL ZONES					
Open Space and Character Incentive Multiplier					
Required Open Space (Net Area)	Open Space Increase (Net Area)	Total Open Space	Open Space Incentive Multiplier	Design/Character Incentive Multiplier	Total Incentive Multiplier Allowed
If improved					
10 %	0 - 10 %	20 %	0 - 20 %	0 - 5 %	20 %
If unimproved					
10 %	0 - 5 %	15 %	0 - 10 %	0 - 5 %	15 %

(h) Residential density may be increased up to a maximum of 20 percent above that allowed in the underlying single-family zone, at the discretion of the Planning Commission and subject to the concurrence of the City Council. The density will be determined during the Preliminary (PUD) Master Plan review stage.

(1) An increase of usable common open space in addition to the open space requirements cited in (g) above, may allow the following density increases:

(i) Improved open space is usable common open space that is highly accessible to all residents of the Planned Unit Development; that is devoted to

planting; patios, walkway, and recreational areas; that provides recreational facilities such as swimming pool, tennis court, club house, playground, etc.; that is of such dimension to be functionally usable (any on section of improved open space shall not be less than 6,000 square feet nor less than 30 feet in its smallest dimension); and that is of a finished grade of 12 percent or less.

(ii) Unimproved open space is common open space that generally allows for the preservation of the Planned Unit Development's natural amenities such as rock outcrops, trees, ravines, ponds, drainage channels, etc. All or part of unimproved open space is generally left in a natural state and its use is restricted to more passive recreation such as hiking trails or creation of access to scenic vistas and natural sites.

(2) A density bonus is not allowed in multi-family Planned Unit Development's by increasing open space. Economies in construction and an increase in open space may be achieved by increasing the number of units per structure as provided in Section 11-120(d).

(3) Character, identity, and architectural and siting variation incorporated in a single-family Planned Unit Development shall be considered cause for density increases not to exceed 5 percent. When combined with open space density bonuses, the total density increase shall not exceed 25 percent. The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase the Planning Commission and City Council approve. Such variations may include, but are not limited to, the following:

(i) Landscaping; street scape; opens spaces, and plazas, using of existing landscaping and natural features; pedestrian way treatments; treatment of recreational areas and provision of various recreation apparatus (a maximum increase of 2 percent).

(ii) Siting; visual focal points; use of existing physical features such as topography; view; sun orientation; circulation patterns; physical environment; variation in building setbacks; and clustering of building groups (a maximum increase of 1 percent).

(iii) Design features; street sections; architectural styles; harmonious use of materials; parking areas broken by landscape features; and varied us of house types (a maximum increase of 2 percent).

(i) All dwelling units shall be served by public sewer and public water. All utilities within the Planned Unit Development shall be placed underground.

(j) Off-street parking spaces shall be provided as required in Chapter 32.

(k) All streets in a Planned Unit Development shall be a dedicated public street built to Farmington City Standards.

11-27-130 Permanent Protection of Planned Unit Development Open Space.

(a) The Farmington City Council, upon recommendation of the Planning Commission, shall require the preservation, maintenance and ownership of open space utilizing, at the City's option, one of the following methods:

(1) Dedication of the land as a public park or parkway system;

(2) Granting to Farmington City a permanent open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of a Homeowners' Association established with articles and by-laws which are satisfactory to Farmington City, or

(3) Complying with the provision of the Utah Condominium Ownership act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities. Recreation uses and facilities may be developed within the common open space areas in compliance with a recreation and landscaping plan approved as part of the approved final development plan of the Planned Unit Development.

(b) If the second or third methods, as set forth above, are utilized to maintain the open spaces, but the organization established fails to maintain the open space in reasonable order and condition, the City may, at its option, do or contract to have done the required maintenance and shall assess ratably the open spaces and individually-owned properties with the Planned Unit Development. Such assessment shall be a lien against property and shall be filed with the Davis County Recorder, or the City may bring suit to collect the maintenance fees together with reasonable attorney's fees and costs.

11-27-140 Performance Bond and Guarantee of Improvements.

In order to insure that the Planned Unit Development will be constructed to completion in an acceptable manner, the developer shall guarantee the improvements. The Performance Bond or Guarantee Agreement shall be prepared by the City Attorney, and signed by the developer of the Planned Unit Development. The developer shall deposit in escrow with a bank or lending institution, a sum of money equal to 120 percent of cost of improvements as estimated by the City Engineer. (The City Engineer may obtain estimates from licensed professionals for improvements that the City Engineer is not qualified to value (e.g. landscaping in the improved common area). The estimated costs shall cover the construction and installation of all required landscaping, parking, and street improvements, including paving, curbs, gutter, sidewalks, water and sewer lines, parks, playgrounds, recreation facilities, and other amenities shown on the Final (PUD) Master Plan approved by the City Council.

11-27-150 Covenants and Restrictions.

The applicant for any Planned Unit Development which is being developed as a

Condominium project under the provisions of the Condominium Ownership Act of Utah, or subsequent amendments thereto, shall prior to the conveyance of any unit, submit to the Planning Commission a declaration of covenants, conditions and restrictions relating to the project, which shall become part of the Final (PUD) Master Plan and shall be recorded to run with the land. Said covenants, conditions and restrictions shall include management policies which shall set forth the quality of maintenance that will be performed and who is to be responsible for said maintenance within said condominium development. Said document shall, as a minimum, contain the following:

(a) The establishment of a private association or corporation responsible for all maintenance, which shall levy the cost thereof as an assessment to each unit owner within the condominium development.

(b) The establishment of a management committee, with provisions setting forth the number of persons constituting the committee, the method of selection, and the powers and duties of said committee; and including the person, partnership, or corporation with property management expertise and experience who shall be designated to manage the maintenance of the common areas and facilities in an efficient and quality manner.

(c) The method of calling a meeting of the members of the corporation or association, with the members thereof that will constitute a quorum authorized to transact business.

(d) The manner of collection from unit owners for their share of common expenses, and the method of assessment.

(e) Provisions as to percentage of votes by unit owners which shall be necessary to determine whether to rebuild, repair, and restore or sell property in the event of damage or destruction of all or part of the project.

(f) The method and procedure by which the declaration may be amended.

11-27-160 Time Limit.

Unless there is substantial action leading toward completion of a Planned Unit Development or an approved phase thereof within a period 12 months from the date of approval, as determined by the City Council such approval shall expire unless, after reconsideration of the progress of the project, an extension is approved.

CHAPTER 28

SUPPLEMENTARY AND QUALIFYING REGULATIONS

- 11-28-010** Effect of Chapter.
- 11-28-020** Building Lot Required.
- 11-28-030** Minimum Lot Areas to be Preserved.
- 11-28-040** Open Sky.
- 11-28-050** Supplementary Yard Regulations.
- 11-28-060** Location of Recreational Pools and Tennis Courts.
- 11-28-070** Maximum Coverage Area of Accessory Buildings.
- 11-28-080** Location of Architectural and Integral Parts.
- 11-28-090** Maximum Height Limitations Exceptions.
- 11-28-100** Minimum Height of Dwellings.
- 11-28-110** Minimum Size of Dwellings.
- 11-28-120** Temporary Use of Land and Structures.
- 11-28-130** Native Material Removal.
- 11-28-140** Fences.
- 11-28-150** Clear Vision.
- 11-28-160** Open Storage in Residential Zones.
- 11-28-170** Public Improvements Required.
- 11-28-180** Additional Requirements for Dwellings.
- 11-28-190** Wireless Telecommunication Facilities.
- 11-28-200** Secondary Dwelling Units.
- 11-28-210** Small Auto Dealership

- 11-28-010** Effect of Chapter.

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, unwallled 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 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 six (6) inches in diameter cannot pass through. Gates which 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, 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 minimum 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.

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 twelve hundred (1200) square feet of gross floor area and a minimum of nine hundred (900) square feet on the main floor, exclusive of open porches, carports and garages. The width of each dwelling shall be at least twenty (20) feet at the narrowest part of its first story exclusive of any garage area. The width shall be considered the lesser of the two primary dimensions.

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 its 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 may be 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 craft boutiques that occur not more than four (4) times a year with each event lasting not more than seventy-two (72) hours. The sale of products brought to the site is prohibited.
- (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:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) Utilities. The dwelling must be permanently connected to and approved for all required utilities.
- (5) 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.
- (6) 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.

- (7) 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.
- (8) Garages. All dwellings 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.
- (9) 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 unforeseen 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.

11-28-112 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.

CHAPTER 29

ANIMALS AND FOWL

- 11-29-101 Purpose.**
11-29-102 Effect of Chapter.
11-29-103 General Provisions.

11-29-101 Purpose.

The purpose of this Chapter is to provide regulations for the keeping of animals in all areas of the City.

11-29-102 Effect of Chapter.

The regulations as contained in this Chapter shall apply and govern in all zones.

11-29-103 General Provisions.

The keeping of animals within the City of Farmington shall be permitted or prohibited as follows:

(1) All animals shall be classified in one of the following four (4) categories (animals include all living creatures, fowl, reptiles, fish, etc.):

- (a) Class A (Small Animals): Animals kept as pets or for family food production, or recreational purposes such as dogs, cats, rabbits, fowl, etc.
- (b) Class B (Large Animals): Animals kept as pets or for family food production or recreational purposes; such as horses, cows, goats, sheep, etc.
- (c) Class C (Commercial Animals): Any and all animals of every size, type or kind kept or maintained for commercial purposes.
- (d) Class D (Dangerous Animals): Animals that are inherently or potentially dangerous may be kept or maintained only by conditional use permit.

(2) All animals must be kept and maintained in such a manner so as NOT to degrade (below a reasonable standard), the health, safety, noise, odor or sanitation environment of persons dwelling on neighboring lots.

(3) The animals permitted in any zone are limited in numbers so as to comply with the conditions mandated in Section 11-29-103(2) and to prevent a significant degradation in appearance of the premise on which they are kept in comparison with neighboring premises:

- (a) Class A animals may be kept in all zones.
- (b) Class B animals are permitted only in Zones AA, A, AE, M-1, R-2, B, LR, S, LS, R-4 and R-8.

- (c) Class C animals are prohibited from all zones except Zones C, A, C-R and M-1.
- (d) Class D animals are prohibited from all zones except by conditional use permit.

(4) The following numbers and kinds of animals in the size areas described are presumed to meet the standards set forth in Section 11-29-103 (2) and (3). This presumption is rebuttable by the keeper proving that greater numbers of animals are being kept and meeting these standards, or by the City proving that equal or lesser number of animals are being kept in a manner not meeting these standards:

- (a) Any Size Lot: 2 dogs or 4 cats or 4 ducks or 4 turkeys or 4 geese or 8 chickens or 8 rabbits or 8 pigeons or any equivalent combination.
- (b) 1/2 Acre: 2 dogs or 2 sheep or 2 goats or 4 cats or 8 ducks or 8 turkeys or 8 geese or 12 chickens or 12 rabbits or 12 pigeons or any equivalent combination.
- (c) Class B Large Animals:
 - (i) Zones LR, S, LS, R-2, R-4, R-8, M-1 or B - On lots of twenty thousand (20,000) square feet or more: 1 horse or cow or 2 sheep or goats per twenty thousand (20,000) square feet.
 - (ii) Zones AA, A, and AE - Not more than 2 horses or cows or 4 sheep, goats, pigs, or similar size animals shall be kept on lots of one-half (1/2) acre. For lots larger than one-half (1/2) acre, 1 additional horse or cow or 2 additional sheep, goats, pigs, or similar size animals may be kept for each five thousand (5,000) square feet over one-half (1/2) acre. Animals younger than six (6) months in age shall not be counted in determining the total number of animals on the lots.

(5) Location of Accessory Structures. No animal shelter, hay barn, silo, equipment shed, storage building and similar accessory buildings to the agricultural use of land may be located closer than ten (10) feet to any side or rear boundary line.

CHAPTER 30

FOOTHILL DEVELOPMENT STANDARDS

11-30-101	Purpose.
11-30-102	Definitions.
11-30-103	Scope and Application.
11-30-104	Density, Lot Size, Width and Characteristics.
11-30-105	Development Standards.
11-30-106	Bonding Requirements.
11-30-107	Review and Approval Procedure.

11-30-101 Purpose.

(1) The City Council of Farmington, Utah, deems that in order to preserve the peace, health, safety and welfare, and promote the best interest of the inhabitants of the City of Farmington, that this Foothill Chapter be enacted to provide standards, guidelines, and criteria, for minimizing flooding, erosion, and other environmental hazards in designated foothill areas of the City. In addition, these standards are intended to protect the natural scenic character of the foothills, and those areas of the foothills which are not suitable for development, while insuring the efficient expenditure of public funds.

(2) The Standards, guidelines, and criteria established by this Chapter are further intended to:

- (a) Protect the public from natural hazards of storm water runoff and erosion.
- (b) Minimize the threat and consequential damage of fire in foothill areas.
- (c) Preserve natural features, wildlife habitat and open space.
- (d) Preserve public access to mountain areas and natural drainage channels.
- (e) Retain natural features such as drainage channels, streams, ridge lines, rock outcroppings, and vegetation.
- (f) Preserve and enhance visual and environmental quality.
- (g) Insure an adequate transportation system for the total foothill area in compliance with the approved street plans of the City. Street design should, insofar as possible, be compatible with existing topography by minimizing cuts, fills or other visible scars.
- (h) Encourage a variety of development, designs and concepts compatible with the natural terrain of the foothill areas which will preserve open space and the natural landscape.
- (i) Establish land use management criteria that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.

(3) To achieve the intent of this Chapter, it is recommended that professionals, qualified in each of the disciplines addressed herein, be utilized to stimulate creative and appropriate designs in the foothill area.

11-30-102 Definitions.

Terms used in this Chapter are defined as set forth below and are in addition to those defined in Chapter 2 of this Title. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is mandatory and the term "may" is permissive.

- (1) **All Weather Surface** means a concrete or asphalt surface.
- (2) **Average Slope** means and is determined by the use of the following formula:

$$S = \frac{.00229 (I) (L)}{A}$$

S = Average slope of the site before development or construction.

.00229 = The conversion factor of square feet to acres.

I = Contour interval in feet of the topographic mapping.

L = Summation of the length of all contour lines in feet.

A = Total number of acres in the Slope District.

- (a) The average slope may be calculated by other means which are acceptable to the City Engineer and Planning Commission.
- (b) In the determination of the average slope of a Slope District, the area (A) in the formula above need not include the area of lands having a greater slope than thirty percent (30%). If such areas are excluded, their acreage shall not be included as part of the total area of the development site for purposes of determining the number of dwelling sites allowed, but may be included with individual building lots.

(3) **Development Acres, Gross**, means the total area of the development to include all transportation land or other non-residential uses.

(4) **Development Acres, Net**, means the gross acreage less transportation land and open space.

(5) **Development Site** means the total perimeters of:

- (a) A subdivision, as defined in the Farmington City Subdivision Ordinance.
- (b) A planned unit development as defined in this Title.
- (c) A tract, lot or parcel of land intended to be used as a commercial, public, quasi-public, utility or other building site.

- (6) **Impervious Materials** means matter which is impenetrable by moisture.
- (7) **Institutional Buildings** means and shall include churches, schools, hospitals, public and quasi-public buildings.
- (8) **Off-Site** means any area or improvement within public rights-of-way or public utility easements, or outside the boundaries of the development.
- (9) **On-Site** means any area or improvement on private property.
- (10) **Open Space** means that space designated as undevelopable or as common open space areas used for visual relief or recreational purposes.
- (11) **Slope District** means an area of at least three (3) acres where the area that is the development site is ten (10) acres or more and a minimum of one (1) acre if the development site is less than ten (10) acres. The term "Slope District" describes areas within a development site, (or the entire development site if it qualifies under the definition) which are distinguishable as areas of consistent topography. Slope Districts are classified by the following breakdown:
- 0 - 12.0 percent
 12.1 - 20.0 percent
 20.1 - 30.0 percent
 over 30 percent
- (12) **Transportation Land** means land used for automobile, bicycle, or pedestrian circulation.
- (13) **Underlying Zone** means the zone in which the parcel lies on the Farmington City zoning map.
- (14) **Usable Land** means land included within a lot, no part of which has a slope exceeding thirty percent (30%).
- (15) **Vegetation** means orchards, trees, shrubs, lawn, grass and perennial growth, and those plants native to the site.

11-30-103 Scope and Application.

- (1) The provisions of this Chapter shall apply to all lands in the City of Farmington that lie within the area designated with zones having a suffix "F" on the Official Zoning Map of Farmington City.
- (2) This Chapter makes additional provisions to those set forth in the Subdivision Ordinance and other chapters of this Title. In the event of conflict, the more restrictive provisions shall apply.
- (3) Detailed reports and plans are required in the following Sections of this Chapter which must be approved by the City before any construction will be permitted in Foothill Zones.
- (4) Development of individual residential lots located in an approved subdivision shall comply with conditions, standards, and requirements established through the subdivision

approval process. Site specific plans, necessary to achieve the purpose of this Chapter, may also be required for residential lots which are not located in a recorded subdivision.

11-30-104 Density, Lot Size, Width and Characteristics.

(1) The Planning Commission and City Council shall approve the overall density of any development site based on the site plans as provided for in this Chapter.

(2) Residential Density - The maximum density for each gross development acre in residential subdivisions or Planned Unit Developments shall be determined by reference to the following table and the underlying zone:

Slope District Average Slope (%)	Maximum Density Dwelling Units/Gross Acre
0 - 12.0	4.0
12.1 - 20.0	2.8
20.1 - 30.0	1.6
More than 30.0	No development allowed

(3) Planned Unit Developments: The maximum density with respect to dwelling units per gross acre shall be the same in a PUD as in any other single-family subdivision. However, at the discretion of the City, density bonuses may still be approved as outlined in the PUD Chapter of this Title.

(4) Lot Size Conditions - When lot lines cross Slope District boundaries, the lot size will be determined by the average slope of the usable land within the building lot. The Planning Commission may require larger lots than the minimum depending upon the natural conditions (slope, vegetation, soils, etc.) of the site to assure each lot contains a suitable building site.

(5) Maximum Impervious Material Coverage - The maximum impervious material coverage that shall be allowable on residential lots shall be thirty-five percent (35%) of the total lot area or five thousand (5,000) square feet whichever is smaller including the main building, accessory buildings, patios, and driveways, but the maximum impervious material coverage may exceed thirty-five percent (35%) or five thousand (5,000) square feet if the City Council approves it after receiving the recommendation and approval of the Planning Commission.

(6) Usable Land:

(a) Single-family dwelling structures shall be located only upon areas constituting usable land, which area shall be fully contiguous and shall be at least five thousand (5,000) square feet in size. The Planning Commission may require usable areas larger than five thousand (5,000) square feet to insure that dwelling structures can be located acceptable distances from geological hazards.

(b) All accessory structures shall be located upon usable land.

(c) As defined above, the slope of usable land shall be thirty percent (30%) or less. Slope Districts of over thirty percent (30%) shall be:

(i) Placed in permanent open space, maintained by a responsible legal entity, such as a homeowner's association.

- (ii) Platted with adjacent approved building lots with an open space easement, or platted into building lots each of which contains adequate usable land.
- (iii) Subject to such other proposals that may be prepared by the developer and approved by the Planning Commission.

11-30-105 Development Standards.

The Planning Commission shall require the following reports and plans to be provided by the applicant. All reports and plans submitted herein, shall be prepared by persons or firms licensed or certified to practice their specialty in the State of Utah, if the required expertise is in their field of practice:

(1) **Drainage and Erosion Control Plan:** A drainage and erosion control plan shall be prepared by a professional engineer licensed by the State of Utah. The plan shall be sufficient to determine the erosion control measures necessary to prevent soil loss during construction and after project completion. The plan shall include a storm water management, erosion control, and grading details describing the methods by which surface water, natural drainages, flooding, erosion and sedimentation loss will be controlled during and after construction. In addition, developments in which the total area is over one (1) acre shall submit a plan for erosion and sediment control which is consistent with current Federal NPDES regulations. In a phased development the area of all phases shall be used to compute the total area and the NPDES plan shall be prepared and submitted with the first phase of development. The plan shall include the following information:

- (a) The "rational method", or other storm water computation method as approved by the City Engineer, shall be used in computing runoff. The basic formula for the "rational method" is:

$$Q = CIA \text{ in which:}$$

Q = Runoff in cubic feet per second (c.f.s.)

C = Coefficient of runoff or the portion of storm water that runs off a given area. The following are typical examples of land use ranges for C value. The actual C value used shall be approved by the City Engineer:

Industrial and Commercial	.80 - .90
Residential	.30 - .40
Parks	.15 - .25
Agricultural	.10 - .20

I = Average rainfall intensity, based on Davis County data for the Farmington area, during time of concentration for ten (10) year return period in inches per hour. The time of concentration shall be defined as the time required for water to flow from the highest to the lowest points of the drainage basin under consideration.

A = Drainage area in acres.

- (b) Lots shall be arranged so as to insure adequate setbacks from drainage channels. The flow from a one hundred (100) year storm shall be the basis for calculating setbacks. No dwelling shall be allowed within the one hundred (100) year floodplain.
- (c) Erosion control measures on the development site shall be required to minimize the increased solids loading in runoff from such areas during and after construction. All erosion prevention devices, detention ponds and storm water facilities shall be constructed as part of the first facility improvements on the development site and according to the following standards:
 - (i) Such facilities shall be designed so as to detain safely and adequately the maximum expected storm water runoff for a ten (10) year storm for a sufficient length of time so as to prevent flooding and erosion during storm water runoff flow period.
 - (ii) Such facilities shall be so designed as to divert surface water away from cut faces or sloping surface of a fill.
 - (iii) The existing natural drainage system shall be utilized to the extent possible in its natural state.
 - (iv) Where drainage channels are required, wide shallow swales lined with appropriate vegetation shall be used instead of cutting narrow, deep drainage ditches.
 - (v) Flow retarding devices, such as detention ponds, shall be used where practical to minimize increases in runoff volume and peak flow rate due to development.
- (d) Water from natural drainage channels shall be allowed to continue through the development site.

(2) **Grading Plan:** A grading plan shall be prepared by qualified professionals licensed by the State of Utah and shall comply with the following standards:

- (a) The grading plan shall show present topography and proposed modifications to include elevations, lines and grades including the location and depth of all proposed cuts and fills of the finished earth surfaces. All cuts and fills shall be designed and constructed in such a way that they produce the minimum disturbance to the natural grade and character of the foothill area.
- (b) The plan shall show existing details and contours at two (2) foot contour intervals where terrain will not be modified and proposed details and contours at two (2) foot intervals where terrain modifications are proposed. The plan shall be drawn at a scale of one (1) inch equals twenty (20) feet (1" = 20').
- (c) The proposed area to be graded shall be clearly delineated on the plan and the area amount stated in square feet.

- (d) Grading plans shall include slope district maps for the development site. Two maps shall be prepared. The first shall represent the pre-development slope districts and the second shall represent post-development slope districts.
- (e) Topsoil stockpile areas shall be designated.
- (f) The developer is responsible for interim stabilization of all disturbed areas during the period of construction to prevent off-site erosion effects, and for final stabilization once construction is completed. Lot owners or homeowner's associations are responsible for stabilization of building sites and lots upon taking possession of such.
- (g) All permanent fills shall be constructed to prevent settlement, sliding, or erosion damage to streets, curbs, gutters, sidewalks, or buildings.
- (h) All cuts and fills shall comply with standards of the Uniform Building Code in effect (including appendix Chapter 70).
- (i) The top and bottom edges of slopes caused by an excavation or fill up to ten (10) vertical feet shall be at least five (5) horizontal feet from property lines or public right-of-way lines.
- (j) Grading of the lot or parcel which is related to creation of the primary building site or construction of the structure shall not extend more than thirty (30) feet, horizontally, in front, to the rear, or to the side of the proposed structure unless a greater distance is approved by the Planning Commission upon a showing by the developer that a greater distance will not be contrary to the purposes of this Chapter.
- (k) Excess cut material resulting from road construction or utility installation shall be removed from the site. Access or haul road location, treatment, and maintenance requirements shall be designated on the grading plan. Where permanent roads or roadbeds are to be used during construction and storm water inlets have already been installed, they shall be protected to prevent sediment from entering the storm water system. If temporary haul roads are proposed, the plan shall include a description of the method for controlling erosion and dust during the period of the roads's operation and restoration of the area once hauling is completed.
- (l) Analysis of the environmental effects of such operations including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard.
- (m) All repair measures for disturbed areas shall be made not later than thirty (30) days after the disturbance is made, except revegetation which shall take place at the earliest planting season thereafter.

(3) **Revegetation Plan:** The revegetation plan shall include a slope stabilization and revegetation report which shall include:

- (a) Location and identification of existing vegetation;

- (b) The vegetation to be removed and the method of disposal: All areas of the development site cleared of natural vegetation in the course of construction shall be replanted with vegetation possessing erosion control characteristics at least equal to the natural vegetation which was removed;
- (c) The vegetation to be planted: New plantings shall be protected with mulch material and fertilized in conjunction with a planting and watering schedule. Persons or firms having expertise in the practice of revegetation (i.e., licensed landscape architects or nurserymen) shall supervise the planning and installation of revegetation cover for the total development site; and
- (d) Slope stabilization measures to be installed while new vegetation is being established.
- (e) All revegetation of disturbed areas shall be made not later than thirty (30) days after the disturbance is made or at the earliest planting season thereafter.

(4) **Geology Report:** A Geology report shall be prepared by a geotechnical engineer licensed by the State of Utah. A geologic map shall accompany the report. Mapping shall reflect careful attention to the rock composition, structural elements, and surface and subsurface distribution of the earth materials exposed or inferred within both bedrock and surficial deposits. A clear distinction shall be made between observed and inferred features and/or relationships. The Geology Report shall include the following information:

- (a) Definition of any zones of deformation with respect to active faults and other mass movements of soil and rock. No structures or off-site improvements shall be built on any identified major or minor secondary faults.
- (b) Identification of anomalies of the terrain or characteristics of the geological materials which would have any potential impact upon the use of the site.
- (c) No structures or off-site improvements shall be allowed on any active landslide area.
- (d) Problems associated with development on or near perched ground water and shallow ground water must be mitigated.
- (e) No structures shall be allowed in any rockfall zone. Off-site improvements may be allowed through special approval by the Planning Commission, if the danger is mitigated.
- (f) Location of the depth to bedrock if bedrock is within ten (10) feet of the surface.
- (g) Written recommendations for construction of proposed structures or public improvements to minimize or avoid impacts of potential geologic hazards.
- (h) Flood erosion and/or deposition potential if flood ways exist on the property.

(5) **Soil Characteristics Report:** The soil report shall be prepared by a civil engineer specializing in soil mechanics and licensed by the State of Utah and shall be based upon adequate test borings and excavations. This report shall contain data regarding the nature, distribution, and strength of soils within the project area to a depth of ten (10) feet. The soil report shall include:

- (a) Unified classification of all soils encountered on the site with an estimate of their susceptibility to erosion, liquid limit, shrink-swell potential and general suitability for development.
- (b) A statement as to whether or not ground water was encountered in any of the test borings and at what elevation it was encountered and an estimate of the normal highest elevation of the season high ground water table.
- (c) Flood history and potential proximity to known flood plains and drainage channels.
- (d) The soil investigation shall recommend corrective actions intended to prevent damage to proposed structures and/or public improvements.

(6) **Fire Protection:**

- (a) All developed areas shall have an approved water supply which meets minimum fire fighting requirements.
- (b) Each development site proposal and building permit for private lots, flag lots, and where the front setback is greater than fifty (50) feet, shall be reviewed by the Farmington City Fire Department to determine whether it complies with the Uniform Fire Code, Article 13.208.- Required Vertical Driveway Clearance. Developments which do not, will be disapproved.

(7) **Streets and Ways:**

- (a) The street standards and specifications of Farmington City shall apply to all developments, except where conditions related to proper development of foothill areas necessitate altering these standards as described below and elsewhere in this Chapter.
- (b) Streets, roadways and private access ways shall follow as nearly as possible the natural terrain. Roads and other vehicular routes shall not cross property having a slope greater than thirty percent (30%) unless, after review by the Planning Commission, it is determined that:
 - (i) Appropriate engineering measures, consistent with the purpose of this Chapter, can be taken to minimize the impact of cuts and fills; and
 - (ii) The environment and aesthetics of the area will not be significantly affected.
- (c) Street Standards: The following table lists standard improvements with established standards. The exceptions listed may be specifically approved

by the City Council only after careful review of each individual application and after receiving a recommendation from the Planning Commission:

Improvement	Established Standard	Maximum Exception
Minor road width	50 foot right-of-way	42 foot right-of-way
Collector road width	60 foot right-of-way	50 foot right-of-way
Cul-de-sac R.O.W.	50 foot radius	46 foot radius
Horizontal curve	250 foot minimum radius for 30 mph design speed	125 foot minimum radius for 25 mph design speed
Road grade	10% on collector streets 12% on local streets	12% on collector streets 14% on local streets (maximum length of street segments at increased grades shall be specifically approved by the City Council)

- (d) The developer shall dedicate to the City a slope easement for any cut or fill slope created by construction of a street in the foothill overlay zone which is not contained within the public right-of-way.
- (e) Points of access shall be provided to all developed and non-developed areas for emergency fire fighting equipment. Driveways shall not exceed a slope of fourteen percent (14%) and shall have direct access to a public street.
- (f) Development sites which are located near canyon trails will provide reasonable access to those trails. Parking areas may be required by the Planning Commission at trail heads.
- (g) The impervious surface for streets and ways within the gross development site shall not exceed twenty percent (20%).
- (h) Variations of the street design standards developed to solve special foothill visual and functional problems may be presented to the Planning Commission for consideration. Examples of such variations may be the use of split roadways or one-way streets for short sections in steeply sloped areas without intersections to avoid deep cuts, also, modifications of surface drainage for curb, gutter and sidewalk design and other innovative designs may be considered in foothill developments.

(8) **On-Site Development:** The developer, or in the case of single family and two-family dwellings, the owner, shall be fully responsible for making all improvements in accordance with the approved plans. The property owner shall be responsible for maintaining all improvements made in accordance with the site development approval.

11-30-106 Bonding Requirements.

The developer or lot owner may be required to guarantee the completion of revegetation projects, the stabilization of grading sites, construction of storm water runoff facilities, and other requirements of this section by submitting to the City a bond in a form acceptable to the City Attorney. If such bond is required, it shall be calculated and administered as set forth in Section 6-6-117 of the Subdivision Ordinance.

11-30-107 Review and Approval Procedure.

(1) **Subdivision Applications:** Subdivision applications in designated foothill areas shall be reviewed according to procedures established in the Farmington City Subdivision Ordinance.

(2) **Planned Unit Developments:** Planned Unit Development (PUD) applications in designated foothill areas shall be reviewed according to procedures established in the Farmington City Subdivision Ordinance and shall also comply with additional standards contained in the PUD Chapter of this Title.

(3) **Conditional Use Applications:** Conditional use applications in designated foothill areas shall be reviewed according to procedures and standards established in the Conditional Use and/or Site Development Chapters of this Title.

(3) **Permitted Uses:** Permitted uses in designated foothill areas shall be reviewed according to procedures and standards established in the Site Development Chapter of this Title.

11-30-508, 11-30-509, 11-30-601, 11-30-607 Amended, 10/18/89, Ord. 89-44
11-30-608 Enacted, 10/18/89, Ord. 89-44
Chapter 30 Amended, 4/21/93, Ord. 93-17
11-30-105(1), Amended 4/6/05, Ord. 2005-11

CHAPTER 31

FLOOD DAMAGE PREVENTION ORDINANCE

11-31-101	Purpose.
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11-31-101 Purpose.

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

- (a) To protect human life and health;
- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To 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;
- (f) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (g) To insure that potential buyers are notified that property is in an area of special flood hazard; and,
- (h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(2) In order to accomplish its purposes, this Ordinance includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

11-31-102 Definitions.

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application. Any discrepancies that may arise between these definitions and other definitions contained in this Title shall be resolved in favor of these definitions in interpreting and administering the provisions of this Chapter.

(1) **Appeal** means a request for a review of the Flood Damage Prevention Administrator interpretation of any provisions of this ordinance or a request for a variance.

(2) **Area of Special Flood Hazard** means the land in the one hundred (100) year flood plain.

(3) **Base Flood** means the one hundred (100) year flood.

(4) **Development** means any permanent man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

(5) **Existing Manufactured Home Park or Manufactured Home Subdivision** means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Ordinance.

(6) **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 manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete or the construction of streets).

(7) **Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and/or,

- (b) The unusual and rapid accumulation or runoff of surface waters from any source; and/or
- (c) Debris flows (or mud flows) which are proximately caused by flooding as defined in paragraph (b) of this definition 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.

(8) **Flood, 100 Year** means a flood having a one percent (1%) chance of being equalled or exceeded in any given year.

(9) **Flood Insurance Rate Map (FIRM)** means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(10) **Flood Insurance Study** means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(11) **Flood Plain, 100 year**, means that area adjacent to a drainage channel which may be inundated by a cumulative increase in water surface elevation over one foot as a result of a one hundred (100) year flood.

(12) **Floodproof or Floodproofing** means any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to land, water and sewer facilities, structures and contents of buildings.

(13) **Floodway** means the channel of a river or other water course and those portions of the adjoining floodplain required to provide for the passage of the one hundred (100) year flood without cumulatively increasing the water surface elevation more than one (1) foot.

(14) **Hydrodynamic Loads** means forces imposed on structures by flood waters due to the impact of moving water on the upstream side of the structure, drag along its sides, and eddies or negative pressures on its downstream side.

(15) **Hydrostatic Loads** means loads or pressures resulting from the static mass of water at any point of floodwater contact with a structure. They are equal in all directions and always act perpendicular to the surface on which they are applied.

(16) **Lowest floor** means the lowest floor of the enclosed area of a structure (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, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(17) **Manufactured Home** means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include recreational vehicles or travel trailers.

(18) **New Construction** means structures for which the "start of construction" commenced on or after the effective date of the original ordinance, and includes any subsequent improvement to such structures.

(19) **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, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of these flood plain management regulations.

(20) **Recreational Vehicle** means a vehicle which is (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

(21) **Start of Construction** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means the first placement of permanent construction of a structure of a site, such as the pouring of a slab or footings, 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, footing, 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.

(22) **Structure** means a walled and roofed building or a manufactured home that is principally above ground. For the purpose of administering the provisions of this Chapter, roofed but unwalled buildings and construction that is supported by an open framework, such as signs, bridges, or certain types of amusement rides, are not considered "structures".

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

(24) **Substantial Improvement** means any reconstruction, addition, or other 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. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

(25) **Variance** means a grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

11-31-103 General Provisions.

(1) **Lands to Which This Ordinance Applies:** This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of Farmington City.

(2) **Basis for Establishing the Area of Special Flood Hazard:** The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of Farmington, Utah, Davis County", dated February 17, 1981, with accompanying Flood Insurance Rate Maps (FIRM), and any revision thereto resulting from independent site-specific engineering analysis or, after resolution of any post revision protest, from revisions generated by FEMA, is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the Farmington City Offices located 130 North Main Street in Farmington, Utah.

(3) **Compliance Required:** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations.

(4) **Abrogation and Greater Restrictions:** This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and other ordinance, easement, covenant, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(5) **Interpretation:** In the interpretation and application of this Ordinance, all provisions shall be considered as minimum requirements, shall be liberally construed in favor of the governing body, and shall be deemed neither to limit nor repeal any other powers granted under state statutes.

(6) **Warning and Disclaimer or Liability:** The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Farmington City, any officer or employee thereof or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

11-31-104 Administration.

(1) **Establishment of Development Permit:** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 11-31-103(2). Application for a development permit shall be made on forms furnished by the City and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Review of the development permit may be combined with, and become a part of, the normal review and processing of conditional use, site development, and/or subdivision applications if applicable. Specifically, the following information is required:

- (a) Elevation in relation to mean sea level, of the lowest floor of all structures;
- (b) Elevation in relation to mean sea level to which any structure has been floodproofed;

- (c) Certification by a registered professional engineer that the floodproofing methods for any nonresidential structure meet the floodproofing criteria of this Chapter; and,
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) **Designation of the Flood Damage Prevention Administrator (hereafter "Administrator"):** The Zoning Administrator is hereby appointed to administer and implement this Ordinance by granting or denying development permit applications in accordance with its provisions.

(3) **Duties and Responsibilities of the Administrator:** Duties of the Administrator shall include, but are not limited to:

- (a) Review of all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (b) Review of all 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.
- (c) Review of all development permits to determine that the proposed development is not located in the floodway. Except as provided herein, no development shall be permitted within a floodway.
- (d) When base flood elevation data has not been provided, the Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any Federal, State, or other source, as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with this Chapter.
- (e) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, and whether or not the structure contains a basement.
- (f) For all new substantially improved floodproofed structures verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed and maintain the floodproofing certifications required by this Chapter.
- (g) Maintain for public inspections all records pertaining to the provisions of this Ordinance.
- (h) Notify any adjacent communities, the Utah State Division of Water Rights, and Utah State Division of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (i) Ensure that the flood-carrying capacity is not diminished as a result of any alteration or relocation of any portion of a watercourse.

- (j) Make interpretations where needed, after consultation with the City Engineer, 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 person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided below.

11-31-105 Appeal and Variance Procedure.

(1) The Board of Adjustment as established by Farmington City shall hear and decide requests for variances from the requirements of this Ordinance and appeals when it is alleged there is error in any requirement, decision, or determination made by the Administrator in the enforcement or administration of this Ordinance.

(2) The applicant, or any other interested person, firm, or corporation, shall file the appeal or request for variance within thirty (30) days after the final determination of the Administrator. The applicant or any other interested party shall have the right to a full hearing before the Board of Adjustment on the question of whether or not the proposed development will in any way impair, restrict, or obstruct the flow of the natural, storm, or runoff waters that usually course down the natural waterway, stream, or ravine in question. After hearing the appeal, the Board may reverse or affirm, wholly or in part, or may modify the requirement, decision, or determination appealed from.

(3) Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decision to the Second Judicial District Court, Davis County, Utah, as provided by law.

(4) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance, and:

- (a) the danger that materials may be swept onto other lands to the injury of others;
- (b) the danger to life and property due to flooding or erosion damage;
- (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) the importance of the services provided by the proposed facility to the community;
- (e) the necessity to the facility of a waterfront location, where applicable;
- (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) the compatibility of the proposed use with existing and anticipated development;
- (h) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;

- (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(5) Upon the consideration of the factors of this section and the purposes of this Ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance. The Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

(6) Conditions for Variances:

- (a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half ($\frac{1}{2}$) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items above have been fully considered. As the lot size increases beyond the one-half ($\frac{1}{2}$) acre, the technical justification required for issuing the variance increases.
- (b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (c) Variances shall not be issued within a designated floodway if any increase in upstream flood levels, or loss of flood plain storage that impacts downstream flood levels during the base flood discharge, would result.
- (d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship to the applicant, and 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, or conflict with existing local laws or ordinances.
- (e) All variances shall include a condition that the applicant sign an assumption of risk and waiver of liability agreement, in a form acceptable to the City Attorney, absolving the City of any and all liability in the event flood damage occurs to that portion of a structure for which the variance is granted. This agreement shall be recorded in the office of the Davis County Recorder, shall run with the land, and shall be binding upon all future owners thereof.

(7) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11-31-106 General Provisions for Flood Hazard Reduction.

In all areas of special flood hazards the following general standards are required:

- (1) Anchoring:
 - (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and shall be capable of resisting the hydrostatic and hydrodynamic loads.
 - (b) All manufactured homes shall be elevated and anchored to resist flotation, collapse, or lateral movement and shall be capable of resisting the hydrostatic and hydrodynamic loads. 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 one hundred mile per hour (100 mph) wind forces.
- (2) Construction Materials and Methods:
 - (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - (c) All new construction and 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 inundation during conditions of flooding or shall be floodproofed to resist inundation.
- (3) Utilities:
 - (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) Subdivision Proposals:
 - (a) All subdivision proposals shall be consistent with the need to minimize flood damage.

- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

11-31-107 Specific Standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in this Chapter, the following standards are required:

(1) **Residential Construction:** New construction and substantial improvement of any residential structure shall have the lowest floor elevated to or above base flood elevation.

(2) **Non-Residential Construction:** New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor elevated to the level of the base flood elevation or, together with the attendant utility and sanitary facilities, shall;

- (a) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- (b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (c) be certified by a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the Administrator as set forth herein.

(3) **Openings in Enclosures Below the Lowest Floor:** For all new construction and substantial improvements, fully enclosed areas below the lowest floor that 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 must 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 (1) foot above grade;
- (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(4) **Manufactured Homes:**

- (a) Manufactured homes shall be anchored as provided herein.
- (b) All manufactured homes or those to be substantially improved shall conform to the following requirements:
 - (i) Manufactured homes that are placed or substantially improved on a site, outside of a manufactured subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - (ii) Manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in (i) above shall be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty-six (36) inches in height above grade and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) **Recreational Vehicles:** Recreational vehicles shall be fully licensed and ready for highway use, be on the site for fewer than one hundred eighty (180) consecutive days, or meet the permit requirements and elevation and anchoring requirements for resisting wind forces. This provision shall apply to all recreational vehicles except for those which are kept at private residences and which are located so as to resist flotation.

11-31-108 Floodways.

Located within areas of special flood hazard established in Section 11-31-103(2) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, encroachments, including fill, new construction, substantial improvements, or other development shall not be permitted except that bridges, culverts, or other public improvements, which comply with the provisions of this Chapter, may be allowed with site development approval.

CHAPTER 32

OFF-STREET PARKING, LOADING, AND ACCESS

- 11-32-101 Purpose.**
- 11-32-102 Effect of Chapter.**
- 11-32-103 General Provisions.**
- 11-32-104 Minimum Parking Spaces Required.**
- 11-32-105 Off-Street Loading.**
- 11-32-106 Access to Off-Street Parking and Loading Spaces.**
- 11-32-107 Parking Development, Standards, and Maintenance.**

11-32-101 Purpose.

The purpose of this Chapter is to provide regulations for off-street parking and loading, and access to such facilities, sufficient for each type of land use so as to reduce street congestion and traffic hazards and the need to park on public streets.

11-32-102 Effect of Chapter.

The regulations as contained in this chapter shall apply and govern in all zones.

11-32-103 General Provisions.

(1) **Off-Street Parking Space Required.** The minimum off-street parking spaces as outlined in this Chapter, along with adequate provisions for ingress and egress by standard-size automobiles and adequate loading facilities, shall be provided for any use of land or main building or structure in the City. These facilities shall be provided at the time the use is established or the building erected; or at the time the building or structure is enlarged, altered, converted or changed in use, or moved. If more than one use is located on a site, the number of off-street parking and loading spaces provided shall be equal to the sum of the requirements for each use.

(2) **Location of Off-Street Parking.** Parking areas as required by this Chapter shall be located on the same lot as the main building or structure. However, in cases other than a dwelling where, due to size or location, the required parking cannot be provided on-site, it may be located on other property not more than three hundred (300) feet from the nearest point of the main parcel. If off-site parking is proposed to meet the minimum requirements of this Chapter, a document shall be submitted by the applicant verifying that permission has been granted by the owner of the property on which the parking will be located to use such property.

(3) **Required Parking to be Preserved.** Space for off-street parking required in connection with an existing building shall not be reduced in the number or size of parking spaces, nor shall it be utilized for any other purpose than off-street parking, but shall be preserved in perpetuity as long as the requirement for said off-street parking is needed.

(4) **Tandem Parking.** Tandem parking shall not be allowed except for single-family dwellings.

(5) **Parking in Front Yard.** No portion of a required front yard shall be used for parking except for the paved driveway area. No portion of a required front yard, other than

driveways leading to a garage or properly located parking area, shall be paved or graveled so as to encourage or make possible the parking of vehicles thereon.

(6) **Traffic Study.** For developments where the impacts of additional traffic on abutting streets or impacts associated with interior circulation may be critical, a traffic impact study may be required by the City. This study shall be prepared by an engineer specializing in traffic analysis. At the discretion of the City, the traffic study may include, among other things, an analysis of on-site circulation, capacities of existing streets, number of additional trips which will be generated, origin/destination studies, peak traffic volumes and movements, the effect of driveways on traffic flow on adjacent streets, and the effect on functional characteristics of intersections due to proximity of driveways.

(7) **Joint Use Parking Areas.** When two dissimilar uses are located adjacent to each other and the demand for parking in conjunction with those uses would not conflict, the Planning Commission may authorize the use of such combined facilities requiring the maximum number of parking spaces for the larger use. Joint use of parking areas for similar adjacent uses may be provided as long as the total off-street parking spaces is equal to the minimum requirement for each individual use. If the common facilities are located on more than one lot, a covenant for the preservation of the parking facilities must be filed with the City.

(8) **Parking Standards for Historic Structures.** As part of a Site Development Application, the Planning Commission may consider and approve a reduction or modification of the standards contained herein for uses proposed in historic structures providing it can be demonstrated that the standards for such use exceed that which is necessary in the specific case, that congestion on adjacent streets will not be significantly increased, and that by granting such a reduction, the safety and general welfare of the public will not be compromised. For the purpose of this Chapter, "historic structure" is defined as a non-residential building which is over fifty (50) years old and/or which is listed on the National Register of Historic Properties.

(9) **Variances.** The Board of Adjustment may authorize, on appeal, a reduction in the required parking and loading spaces as described in this Chapter upon a finding that in a specific case, the nature of the use or premises, would mitigate the need for the full parking requirement specified in this Chapter. Availability of street parking would not be justification for reducing the requirement.

11-32-104 Minimum Parking Spaces Required.

Required off-street parking shall be provided for each land use as listed below. For any use not listed, the requirements for the most nearly similar use which is listed shall apply. The Planning Commission shall determine which listed use is most nearly similar. In special cases where it is determined that there is not a similar use, the Planning Commission, in consultation with the developer, shall establish the minimum parking space requirement:

USE	PARKING SPACES REQUIRED
Dwelling, Single-Family to Four Family	2 parking spaces per dwelling unit
Dwelling, Multi-Family (5+ units/building)	1.6 parking spaces per unit plus .25 spaces per unit for visitors
Hotel and Motel	1 parking space per unit plus specified requirements for restaurants, auditoriums, meeting rooms, and other related facilities

USE	PARKING SPACES REQUIRED
Intensive Commercial Business, Retail Stores and shops	4 parking spaces per 1000 square feet of floor area
Less Intensive Commercial Businesses, Including Auto, Lumber, Appliance Sales, etc.	1.5 parking spaces per 1,000 square feet of indoor and outdoor sales and display area
Auto Repair / Body shop	3 spaces for each service bay (service bay itself shall not be counted as a parking space) plus 1 space for each vehicle customarily used in operation of the business
Commercial Recreation, such as Golf Course, Bowling Alley, etc.	Determined by the Planning Commission
Offices and Personal Services	3 parking spaces per 1,000 square feet of floor area
Sit-Down Restaurants and Bars	12 parking spaces per 1,000 square feet of floor area
Fast-Food or Drive-In Restaurant	20 parking spaces per 1,000 square feet of sales and eating area plus a minimum of 4 employee parking spaces
Drive-in Facilities, required stacking space	There shall be sufficient distance in advance of a service window to store 4 cars, not including the vehicle at the window. In the case of a fast food restaurant, the distance between a menu board and the pick-up window shall be sufficient to store 4 cars, not including the vehicles at the pick-up window and menu board, and storage for at least 4 vehicles shall also be provided in advance of the menu board. A minimum of 20 feet per vehicle shall be provided. Such spaces shall be designed so as not to impede pedestrian or vehicular circulation on the site or on abutting streets.
Auditoriums, Assembly Halls, Theaters, Churches, Funeral Homes	1 parking space for every 4 seats. Where there are no fixed seats, 1 space shall be provided for every 50 s.f. of gross floor area.
Dental and Medical Clinics	6 parking spaces per 1,000 square feet of floor area
Hospitals	1 parking space per each bed
Nursing Home	1 parking space per each bed

USE	PARKING SPACES REQUIRED
Manufacturing Uses, Research and Testing, Wholesale	2 parking spaces per 1,000 square feet of gross floor area plus 1 space for each company vehicle operating from the premises. 1 parking space per 1000 s.f. of gross floor area shall be provided for warehousing and/or space used exclusively for storage.
Senior High Schools	7 parking spaces per classroom
Elementary and Junior High School	2 parking spaces per classroom

11-32-105 Off-Street Loading.

(1) **Off-Street Loading Required.** For every building with a floor area over ten thousand (10,000) square feet which contains a commercial or industrial use, to or from which deliveries are regularly made by motor vehicle, at least one (1) off-street loading space shall be provided and maintained on the same lot with the building. For buildings larger than ten thousand (10,000) square feet, an additional loading space shall be provided for the next thirty thousand (30,000) square feet, or portion thereof. One (1) additional loading space shall be provided for each increment of forty thousand (40,000) square feet thereafter.

(2) **Size of Loading Space.** Each loading space shall be not less than fourteen (14) feet wide and twenty-five (25) feet long with a vertical clearance of fourteen (14) feet.

(3) **Location of Loading Space.** Required loading spaces may occupy any required yard except the front yard. The loading space shall be designed and arranged so that no vehicle may be parked or stored or requires maneuvering room within a public street. No loading space shall be located closer than fifty (50) feet to a residential boundary except when it is screened by a six (6) foot wall or solid fence.

11-32-106 Access to Off-Street Parking and Loading Spaces.

(1) Ingress and Egress - Adequate ingress and egress to all uses shall be provided as follows:

- (a) Residential driveways shall be not more than twenty (20) feet in width when serving as access to two (2) properly designated spaces or thirty (30) feet in width when serving as access to three (3) properly designated parking spaces. "Properly designated parking spaces" shall include spaces in a garage, carport, or on a parking pad located to the side of a dwelling and not located within the minimum front yard setback. Additional driveway width for access to a rear yard, for more than three (3) properly designated parking spaces, or for multiple-family residential developments may be reviewed by the Planning Commission as a conditional use (no fee shall be required). Residential driveways shall be designed at a width which is the minimum necessary to provide adequate access to designated parking spaces.
- (b) Not more than one (1) driveway for each separate street frontage shall be permitted on lots occupied by a one-family or two-family dwelling except

under the following circumstances:

- (i) On lots with at least the minimum width required in the zone, one (1) additional driveway may be permitted providing that the sum of the width of both driveways does not exceed the maximum widths specified in Section 11-32-106(1)(a) above;
 - (ii) For lots having at least fifty (50) feet of width in excess of the minimum required width, one (1) additional driveway, not exceeding sixteen (16) feet in width, may be permitted.
- (c) A maximum of one (1) driveway for each one hundred (100) feet of public street frontage shall be allowed for commercial and industrial uses. Said driveways shall be not more than thirty-six (36) feet in width. Minimum widths of driveways shall be not less than sixteen (16) feet for one-way traffic or twenty-four (24) feet for two-way traffic. Planter strips designed to separate one-way entering and exiting traffic, which are not less than four (4) feet or more than twelve (12) feet in width, shall not be included in computing the total width of driveways and do not constitute a separation of driveways as regulated by Section 11-32-106(2) below.
- (d) Driveways shall not exceed a slope of fourteen percent (14%).
- (e) Driveways shall have direct access to a public street. Subject to satisfaction of the provisions of Section 11-3-045 of the City Zoning Ordinances and the grant of a special exception, direct access may include access over one adjacent building lot in a platted subdivision provided both lots have full frontage on a public street, an access easement has been recorded acceptable to the City, and the full face of any dwelling located on the lot fronts or is fully exposed to the public street.

(2) **Driveway Spacing.**

- (a) Individual driveways or circular driveways on residential lots shall be spaced not less than forty (40) feet apart on the same lot and shall be not less than six (6) feet from side property lines unless otherwise approved by the Zoning Administrator.
- (b) Individual driveways on commercial or industrial developments shall be spaced not less than forty (40) feet apart on the same lot and shall be not less than fifteen (15) feet from side property lines except under the following circumstances:
 - (i) A common driveway serves adjacent land uses;
 - (ii) Driveways cannot meet separation standards due to narrow lot frontage;
 - (iii) Driveways cannot meet separation standards due to location of existing driveways on adjacent lots; or
 - (iv) A professional traffic engineer, after preparing a traffic study, recommends that driveways be located closer to interior lot lines in order to maintain a safe distance from street intersections.

(3) **Distance from Intersections.** No residential driveway shall be located closer than thirty (30) feet to the intersection of two (2) streets. This measurement shall be made from the intersection of the right-of-way lines of such streets. For commercial uses, industrial uses, and apartments with seventeen (17) or more parking spaces, the driveway shall be no closer than forty (40) feet to the intersection of two (2) streets.

11-32-107 Parking Development, Standards, and Maintenance.

(1) **Size.** Each off-street parking space shall be not less than nine (9) feet by eighteen (18) feet except as otherwise provided.

(2) **Accessible Parking.** All public parking areas shall provide spaces complying with standards for quantity and design established in the Federal Americans With Disabilities Act.

(3) **Surfacing.** All public parking areas, private residential parking areas for five (5) or more vehicles, and private industrial parking areas with three (3) or more parking spaces (including driveways and loading spaces) shall be paved with asphalt or concrete, shall have appropriate bumper guards so that cars do not project across sidewalks or property lines, and shall be marked so as to provide the orderly arrangement and movement of vehicles.

(4) **Grading.** All parking areas shall be graded for proper drainage as approved by the City Engineer.

(5) **Curb and Gutter.** All parking areas as described in Section 11-32-107(4) above shall be finished around the perimeter with concrete curb and gutter.

(6) **No Backing onto Public Streets.** All parking areas described in Section 11-32-107(4) above shall be designed so that vehicles would not be required to back out into a public street.

(7) **Screening and Landscaping.** All public and private parking areas except single-family and two-family dwellings shall be effectively screened by solid fencing or landscaping. The screening and landscaping plan shall be approved by the Planning Commission in a Site Plan Review.

(8) **Lighting.** Lighting used to illuminate any off-street parking area shall be designed to direct light away from adjoining property in residential districts.

(9) **Design of Parking Area.** Dimensions of all parking lots shall be in compliance with the minimum standards illustrated by the following table and diagram:

MINIMUM DIMENSIONS IN PARKING LOT DESIGN

	W Stall Width	C Curb Length	D Stall Depth	A Aisle Width	B Bay Width
90° Parking	9'	9'	18'	24'	60'
60° Parking	9'	10.4'	16'	23'	55'
45° Parking	9'	12.7'	13'	22'	48'

Chapter 32 Amended, 6/15/94, Ord. 94-26
11-32-106(1)(a)& 11-32-106(2)(a) Amended 4/6/05, Ord. 2005-11.
11-32-106 (1) (d) & (e) - Ordinance 2005-51, 10/19/05

CHAPTER 33

EXCAVATIONS

- 11-33-101 Purpose.**
- 11-33-102 Zoning Administrator to Enforce.**
- 11-33-103 Power and Duties of Zoning Administrator.**
- 11-33-104 Permit Required.**
- 11-33-105 Penalties.**
- 11-33-106 Definition of Excavation.**
- 11-33-107 General and Yard Requirements.**
- 11-33-108 Operational Requirements.**
- 11-33-109 Rehabilitation Requirements.**
- 11-33-110 Exceptions.**
- 11-33-111 Application to Existing Operations.**

11-33-101 Purpose.

It is the purpose and object of this Ordinance to establish reasonable and uniform limitations, safeguards and controls on excavation within the incorporated areas of Farmington City, and to insure that excavation operations shall be rehabilitated to a condition of practical usefulness and reasonable physical attractiveness. These provisions are deemed necessary in the public interest to effect practices which will provide protection of the tax base (provide for the economic use of the vital materials necessary for our economy and give due consideration to the present and future use of land) in the interest of promoting the public health, safety and general welfare.

11-33-102 Zoning Administrator to Enforce.

The Zoning Administrator appointed by Farmington City Council is hereby designated and authorized as the officer charged with the enforcement of this Ordinance. He may delegate this authority in specific instances at his discretion to any authorized employee in his department.

11-33-103 Power and Duties of Zoning Administrator.

It shall be the duty of the Zoning Administrator to inspect or cause to be inspected at regular intervals, as often as necessary, all excavations. Where it is determined by the Zoning Administrator that excavation is proceeding not in compliance with the provisions of this Ordinance, he shall enforce the provisions of this Ordinance, and in performance of this duty may enter actions in the courts, where necessary, and his failure to do so shall not legalize any violations of such provisions.

11-33-104 Permit Required.

No excavation, as defined in this Ordinance, shall be commenced or proceeded with except after the issuance of a written permit for the same by the Zoning Administrator. No permit shall be issued unless it bears thereon the approval of the Zoning Administrator.

11-33-105 Penalties.

Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and punished by imprisonment in the County jail for a period not exceeding six (6) months or by a fine in any sum less than two hundred ninety-nine dollars (\$299), or both, provided that a corporation violating a provision or provisions of this Ordinance shall be punished by a fine not exceeding one thousand dollars (\$1,000). Each day the violation is permitted to exist shall constitute a separate offense.

11-33-106 Definition of Excavation.

For the purpose of this Ordinance, excavation shall mean the removal of clay, soil, granite, flagstone, slate, shale, limestone, sandstone, sand and gravel and minerals from the earth by excavating, stripping, leveling or any other process, together with all other types of mining operations where material is removed from the earth. The provisions of this Ordinance shall not apply to the removal of sod or topsoil, providing the operation be not closer than ten feet to any property line or to a depth in excess of eighteen (18) inches or so to adversely affect the drainage of the area; and to provide further, this Ordinance shall not apply to ditching and land leveling for agricultural purposes.

11-33-107 General and Yard Requirements.

(1) No accessory access road, parking area, or office building shall be permitted closer than two hundred (200) feet on any occupied residential building or within fifty (50) feet of a public highway right-of-way. No part of any excavating operation, or crushing, screening, washing, mixing or other type of processing operation shall be permitted closer than fifty (50) feet to a public highway right-of-way or one thousand (1,000) feet to any occupied residential or commercial building. The Farmington City Council may reduce this requirement to not less than five hundred (500) feet provided each party having interest in any occupied residential or commercial building so affected shall sign a waiver in favor of the applicant as being unopposed to the location of such use.

(2) Relating to existing operations, the Farmington City Council, consistent with the intent of these regulations, and where the character of terrain, of ownership of land, or surrounding development, or where other special conditions would justify such modifications, may permit a reduction in the required yard as stipulated above so as not to impose unreasonable requirements, however, in no case shall the required distance for any excavation or accessory structure be less than fifty (50) feet from a residential occupancy.

11-33-108 Operational Requirements.

All excavation operations conducted or carried on are subject to the following limitations, restrictions and controls:

(1) Dust, Noise, Vibration, Smoke, Light, and Odor - All equipment and machinery used on the site of an excavation operation shall be constructed, maintained and operated in such a manner as to reduce dust, smoke, noise, vibration, welding lights and odor to a minimum as determined by the Zoning Administrator. Access and haulage roads on the site shall be maintained in a dust free condition by surfacing or other treatment.

(2) Fencing and Barriers - Fencing or other suitable barriers shall be created and maintained on the excavation site or on portions of the site where such fencing is practicable and necessary because of dangerous conditions created by the excavation.

(3) Related Manufacturing Operations - The manufacturing or the production of ready-mixed concrete, the production of asphalt mixes and any similar production or manufacturing processes which might be related to the excavation operation shall be permitted except as otherwise provided in this Ordinance.

(4) Washing - The washing of sand and gravel shall be done so as to prevent the discharge of waste water directly into adjacent natural water courses or on to any public or private roads or any private property without the consent of the owner.

(5) Hours of Operations - Operations shall not begin before 6:00 a.m. and shall not continue after 6:00 p.m. and no operation shall take place on Sunday or legal holidays. During periods of unusual emergency, time and hours of operation may be altered by the Zoning Administrator.

(6) Excavation and Backfilling:

- (a) Where backfilling is required, the excavation shall be graded or backfilled with non-noxious, non-flammable, non-combustible solids. The materials used or the method of fill shall not be such as to create a health hazard nor which would be objectional because of odor or unsightliness.
- (b) The graded or backfilled area shall not collect and permit stagnant water to remain thereon.
- (c) The peaks and depressions of the excavation area shall be reduced to a surface which will result in level or gently sloping topography in substantial conformity to the land area immediately surrounding and which will minimize erosion due to rainfall.
- (d) In any rehabilitation procedure which takes place in sand and gravel pits or on other sites where the materials are loose or of friable nature, no slope shall be left which is steeper than a ratio of two (2) horizontal to one (1) vertical. In no case shall any slope exceed the normal angle of repose of the material involved.

(7) Time Limitation - Within one (1) year after the cessation of the operation, all temporary structures (except fences) equipment, rock piles, rubble heaps and other debris shall be removed or backfilled into the excavation so as to leave the premises in a neat and orderly condition.

(8) Drainage - The finished slopes shall be graded to direct the drainage water to acceptable drainage channels, or into drainage system to be provided by the contractor and approved by the City Engineer.

(9) Road Restoration - All haulage roads used to move material to and from the excavation site through Farmington City shall be restored to an equal or better condition as soon as possible after completion of the haulage contract, however, all road restoration work must be completed within ninety (90) days.

11-33-109 Rehabilitation Requirements.

In order to insure that the area of excavation operation and the haulage roads shall be rehabilitated, the owner or operator shall, prior to the commencement of excavation, submit to the City Planner a plan of such rehabilitation in the form of the following:

(1) A description of all phases of the contemplated operation and the specific mention of type of machinery and equipment which will be or might be necessary to carry on the operation. Where the operation is to include the washing of sand and gravel, the estimated daily quantity of water required, its source and disposition shall be made a part of this description.

(2) A legal description of the proposed site with map showing its location with indications of private access roads, existing or proposed, and of public highways adjacent to the site which will be affected by the operation.

(3) A topographic map of the area at a minimum contour interval of five (5) feet extending beyond a site to the nearest public street or highway or to a minimum distance of three hundred (300) feet on all sides.

(4) A physical rehabilitation plan showing the proposed contours after rehabilitation and other special features of rehabilitation and the method by which such rehabilitation is to be accomplished. The rehabilitation plan will include, but not be limited to:

- (a) A drainage plan showing main drainage channels and flow pattern to handle the maximum rainfall of the previous ten (10) years;
- (b) A definition of roads to be used for haulage and a description of the condition to which those roads will be restored after completion of the haulage contract;
- (c) The type of cover to be planted as part of the restoration project;
- (d) The method of stabilizing soft slopes to prevent erosion until the covering plants are established;
- (e) The plan for supplying water to the covering plants to insure germination and early growth.

(5) A bond shall be provided equal to the estimated cost of rehabilitation as defined in Section 11-33-109. This estimate will be made by the City Engineer. This bond shall be written by a licensed surety company in the State of Utah, or a bank cashier's check will be made payable to Farmington City Corporation. In the event of applicant failure to fulfill the agreement such bond or bonds, check or checks, shall be subject to forfeiture as follows:

- (a) In the event of failure, applicant shall be given ten (10) days' notice of forfeiture hearing.
- (b) In the event applicant at such hearing is not able to show cause why the forfeiture should not occur, the bonding company or principal shall pay Farmington City Corporation the amount of the bond, or the check shall be forfeited or in either event such lesser amount as necessary to complete said rehabilitation.

(6) Rehabilitation shall proceed as soon as practicable after termination of the excavation operation. In all cases, rehabilitation must start within six (6) months and be

completed within two (2) years after cessation of operations. However, the owner or operator may, at his option, submit a plan for progressive rehabilitation as the excavation operation is carried on. The required bond in such case may cover progressive states of the rehabilitation for periods of not less than two (2) years.

(7) At any stage during the rehabilitation, the plan may be modified by submission and approval of any amended rehabilitation plan as required in the original application.

(8) The rehabilitation plan and all data and information pertaining thereto shall be referred to the Planning Commission by the City Planner within fifteen (15) days after receipt thereof for report and recommendation. The Planning Commission will have thirty (30) days in which to respond. If approved, the Planning Commission shall express its written approval with whatever conditions are attached, by returning one (1) copy of the rehabilitation plan signed by the Planning Commission Chairman to be delivered to the owner or operator. If the plan is disapproved, the Planning Commission shall indicate its disapproval in writing and reasons therefore by a similarly signed copy.

11-33-110 Exceptions.

In cases where unusual topographical or other exceptional conditions exist, variations and exceptions from this Ordinance may be made by the Farmington City Council. Prior to final decision on any variation or exception, the question shall first be referred to the Planning Commission for its recommendations or suggestions. But the final decision will be made by the Farmington City Council.

11-33-111 Application to Existing Operations.

Within ninety (90) days after adoption of this Ordinance, existing operations shall comply with the provisions set forth in Sections 11-33-107 and 11-33-108 of this Chapter, and within one (1) year after adoption of this Ordinance existing operations shall comply with the provisions set forth in Section 11-33-109. However, in no case shall requirements be imposed which are economically or engineeringly unreasonable in respect to conditions resulting from operations prior to enactment of this Ordinance.

CHAPTER 34

SEXUALLY-ORIENTED BUSINESSES

- 11-34-010 Purpose.**
- 11-34-020 Location of Businesses-Restrictions.**
- 11-34-030 Effect on Non-Conforming Businesses.**
- 11-34-040 Signs.**
- 11-34-050 Definitions.**

11-34-010 Purpose.

The purpose and objective of this Chapter is to establish reasonable and uniform regulations to prevent the concentration of sexually-oriented businesses or their location in areas deleterious to the City, regulate the signage of such businesses, control the adverse affects of such signage, and prevent inappropriate exposure of such businesses to the community. This Chapter is to be construed as a regulation of time, place, and manner of the operation of these businesses, consistent with the United States and Utah Constitutions.

11-34-020 Location of Businesses-Restrictions.

- (1) Outcall services shall only be allowed in areas zoned Manufacturing M-1.
- (2) Sexually-oriented businesses, except outcall services, shall only be allowed as a conditional use in areas zoned Manufacturing M-1 subject to the following additional restrictions:
 - (a) No sexually-oriented business shall be located:
 - (i) within one thousand (1,000) feet of any school, public park, library, or religious institution;
 - (ii) within one hundred (100) feet of any residential use located within the M-1 zone, or within four hundred (400) feet of any residential use outside the M-1 zone or residential zoning boundary; or
 - (iii) within four hundred (400) feet of any other sexually-oriented business, except outcall services.
 - (3) Distance requirements between structures and uses specified in this Section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the property boundaries of the school, public park, religious or cultural activity, residential use, or other sexually-oriented business, or from the right-of-way line of a gateway to the structure of the sexually-oriented business.
 - (4) Distance requirements from zoning districts for this Section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the closest zoning boundary of a residential or agricultural district to the sexually-oriented business

structure.

11-34-030 Effect on Non-Conforming Businesses.

All existing legal, non-conforming sexually-oriented businesses, as of the effective date of the ordinance codified in this Chapter, or any amendment hereto, shall comply with the provisions of this Chapter within nine (9) months from the date this ordinance is enacted.

11-34-040 Signs.

Notwithstanding anything contrary to the Farmington City Sign Regulations or other applicable City Ordinances, the more restrictive requirements for signs shall prevail. Signs for sexually-oriented businesses shall be limited as follows:

- (1) No more than one (1) exterior sign shall be allowed.
- (2) No sign shall be allowed to exceed eighteen (18) square feet.
- (3) No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.
- (4) No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only.
- (5) Only flat wall signs and/or awning signs shall be permitted.
- (6) Painted wall advertising shall not be allowed.
- (7) Other than the signs specifically allowed by this Chapter, the sexually-oriented business shall not attach, construct, or allow to be attached or constructed any temporary sign, banner, light, or other device designed to draw attention to the business location.

11-34-050 Definitions.

Terms involving sexually-oriented businesses which are not defined in this Title shall have the meanings set forth in Chapter 4 of the Businesses Regulations regarding Sexually-Oriented Businesses.

CHAPTER 35

HOME OCCUPATION

- 11-35-101 Purpose.**
- 11-35-102 License Required.**
- 11-35-103 Conditions.**
- 11-35-104 Conditional Uses.**
- 11-35-105 Exemptions.**
- 11-35-106 Revocation.**
- 11-35-107 Appeal.**

11-35-101 Purpose.

(1) It is the purpose of this Chapter to establish guidelines, conditions, and requirements for limited non-agricultural business activities in residential and agricultural zones. For the purpose of this Chapter, "home occupation" is defined as an occupation or profession in which the associated activity or use is clearly incidental and secondary to the residential use of a dwelling unit, there is no alteration to the exterior of the dwelling unit to accommodate the occupation or profession, and such occupation or profession does not adversely affect the residential character of the surrounding neighborhood. A home occupation should be conducted in such a way that neighbors or passers-by would not, under normal circumstances, be aware of its existence.

(2) It is recognized that home occupation may be desirable to reduce "start up" costs for small businesses and to provide gainful employment within the community. However, if a home occupation grows to the point, or is conducted in such a manner, that the conditions of this Chapter are not met, the home occupation shall cease and any continuing business shall be moved to an appropriate location in a commercial zone.

11-35-102 License Required.

It shall be unlawful for any person or entity to engage in a home occupation in any agricultural or residential zone without first obtaining a home occupation business license to do so from the City Recorder. The procedure to be followed and applicable fees for a home occupation business license are set forth in the Business Licensing Regulations, Title 4, Farmington City Code.

11-35-103 Conditions.

Each home occupation shall comply with all of the following conditions:

(1) Only family members related by blood, marriage, or adoption who are bona fide residents of the dwelling unit shall be employed on said premises except that one (1) additional person may be employed as a secretary, computer operator, apprentice, or helper where there are no more than five (5) family members actively engaged in the home occupation.

(2) No exterior architectural or structural modifications shall be made to any dwelling unit to accommodate a commercial use in the dwelling.

(3) Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers, or causes fluctuations in line voltage outside the dwelling units, or uses which create noise, smell, sound, light, or vibration not normally associated with residential use, shall be prohibited.

(4) There shall be no display or sale of goods, wares, or merchandise upon said premises other than those produced upon the premises. Where the home occupation involves the sale of products, such products shall generally be delivered directly to the customer.

(5) One sign advertising the business may be permitted but shall be limited to one (1) square foot in area and shall be attached to the front face of the building or may be displayed in a window.

(6) The home occupation shall not generate substantially greater vehicular traffic than commonly associated with residential activities in the neighborhood in which it is located.

(7) The home occupation shall not create a hazard by using flammable materials, explosives or other dangerous or hazardous materials, or by keeping, raising or storing animals which are capable of inflicting harm or discomfort or endangering the health and safety of any person.

(8) The home occupation shall not create a demand for municipal services or community facilities in excess of those usually and customarily provided for residential uses.

(9) Not more than twenty-five percent (25%) of the floor area of a dwelling may be devoted to a home occupation, and/or storage of materials, equipment, or stock in trade associated with the occupation, except as provided in Section 11-35-104 below .

(10) The home occupation shall be conducted entirely within the dwelling and shall be clearly incidental, secondary and compatible to the residential use of the dwelling. The home occupation shall not occupy or use any accessory building, yard space, or activity outside the main building, or an attached garage to the extent that vehicle parking is displaced, unless approved by the Planning Commission as provided in Section 11-35-104 below.

(11) A foster home, child day care center, or preschool shall not have more than eight (8) children at one time except as provided in Section 11-35-104 below.

(12) Music, dancing teachers, or tutors shall be limited to not more than six (6) pupils at one time except as provided in Section 11-35-104 below.

(13) The size of vehicles used in conjunction with a home occupation shall not exceed one (1) ton rated capacity. Off-street parking, in compliance with the provisions of this Title, shall be provided for all business and private vehicles associated with a residential property.

(14) There shall be complete conformity with all City and State codes, including business license regulations. Depending on the type of business, periodic inspections may be made as required by these codes or as deemed necessary or desirable by the City.

(15) The following uses, among others, shall not be allowed as home occupations:

- (a) Barber shops and beauty salons except for a barber or beautician who has no assistants and sells no products except their skilled services;
- (b) Kennels or animal hospitals;
- (c) Commercial stables;
- (d) Real estate offices;
- (e) Restaurants;
- (f) Sale or repair of firearms;
- (g) Repair shops or service establishments, except for the repair of electrical appliances, typewriters, televisions, cameras, or other similar small items.

11-35-104 Conditional Uses.

(1) The following home occupations may be allowed only upon approval of a conditional use application by the Planning Commission and issuance of a Conditional Use Permit:

- (a) Uses in which over eight (8) but not more than sixteen (16) individuals (including any natural, adopted, or foster members of the operator's household) are cared for or receive instruction in the home at any one time. Such uses may include dance instruction, aerobics classes, music lessons, preschools, child day care, crafts classes, and other similar uses. For all such uses, the Farmington City Building Official shall inspect the facilities to ensure compliance with the requirements of the Uniform Building Codes.

Preschool and child day care uses shall submit documentation within thirty (30) days of approval that all Utah State Department of Social Services requirements have been met. The entire yard, or minimum outside area required by the State Social Services, shall be fenced;

- (b) Uses where the applicant proposes to use more than twenty-five (25%) of the dwelling in connection with the business;
- (c) Any use where outside storage, use of an accessory building, or exclusive use of an attached garage is anticipated or requested in conjunction with the home occupation;

(2) In evaluating a home occupation conditional use, the Planning Commission shall apply the review standards contained in Chapter 8 of this Title and, if applicable, site development standards contained in Chapter 7.

11-35-105 Exemptions.

- (1) The following uses are exempt from the provisions of this Chapter:

- (a) Sale of goods or services by City residents age 18 or under;
- (a) Temporary home occupations such as garage sales, yard sales, or craft boutiques that occur not more than four (4) times a year with each event lasting not more than seventy-two (72) hours;
- (b) Promotional meetings for the purpose of taking orders for merchandise, by invitation only, which occur not more than once each month;
- (c) Community/neighborhood fund raisers which are sponsored and/or approved by the City;
- (e) Other exemptions as specifically approved in writing by the City Council.

11-35-106 Revocation.

Violation of, or failure to comply with, the requirements of this Chapter may result in revocation by the Farmington City Council of the home occupation business license. Any activity presenting an immediate threat to the health, safety and welfare of the neighboring residents may be ordered terminated immediately by the Mayor under the powers given him to act in an emergency.

11-35-107 Appeal.

Any person or entity denied a home occupation business license shall have the right to appeal such denial to the City Council if a written request for an appeal is made to the City within thirty (30) days of the denial.

Chapter 35 Amended, 12/8/93, Ord. 93-44
 11-35-104(1)(a) Amended, 12/6/95, Ord. 95-49
 11-35-103(11) and 11-35-104(1)(a) Amended, 9/4/02, Ord. 2002-36

CHAPTER 36

TRAILER AND CAMPGROUND AREAS

- 11-36-101 **Effect of Chapter.**
- 11-36-102 **Definitions.**
- 11-36-103 **Permits.**
- 11-36-104 **Licenses.**
- 11-36-105 **Inspection of Travel Trailer Parking Areas.**
- 11-36-106 **Notices, Hearing and Orders.**
- 11-36-107 **Adoption of Regulations by the Health Authority.**
- 11-36-108 **Environmental, Open Space and Access Requirements.**
- 11-36-109 **Water Supply.**
- 11-36-110 **Sewage Disposal.**
- 11-36-111 **Electrical Distribution System.**
- 11-36-112 **Service Buildings and Other Service Facilities.**
- 11-36-113 **Refuse Handling.**
- 11-36-114 **Insect and Rodent Control.**
- 11-36-115 **Fuel Supply and Storage.**
- 11-36-116 **Fire Protection.**
- 11-36-117 **Miscellaneous Requirements.**
- 11-36-118 **Penalties.**
- 11-36-119 **Conflict of Ordinances; Effect of Partial Invalidity.**

11-36-101 **Effect of Chapter.**

This Chapter is maintained in recognition of the existence of an area presently committed to this type of development. It is the intent of the City that this type of developed be limited to the area currently zoned C-H. To this end, no additional districts of C-H shall be created. The regulations herein set forth shall apply and govern in the C-H zone.

11-36-102 **Definitions.**

(1) **Health Authority** means the legally designated health authority or the authorized representative of Farmington City.

(2) **License** means a written license issued by Farmington City allowing a person to operate and maintain a travel trailer and campground parking area under the provisions of this Chapter and regulations issued hereunder.

(3) **Permit** means a written permit issued by Farmington City permitting the construction, alteration and extension of a travel trailer and campground area under the provision of this Chapter and regulations issued hereunder.

(4) **Person** means any individual, firm, trust, partnership, public or private association or corporation.

(5) **Sanitary Station** means a facility used for removing and disposing of wastes from trailer holding tanks.

- (6) **Service Building** means a structure housing toilet, lavatory, and other such facilities as may be required by this Ordinance.
- (7) **Service Sink** means a slop sink with a flushing rim for the disposal of liquid wastes from trailers.
- (8) **Sewer Connection** means the connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the trailer to the inlet of the corresponding sewer riser pipe of the sewerage system serving the travel trailer and campground parking area.
- (9) **Sewer Riser Pipe** means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each trailer space.
- (10) **Trailer** means any of the following:
- (a) **Travel Trailer** means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer and, when factory equipped for the road, it shall have a body width not exceeding eight (8) feet, and a body length not exceeding thirty-two (32) feet.
 - (b) **Pick-Up Coach** means a structure designed to be mounted on a truck chassis for use a temporary dwelling for travel, recreation and vacation.
 - (c) **Motor Home** means a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
 - (d) **Camping Trailer** means a canvas, folding structure, mounted on wheels and designed for travel, recreation and vacation use.
- (11) **Dependent Trailer** means a trailer which is dependent upon a service building for toilet and lavatory facilities.
- (12) **Self-Contained Trailer** means a trailer which can operate independent of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.
- (13) **Travel Trailer Parking Area** means a parcel of land in which two or more spaces are occupied or intended for occupancy by trailers for transient dwelling purposes.
- (14) **Trailer Space** means a parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.
- (15) **Trailer Stand** means part of an individual trailer space which has been reserved for the placement of a single trailer and its accessory structures.
- (16) **Water Connection** means the connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the trailer.

(17) **Water Riser Pipe** means that portion of the water supply system serving the travel trailer parking area which extends vertically to the ground elevation and terminates at a designated point at each trailer space.

(18) **Watering Station** means a facility for supplying water storage tanks of trailers with potable water.

11-36-103 Permits.

(1) **Permit Required** - It shall be unlawful for any person to construct, alter or extend any travel trailer or campground parking area within the limits of Farmington City unless he holds a valid permit issued by Farmington City in the name of such person for the specific construction, alteration or extension proposed.

(2) **Application** - All applications for permits shall be made to the Farmington City Planning Commission and shall contain the following:

- (a) Name and address of applicant;
- (b) Interest of the applicant in the travel trailer parking area;
- (c) Location and legal description of the travel trailer parking area;
- (d) Complete engineering plans and specifications of the parking area showing the area and dimensions of the tract of land; the number, location, and size of all trailer spaces; the location and width of roadways and walkways; the location of service buildings, sanitary stations, and any other proposed structures; the location of water and sewer lines and riser pipes; plans and specifications of the water supply and refuse and sewage disposal facilities; plans and specifications of all buildings constructed or to be constructed within the travel trailer parking area; and the location and details of lighting and electrical systems.

(3) **Fees** - All applications shall be accompanied by the deposit of a fee of one hundred dollars (\$100) or one dollar (\$1) per proposed space, whichever is greater.

(4) **Planning Commission Review** - When, upon review of the application, the Farmington City Planning Commission is satisfied that the proposed plan meets the requirements of this ordinance and regulations issued hereunder, a permit shall be issued.

(5) **Appeal** - Any person whose application for a permit under this Ordinance has been denied may request and shall be granted a hearing on the matter before the Farmington City Council under the procedure provided by Section 5 of this Ordinance.

11-36-104 Licenses.

(1) **License Required** - It shall be unlawful for any person to operate any travel trailer parking area within the limits of Farmington City, Utah, unless he holds a valid license issued annually by Farmington City in the name of such a person for the specific travel trailer parking area. All applications for licenses shall be reviewed by the health authority who shall approve a license upon compliance by the applicant with provisions of this Ordinance and regulations issued hereunder and of other applicable legal requirements.

(2) Notice of Sale Required - Every person holding a license shall give notice in writing to the Farmington City Council within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of interest in or control of any travel trailer parking area. Such notice shall include the name and address of the person succeeding to the ownership or control of such travel trailer parking area. Upon application in writing for transfer of the license and deposit of a fee of twenty dollars (\$20), the license shall be transferred if the parking area is in compliance with all applicable provisions of this Ordinance and regulations issued hereunder.

(3) Application - Application for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of a fee of twenty dollars (\$20) plus one dollar (\$1) for each trailer parking space, and shall contain: the name and address of the applicant; the location and legal description of the travel trailer parking area; and a site plan of the travel trailer parking area showing all trailer spaces, structures, roads, walkways, sanitary stations, and other service facilities.

(4) Applications for renewals of licenses shall be made in writing by the holders of the licenses, shall be accompanied by the deposit of a fee of twenty dollars (\$20) plus one dollar (\$1) for each trailer parking space, and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.

(5) Appeal - Any person whose application for a license under this Ordinance has been denied may request and shall be granted a hearing on the matter before the Farmington City Council under the procedure provided by Section 5 of this Ordinance.

(6) Violation of this Chapter - Whenever, upon inspection of any travel trailer parking area, the health authority finds that conditions or practices exist which are in violation of any provision of this Ordinance or regulations issued hereunder, the health authority shall give notice in writing to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the health authority, the license will be suspended. At the end of such period, the health authority shall reinspect such travel trailer parking area and, if such conditions or practices have not been corrected, he shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of suspension, such person shall cease operation of such travel trailer parking area except as provided in Section 11-36-105.

(7) Any person whose license has been suspended, or who has received notice from the health authority that his license will be suspended unless certain conditions or practices at the travel trailer parking area are corrected, may request and shall be granted a hearing on the matter before the health authority, under the procedure provided by 11-36-106 of this Ordinance; provided that when no petition for such hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such license shall be deemed to have been automatically revoked at the expiration of such ten (10) day period.

11-36-105 Inspection of Travel Trailer Parking Areas.

(1) The health authority is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance and regulations issued hereunder.

(2) The health authority shall have the power to enter at reasonable time upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance and regulations issued hereunder.

(3) The health authority shall have the power to inspect the register containing a record of all travel trailers and occupants using the travel trailer parking area.

(4) It shall be the duty of the owners or occupants of travel trailer parking areas, and trailer contained therein, or of the person in charge thereof, to give the health authority free access to such premises at reasonable times for the purpose of inspection.

(5) It shall be the duty of every occupant of a travel trailer parking area to give the owner thereof or his agent or employees access to any part of such travel trailer parking area or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Ordinance and regulations issued hereunder, or with any lawful order issued pursuant to the provisions of this Ordinance.

11-36-106 Notices, Hearing and Orders.

(1) Whenever the health authority determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or regulations issued hereunder, the health authority shall give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall:

- (a) Be in writing;
- (b) Include a statement of the reasons for its issues;
- (c) Allow a reasonable time for the performance of any act it requires;
- (d) Be served upon the owner or his agent as the case may require, provided that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address, or when he has been served with such notice by any other method authorized or required by the laws of this State;
- (e) Contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this Ordinance and regulations issued hereunder.

(2) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance, or regulation issued hereunder, may request and shall be granted a hearing on the matter before the Farmington City Council. Provided, that such person shall file in the office of the health authority a written petition requesting such hearing and setting forth a brief statement of the grounds therefore with ten (10) days after the day the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension except in the case of an order issued under Section 11-36-106. Upon receipt of such petition, the health authority shall set a time and place for such hearing, and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard, and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed, provided, that upon application of the petitioner, the health authority may postpone the date of the hearing for a reasonable time beyond such ten (10) day period when in his judgment the petitioner has submitted good and sufficient reasons for such postponement.

(3) After such hearing, the Farmington City Council shall make findings as to compliance with the provisions of this ordinance and regulations issued hereunder and shall issue an order in writing sustaining, modifying or withdrawing the notice which shall be served as provided in Section 11-36-106. Upon failure to comply with any order sustaining or modifying a notice, the permit or license of the travel trailer parking area affected by the order shall be revoked.

(4) The proceedings at such a hearing, including the findings and decision of the health authority, and together with a copy of every notice and order related thereto shall be entered as a matter of public record in the office of the Farmington City Council but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this section. Any person aggrieved by the decision of the Farmington City Council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.

(5) Whenever the health authority finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Farmington City Council shall be afforded a hearing as soon as possible. The provision of Section 11-36-105 shall be applicable to such hearing and the order issued thereafter.

11-36-107 Adoption of Regulations by the Health Authority.

The health authority is hereby authorized to make, and, after public hearing, to adopt such written regulations as may be necessary for the proper enforcement of the provisions of this Ordinance. Such regulations shall have the same force and effect as the provisions of this Ordinance, and the penalty for violation of the provisions thereof shall be the same as the penalty for violation of the provisions of this Ordinance, as hereinafter provided.

11-36-108 Environmental, Open Space and Access Requirements.

(1) General Requirements - Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

(2) Soil and Ground Cover Requirements - Exposed ground surfaces in all parts of every parking area shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust. Shade trees shall also be required.

(3) Required Separation Between Trailers - Trailers shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings, carports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the trailer.

(4) Density Requirement - The density shall not exceed twenty-five (25) trailer spaces per acre of gross site area except that the health authority may, under special circumstances,

permit a higher density provided all other environmental, open space, and access requirements of this Ordinance and regulations issued hereunder are adhered to. Any person desiring a higher density shall make application for such exemption to the health authority, specifying the reasons therefore. If a higher density is permitted, the health authority shall issue a special license specifying the location of the parking area, the expiration date of the license, and the conditions of issuance.

(5) Required Recreation Area - In all travel trailer parking areas there shall be at least one (1) recreation area which shall be easily accessible from all trailer spaces. The size of such recreation area shall be not less than eight percent of the gross site area or two thousand five hundred (2,500) square feet, whichever is greater.

(6) Required Setbacks from Public Streets - All trailers shall be located at least twenty-five (25) feet from any parking area boundary line abutting upon a public street or highway.

(7) Park Street System:

- (a) General Requirements - All parking areas shall be provide with safe and convenient vehicular access from abutting public streets or roads to each trailer space. Alignment and gradient shall be properly adapted to topography. Surfacing and maintenance shall provide a smooth, hard and dense surface which shall be well drained.
- (b) Access - Access to travel trailer parking areas shall be designed to minimize congestion and hazards at their entrance or exit and allow free movement of traffic on adjacent streets. All traffic into or out of the parking areas shall be through such entrances and exits.
- (c) Internal Streets - Surfaced roadways shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following requirements:
 - (i) One-way, no parking, eleven (11) feet, (acceptable only if less than five hundred (500) feet total length and serving less than twenty-five (25) trailer spaces);
 - (ii) One-way, parking on one side only, or two-way, no parking, eighteen (18) feet, (acceptable only if serving less than fifty (50) trailer spaces);
 - (iii) Two-way, no parking, twenty-four (24) feet;
 - (iv) Two-way, parking on one (1) side only, twenty-seven (27) feet;
 - (v) Two-way, parking of both sides, thirty-four (34) feet.
- (d) Off-Street Parking and Maneuvering Space - Each travel trailer parking area shall provide sufficient parking and maneuvering space so that the parking, loading or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, sidewalk or right-of-way or any private grounds not part of the travel trailer parking area.

11-36-109 Water Supply.

(1) General Requirements - An accessible, adequate, safe, and potable supply of water shall be provided in each travel trailer parking area. Connection shall be made to the Farmington City culinary water system and its supply used exclusively.

(2) Water Distribution System - The water supply system of the travel trailer parking area shall be connected by pipes to all buildings and other facilities requiring water. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by Farmington City. The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage. The system shall be so designed and maintained as to provide a pressure of not less than thirty (30) pounds per square inch, under normal operating conditions, at service buildings and other locations requiring potable water supply. All water system installations shall be in conformance to the Farmington City Subdivision Standards, Section 3.1.

(3) Watering Stations - Each travel trailer parking area shall be provided with one or more easily accessible water supply outlets for filling trailer water storage tanks. Such water supply outlets shall consist of at least a water hydrant and the necessary appurtenances and shall be protected against the hazards of backflow and back siphonage.

(4) Individual Water Connections - If facilities for individual water service connections are provided, the following requirements shall apply:

- (a) Riser pipes provided for individual water service connections shall be so located and constructed that they will not be damaged by the parking of travel trailers.
- (b) Water riser pipes shall extend at least four (4) inches above ground elevation. The pipe size shall be three-quarter (3/4) inch.
- (c) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes.
- (d) Underground stop and waste valves shall not be installed on any water service.
- (e) Valves shall be provided near the outlet of each water service connection. They shall be turned off and the outlets capped or plugged when not in use.

11-36-110 Sewage Disposal.

(1) General Requirements - The sewerage system shall be connected to the facilities of the Central Davis Sewer Improvement District. It shall be in conformance to the Farmington City Subdivision Standards, Section 3.1.

(2) Sanitary Stations:

- (a) A sanitary station shall be provided consisting of at least: a trapped four (4) inch sewer riser pipe, connected to the travel trailer parking area sewerage system, surrounded at the inlet end by a concrete apron sloped to

the drain, and provided with a suitable hinged cover; and a water outlet, with the necessary appurtenances, connected to the parking area water supply system to permit periodic washdown of the immediate adjacent areas.

- (b) Each travel trailer parking area shall be provided with a sanitary station in the ratio of one (1) for every one hundred twenty-five (125) trailer spaces or fractional part thereof.
- (c) Sanitary stations shall be screened from other activities by visual barriers such as fences, walls or natural growth and shall be separated from any trailer space by a distance of at least fifty (50) feet.

(3) Individual Sewer Connections - If facilities for individual sewer connections are provided, the following requirements shall apply:

- (a) The sewer riser pipe shall have at least a four (4) inch diameter, shall be trapped below the ground surface and shall be so located on the trailer space that the sewer connection to the trailer drain outlet will approximate a vertical position.
- (b) The sewer connection (see definition) shall have a nominal inside diameter of at least three (3) inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. The sewer connection shall consist of one pipe line only without any branch fittings. All joints shall be watertight.
- (c) All materials used for sewer connections shall be corrosive resistant, non-absorbent and durable. The inner surface shall be smooth.
- (d) Provisions shall be made for plugging the sewer riser pipe when a trailer does not occupy the space. Surface drainage shall be diverted away from the riser.

(4) Sink Wastes - No liquid wastes from sinks shall be discharged onto or allowed to accumulate on the ground surface.

11-36-111 Electrical Distribution System.

(1) General Requirements - If an electrical wiring system is provided, it shall consist of approved fixtures, equipment and appurtenances, which shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

(2) Power Distribution Lines - Main power lines shall be all underground. All direct burial conductors or cables shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially approved for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communication lines.

(3) Individual Electrical Connections:

- (a) If individual trailer spaces are connected to the electrical wiring system, an approved type of disconnecting device and overcurrent protective

equipment shall be provided. The service per outlet shall be 120 volts AC, 15 amperes and/or 30 amperes.

- (b) Outlet receptacles at individual trailer spaces shall be located not more than twenty-five (25) feet from the overcurrent protective devices in the trailer and a three wire grounding type shall be used. Receptacles shall be of weather-proof construction and configurations shall be in accordance with American Standard Outlet Receptacle C-73.1.
- (c) The trailer shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and a male attachment plug.

(4) Required Grounding - All exposed non-current carrying metal parts of trailers and all other equipment shall be grounded by means of a grounding conductor run with branch circuit conductors or other method of approved grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for trailers or other equipment.

11-36-112 Service Buildings and Other Service Facilities.

(1) General - The requirements of this section shall apply to service buildings, recreation buildings and other service facilities such as:

- (a) Management offices and storage area;
- (b) Sanitary facilities
- (c) Laundry facilities
- (d) Indoor recreation areas
- (e) Commercial uses supply essential goods or services for the exclusive use of trailer occupants

(2) Service Building - A central service building containing the necessary toilet and other plumbing fixtures specified shall be provided in travel trailer parking areas which provide parking spaces for dependent trailers. Service buildings shall be conveniently located within a radius of approximately three hundred (300) feet to the spaces to be served.

No. of Spaces (*)	Toilets		Urinals	Lavatories		Showers		Other Fixtures (+)
	Men	Women		Men	Women	Men	Women	
1-15	1	1	1	1	1	1	1	One service sink with a flushing rim. (#)
16-30	1	2	1	2	2	1	1	
31-45	2	2	1	3	3	1	1	
46-60	2	3	2	3	3	2	2	
61-80	3	4	2	4	4	2	2	
81-100	3	4	2	4	4	3	3	

- (*) Parking spaces for dependent trailers.
- (+) Additional fixtures including laundry trays, clothes washing machines (one for every 30 sites) and an ice-making machine may be provided.
- (#) A service sink with a flushing rim shall be provided for disposal of liquid wastes unless a sanitary station is conveniently accessible for this purpose.

(3) For parking areas having more than one hundred (100) travel trailer spaces there shall be provided one (1) additional toilet and lavatory for each sex per each additional thirty (30) travel trailer spaces, one (1) additional shower for each sex per each additional forty (40) travel trailer spaces, and one (1) additional men's urinal per each additional one hundred (100) travel trailer spaces.

(4) Where a travel trailer parking area is designed for an exclusively limited to use by self-contained trailers, only the following minimum emergency sanitary facilities shall be required: for each one hundred (100) trailer spaces or fractional part thereof, there shall be one (1) flush toilet and one (1) lavatory for each sex.

(5) When a travel trailer parking area requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required by the schedule for trailer spaces and shall be based on the total number of persons using such facilities.

(6) Any person desiring to furnish temporary facilities for accommodating a travel trailer rally, or other group of trailers assembled for the purpose of traveling together, shall make application for such activity to Farmington City. The requirements for a service building and other sanitary and physical facilities may be waived on the determination that public health will not be endangered; but the location of the site, the facilities which are provided, and the method of conducting such rally shall be acceptable to Farmington City before a special license shall be issued specifying the location of the site, the period of operation not exceed ten (10) days, and conditions of issuance.

(7) Structural Requirements for Buildings - All portions of the structure shall be properly protected from damage by ordinary use and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

- (8) All rooms containing sanitary or laundry facilities shall:
- (a) Have sound-resistant wall extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, non-absorbent, waterproof material or covered with moisture-resistant material.
 - (b) Have at least one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent (10%) of the floor area served by them.
 - (c) Have at least one (1) window which can be easily opened or a mechanical device which will adequately ventilate the room.

- (d) Toilets shall be located in separate compartments equipped with self-closing doors. The shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
- (e) Illumination levels shall be maintained as follows:
 - (i) general seeing tasks, five (5) footcandles
 - (ii) laundry room work area, forty (40) footcandles
 - (iii) toilet room, in front of mirrors, forty (40) footcandles
- (f) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture and cold water shall be furnished to every water closet and urinal.

(9) Barbecue Pits, Fireplaces, Stoves and Incinerators - Cooking shelters, barbecue pits, fireplaces, woodburning stoves, and incinerators shall be so located, constructed, maintained and used as to minimize fire hazard and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

11-36-113 Refuse Handling.

(1) The storage, collection and disposal of refuse in the travel trailer parking area shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

(2) All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be located not more than one hundred fifty (150) feet from any trailer space. Containers shall be provided in sufficient number and capacity to properly store all refuse.

(3) Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and facilitate cleaning around them.

(4) All refuse containing garbage shall be collected at least twice weekly. Where suitable collection service is not available from municipal or private agencies, the owner or operator of the travel trailer parking area shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

(5) Where municipal or private disposal service is not available, the owner or operator of the travel trailer parking area shall dispose of the refuse by incineration or transportation to a disposal site approved by the health authority.

(6) Refuse incinerators shall be constructed in accordance with engineering plans and specifications which shall be reviewed and approved by the Utah State or other authority having jurisdiction.

(7) Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the travel trailer parking area.

11-36-114 Insect and Rodent Control.

(1) Ground, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the health authority.

(2) Parking areas shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

(3) Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one (1) foot above the ground.

(4) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

(5) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parking areas shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

11-36-115 Fuel Supply and Storage.

(1) Liquified Petroleum Gas - Liquified petroleum gas containers installed on a trailer space shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than twelve (12) nor more than sixty (60) U.S. gallons gross capacity. No liquified petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, trailer, or any other structure, unless such installations are approved by the health authority.

(2) Fuel Oil Storage - All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any trailer or less than five (5) feet from any trailer exit. Storage tanks located in areas subject to traffic shall be protected against physical damage.

11-36-116 Fire Protection.

(1) The travel trailer parking area shall be subject to the rules and regulations of the Farmington City fire prevention authority.

(2) Travel trailer parking areas shall be kept free of litter, rubbish and other flammable materials.

(3) Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in service buildings and at all locations designated by such fire prevention authority, and shall be maintained in good operating condition.

(4) Fires shall be made only in stoves, incinerators and other equipment intended for such purposes.

(5) Fire hydrants shall be placed at intervals of five hundred (500) feet.

11-36-117 Miscellaneous Requirements.

(1) Supervision - The person to whom a license is issued shall at all times operate the travel trailer parking area in compliance with this ordinance and shall provide adequate supervision to maintain the travel trailer parking area, its facilities, and equipment in good repair and in a clean and sanitary condition at all times.

(2) Trailer spaces shall be rented by the day or weekly only, and the occupant of a trailer space shall remain in the same travel trailer parking for not more than thirty (30) days. A permit must be requested from the Farmington City Council for a longer stay.

(3) Registration of Occupants - Every owner or operator of a travel trailer parking area shall maintain a register containing a record of all trailers and occupants. Such register shall be available to any authorized person inspecting the travel trailer parking area and shall be preserved for the period required by the health authority. Such register shall contain: the names and permanent addresses of all trailer occupants, the make, model and license number of the trailer and tow vehicle, and the dates of arrival and departure of a trailer or its occupants.

(4) Report Communicable Diseases - Every owners, operator, attendant or other person operating a travel trailer parking area shall notify the local health authority immediately of any suspected communicable or contagious disease within the travel trailer parking area. In the case of disease diagnosed by a physician as quarantinable, the departure of a trailer or its occupants or the removal therefrom of clothing or other articles which have been exposed to infection without approval of the health authority is prohibited.

(5) Restriction of Animals and Pets - No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any travel trailer parking area.

11-36-118 Penalties.

Any person who violates any provision of this ordinance shall, upon conviction, be punished by a fine of not more than two hundred ninety-nine dollars (\$299) and each day's failure of compliance with any such provision shall constitute a separate violation.

11-36-119 Conflict of Ordinances; Effect of Partial Invalidity.

(1) In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance or code of this Farmington City existing on the effective date of this Ordinance, the provision which, in the judgment of the health authority establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of this Farmington City existing on the effective date of this Ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

(2) If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be severable.

CHAPTER 37
NONCONFORMITY

(RESERVED)

Repealed and combined with Chapter 5 by Ordinance 91-8, February 6, 1991.

CHAPTER 38

ENFORCEMENT AND PENALTIES

- 11-38-101 Enforcement.**
- 11-38-102 Abatement.**
- 11-38-103 Penalty Provisions.**

11-38-101 Enforcement.

All department officials and public employees of the City of Farmington vested with the duty or authority to issue permits shall conform to the provisions of this Ordinance and shall issue no permit, certificate or license for uses, buildings, or purposes in conflict with the provisions of this Ordinance, and any such permit, certificate, or license issued in conflict with the provisions of this Ordinance, intentionally or otherwise, shall be null and void. It shall be the duty of the Zoning Administrator, the Building Official, and the Police Chief of the City of Farmington or their designees to enforce the provisions of this Ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure and the use of any land, building, or premises.

11-38-102 Abatement.

Any building or structure set up, erected, constructed, or altered, enlarged, converted, moved, or maintained in violation of the provisions of this Ordinance, and any use of land, building, or premises in violation of this Ordinance, shall be, and the same hereby is declared to be unlawful and a public nuisance. In addition to any other remedy provided by the Farmington City Ordinances or otherwise available at law or in equity, the City may abate the nuisance pursuant to the provisions and procedures set forth in Sections 7-4-41.1 through 7-4-41.12.

11-38-103 Penalty Provisions.

Any person, firm or corporation, association, partnership or governmental instrumentality, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this Ordinance, or failing or refusing to do some act required under this Ordinance, shall be guilty of a Class B misdemeanor and upon conviction thereof, in the case of an individual, shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. In the event the sentence to pay a fine under this section is imposed upon a corporation, association, partnership, or governmental instrumentality, the amount of said fine shall not exceed five thousand dollars (\$5,000.00).

11-38-200 and 11-38-300 Amended 08/15/90, Ord. 90-29
Amended 11-5-03, Ord. 2003-52

CHAPTER 39

HISTORIC BUILDINGS AND SITES

- 11-39-10 Purpose.**
- 11-39-20 Historic Preservation Commission.**
- 11-39-30 Farmington Historic Sites List.**
- 11-39-40 Farmington Historic Landmark Register.**
- 11-39-50 Standards for Rehabilitation.**

11-39-10 Purpose.

Farmington City recognizes that the historical heritage of the community is among its most valued and important assets. It is the intent of the City to identify, preserve, protect, and enhance historic buildings, sites, monuments, streetscapes and landmarks within the City deemed architecturally or historically significant. By protecting such historically significant sites and structures, they will be preserved for the use, observation, education, pleasure and general welfare of the present and future residents of the City.

11-39-20 Historic Preservation Commission.

The Historic Preservation Commission, created pursuant to Farmington City Code § 3-1-118, as amended, shall provide advisory assistance to the City regarding the implementation of the provisions of this Chapter.

11-39-30 Farmington Historic Sites List.

(a) Created. There is hereby created a Farmington Historic Sites List, which List shall serve as a means of providing recognition to and encouraging the preservation of historic properties in the City. The Historic Sites List shall be prepared and maintained by the Historic Preservation Commission and filed with the City Recorder's Office.

(b) Contents. The Historic Sites List shall describe as concisely as possible each building or site, the date of its construction as nearly as can be determined or, if a site, the date during which its historic significance was established, the reason for including it on such list, and the name and address of the current owner as shown on the records of the Davis County Recorder.

(c) Criteria. The Historic Preservation Commission may designate any building, structure, object or site to the Historic Sites List in accordance with the procedures set forth herein if it is determined by the Commission that the building, structure, object or site meets all the criteria outlined below.

- (1) It is located within the official boundaries of the City.
- (2) It is at least fifty (50) years old.
- (3) It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. "Major alterations" that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls (except adobe) with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, or additions which significantly detract from or obscure the original form and appearance of the house when viewed from the public way.
- (4) It has been documented according to the Utah State Historic Preservation Office Standards for intensive level surveys. Copies of such documentation must have been placed in the local and state historic preservation files.

(d) Designation Procedures. Any person, group, or governmental agency may nominate a property for listing on the Farmington Historic Sites List. The nomination and listing procedures are as follows:

- (1) Completed Intensive Level Survey documentation for each nominated property must be submitted in duplicate to the Historic Preservation Commission.
- (2) The Commission will review and consider properly submitted nominations at its next scheduled meeting. The Commission will notify the nominating party, either orally or in writing, one week prior to that meeting that the nomination will be considered and will place that item on the agenda posted for the meeting. The one (1) week notification may be waived at the nominating party's option in order to accommodate "last-minute" submittals, though no nomination will be reviewed if it is submitted to the Commission less than forty-eight (48) hours prior to the Commission's next scheduled meeting.
- (3) The Historic Preservation Commission will review the documentation completeness, accuracy and compliance with the "Criteria" for designating Historic Properties to the Farmington Historic Sites List.

(e) Results of Designation.

- (1) Certificate. Owners of officially designated historic sites may obtain a historic site certificate from the Historic Preservation Commission. The certificate contains the historic name of the property, the date of designation, and signatures of the Mayor and the Historic Preservation Commission Chairperson.
- (2) Demolition. If a historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before that action takes place.
 - (i) The City may delay issuing a demolition permit for a maximum of ten (10) days and will notify a member of the Historic Preservation Commission, which will take responsibility for the documentation.
 - (ii) Documentation will include, at a minimum, exterior photographs (both black-and-white and color slides) of all elevations of the historic building. When possible, both exterior and interior measurements of the building will be made in order to provide an accurate floor-plan drawing of the building.
 - (iii) The demolition permit will be issued after ten (10) days of the initial application whether or not the Commission has documented the building. The permit may be issued earlier if the Commission completed its documentation before the ten (10) day deadline.
 - (iv) The documentation will be kept in the Commission's historic sites files, which are open to the public in accordance with the Farmington City Government Records Access and Management Ordinance.

(f) Removal of Properties. Properties which, in the opinion of the Historic Preservation Commission, no longer meet the criteria for eligibility may be removed from the Historic Sites List after review and consideration by the Historic Preservation Commission.

11-39-40 Farmington Historic Landmark Register.

(a) Created. There is hereby created a Farmington Historic Landmark Register, which Register shall provide further recognition of significant historic sites as an incentive for their preservation. The Historic Landmark Register shall be prepared and maintained by the Historic Preservation Commission in accordance with the provisions set forth herein and filed with the City and County Recorder's Office.

(b) Contents. The Landmark Register shall describe as concisely as possible each

building or site, the date of its construction as nearly as can be determined, or if a site, the date during which its historic significance was established, the qualifications for including it on the Register, and the name and address of the current owner of the property as shown on the records of the Davis County Recorder.

(c) Criteria. Any building, structure, object or site may be designated to the Historic Landmark Register in accordance with the procedures set forth herein if it meets all the criteria outlined below:

- (1) It is located within the official boundaries of the City.
- (2) It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provisions of 36 C.F.R. 60.6(s). Properties listed on or determined eligible for the National Register must, in addition to retaining their integrity, meet at least one of the following National Register criteria:
 - (i) be associated with events that have made a significant contribution to the broad patterns of the community's history; or
 - (ii) be associated with the lives of persons significant in the community's past; or
 - (iii) embody the distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or
 - (iv) have yielded, or may be likely to yield, information important in prehistory or history (e.g. archeological sites).
- (3) The owner of the property approves the action to designate his/her property to the Farmington Historic Landmark Register and has submitted to the Commission a written statement to that effect.

(d) Designation.

- (1) Official designation proceedings must begin with the submittal of a written request for designation by the property owner to the Commission Chairperson. The letter must identify the property by its address and historic name, give the date the property was listed in the National Register or officially determined eligible, and include a statement

verifying that the property owner is indeed the owner of legal record of the property proposed for designation. This official request may be preceded by informal contracts with the property owner by Commission members, private citizens, local officials, or others regarding designation of the property.

- (2) Upon written request for designation, the Preservation Commission Chairperson shall arrange for the nomination to be considered at the next Preservation Commission meeting, which shall be held at a time not to exceed thirty (30) days from the date the request was received.
 - (3) The decision by the Preservation Commission shall be based on the eligibility of the property in terms of meeting the Criteria for designating properties to the Historic Landmark register. The Commission shall forward its recommendation in writing to the Planning Commission within fourteen (14) days.
 - (4) The Planning Commission, may by approval and passage of an appropriate resolution, designate properties to the Historic Landmark Register. Following designation, a notice of such shall be mailed to the owners of record together with a copy of this ordinance.
 - (5) After a property has been formally designated to the Farmington Historic Landmark Register, the designation may be amended or rescinded in the same manner as the original designation was made.
 - (6) Upon official designation, the Historic Preservation Commission shall record the designation with the County Recorder's Office to indicate such designation on the official title thereof.
- (e) Result of Designation.
- (1) Properties designated to the Farmington Historic Landmark may receive special consideration in the granting of conditional use permits in order to encourage their preservation.
 - (2) Owners of Historic Landmarks may seek assistance from the Historic Preservation Commission in applying for grants or tax credits for rehabilitating their properties.
 - (3) Proposed repairs, alterations or additions to Historic Landmarks are subject to the review of the Historic Preservation Commission and the subsequent review and approval of the Planning Commission. The

purpose of this review is to ensure the preservation of historic materials and features to the greatest degree possible.

- (i) Applications for permits pertaining to Historic Landmark properties shall be forwarded by the Building Inspector to the Historic Preservation Commission prior to their issuance.
- (ii) At its next scheduled meeting, the Preservation Commission shall review the applications and proposed work for compliance with the Secretary of the Interior's "Standards for Rehabilitation," hereinafter referred to as the "Standards" set forth in Section 11-39-50.
- (iii) The Preservation Commission's recommendation shall be forwarded within three (3) days to the Planning Commission for their consideration in reviewing the applications. The recommendations must indicate which of the "Standards" the Preservation Commission's decision was based on and, where appropriate, a brief explanation. Copies of the recommendation shall be sent to the Building Inspector and the property owner at the same time.
- (iv) The Planning Commission shall schedule the matter for its next Planning Commission meeting and, upon review of the Historic Preservation Commission's recommendations and other comments given at the meeting, make a decision regarding the appropriateness of the proposed action. Approved projects will be issued a "Certificate of Historical Appropriateness" which authorizes the building permit to be issued.

(f) Enforcement. Failure to follow standards as required by the Planning Commission may result in the removal of the property from the Farmington Historic Landmark Register and the National Register of Historic Places, thus jeopardizing federal tax credits, grants and will void conditional use approval.

11-39-50 Standards for Rehabilitation.

The following "Standards for Rehabilitation" shall be used by the Historic Preservation Commission and the Planning Commission when determining the historic appropriateness of any application pertaining to Historic Landmark properties:

- (a) Every reasonable effort shall be made to provide a compatible purpose for a property which requires minimal alteration of the building, structure, or site and its environment.

(b) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.

(c) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged.

(d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired historic significance in their own right, and shall be recognized and respected.

(e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

(f) Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repairs or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(h) Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any rehabilitation project.

(i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

(j) Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were removed in the future, the essential form and integrity of the structure would be unimpaired.

CHAPTER 40

DRINKING WATER SOURCE PROTECTION

- 11-40-010 Purpose.**
- 11-40-020 Definitions.**
- 11-40-030 Establishment of Drinking Water Source Protection Zones.**
- 11-40-040 Permitted Uses.**
- 11-40-050 Prohibited Uses.**
- 11-40-060 Administration.**

11-40-010 Purpose.

The purpose of this ordinance is to ensure the provision of a safe and sanitary drinking water supply for Farmington City by the establishment of drinking water source protection zones surrounding the wellheads for all public water supplies within the boundaries of Farmington City.

11-40-020 Definitions.

When used in this ordinance, the following words and phrases shall have the meanings given in this section:

(1) “Design standard” means a control that is implemented by a potential contamination source to prevent discharges to the ground water. Spill protection would be an example of a design standard.

(2) “Land management strategies” means zoning and non-zoning controls which include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, development rights, public education programs, ground water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.

(3) “Pollution source” means point source discharges of contaminants to ground water or potential discharges of the liquid forms of “extremely hazardous substances” which are stored in containers in excess of “applicable threshold planning quantities” as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, land filling of sludge and seepage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten animal units. The following clarify the definition of pollution sources:

(a) “Animal feeding operation” means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

(b) “Animal units” means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

(c) “Extremely hazardous substances” means those substances which are identified in the section 302 (EHS) column of the “Title III List of Lists – Consolidated List of Chemicals Subject to Reporting under SARA Title III “ (EPA 560/4-91-011).

(4) “Potential contamination source” means any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.

(5) “Regulatory agency” means any governmental agency with jurisdiction over hazardous waste as defined herein.

(6) “Sanitary landfill” means a disposal site where solid wastes, including putrescible wastes or hazardous wastes, are disposed of on land by placing earth cover thereon.

(7) “Septic tank/drain field systems” means a system which is comprised of a septic tank and a drain field which accepts domestic wastewater from buildings of facilities for subsurface treatment and disposal. By their design, septic tank/drain field system discharges cannot be controlled with design standards.

(8) “Wellhead” means the upper terminal of a well including adapters, ports, seals, valves and other attachments.

11-40-030 Establishment of Drinking Water Source Protection Zones.

There are hereby established use districts to be known as Zones One, Two, Three and Four of the drinking water source protection area, identified and described as follows:

(1) Zone One is the area within a 100-foot radius from the wellhead or spring.

(2) Zone Two is the area within a 250-day groundwater time of travel to the wellhead or spring, the boundary of the aquifer which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(3) Zone Three is the area within a three-year groundwater time of travel to the wellhead or spring, the boundary of the aquifer which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

(4) Zone Four is the area within a 15-year groundwater time of travel to the wellhead or spring, the boundary of the aquifer which supplies water supplies water to the groundwater source, or the groundwater divide, whichever is closer.

11-40-040 Permitted Uses.

The following uses shall be allowed with the groundwater protections zones:

(1) All zones:

(a) Uses established before the effective date of this ordinance and used continuously and in the same manner thereafter, which uses may continue, provided such use is not judged by any court of competent jurisdiction to be a nuisance under the provisions of federal, state or local laws or regulations.

(b) Use of single or multiple-family residential dwellings, commercial or institutional uses established on or after the effective date of this ordinance connected to a sanitary sewer system.

(c) Uses incidental and accessory to the uses set forth in the two immediately preceding subparagraphs.

(2) Zone Four:

(a) The tilling of the soil and the raising of crops, provided fertilizing and the use of pesticides is accomplished within federal, state and local guidelines.

(b) The pasturing of livestock, provided all forage is raised on the pastured area.

(c) Uses incidental and accessory to the uses set forth in the three immediately preceding subparagraphs.

11-40-050 Prohibited Uses.

Except uses established before the effective date of this ordinance and used continuously and in the same manner thereafter, which uses may continue, on or after the effective date of this

ordinance, the following uses or conditions shall be and hereby are prohibited within groundwater protection zones, regardless of whether such uses or conditions may otherwise be included as part of a use allowed under this ordinance.

(1) Zones One and Two:

(a) Underground storage tanks.

(b) Any pollution source as defined herein or in R-113 of the Utah Administrative Code.

(2) Zones One, Two and Three:

(a) Agriculture industries including but not limited to intensive feeding operations such as feed lots, dairies, fur breeding operations, poultry farms, etc.

(3) All Zones:

(a) Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use).

(b) Sanitary landfills.

(c) Hazardous water or material disposal.

(d) Septic tanks/drain field systems.

11-40-060 Administration.

The policies and procedures or administration of any source protection zone established under this ordinance, including without limitations those applicable to nonconforming uses, exception, enforcement and penalties, shall be the same as provided in the Zoning Ordinance of the City of Farmington, Utah, as the same is presently enacted or may be amended from time to time.

Any and all uses of property must comply with the requirements of this ordinance.