FARMINGTON

HISTORIC BEGINNINGS • 1847

Farmington City Planning Commission

September 4, 2014

FARMINGTON CITY

H. JAMES TALBOT
MAYOR

DOUG ANDERSON
JOHN BILTON
BRIGHAM N. MELLOR
CORY R. RITZ
JAMES YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

AGENDA
PLANNING COMMISSION MEETING
September 4, 2014

Public Meeting at the Farmington City Hall, 160 S. Main Street, Farmington, Utah

Study Session: *6:00 p.m. – Conference Room 3 (2nd Floor)*
Regular Session: 7:00 p.m. – City Council Chambers (2nd Floor)

(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Planning Department prior to noon the day before the meeting.)

1. Minutes

2. City Council Report

CONDITIONAL USE AND SITE PLAN APPLICATIONS

3. Greg Timothy (Public Hearing) – Applicant is requesting conditional use approval for the proposed Waffle Wagon located at 1358 North Highway 89 in a C (Commercial) Zone. (C-15-14)

ZONE TEXT CHANGE

4. Farmington City (Public Hearing) – Applicant is requesting a recommendation for approval of a Text Amendment of Chapters 1 and 6 of the Subdivision Ordinance regarding the approval process for major subdivisions and related chapters where necessary. (ZT-9-14)

OTHER BUSINESS

5. Miscellaneous, correspondence, etc.
    a. Zone Text Change of Permitted and Conditional Uses in BR Zone (Discussion Only)
    b. Other

6. Motion to Adjourn

Please Note: Planning Commission applications may be tabled by the Commission if: 1. Additional information is needed in order to take action on the item; OR 2. if the Planning Commission feels there are unresolved issues that may need additional attention before the Commission is ready to make a motion. No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commissioners. The Commission may carry over Agenda items, scheduled late in the evening and not heard to the next regularly scheduled meeting.

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Posted August 29, 2014

Eric Anderson
Associate City Planner

FARMINGTON CITY
PLANNING COMMISSION MEETING
August 21, 2014

STUDY SESSION

Present: *Commissioners Heather Barnum, Kent Hinckley and Rebecca Wayment, Alternate Commissioner Karolyn Lehn, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Chairman Brett Anderson, Commissioners Kris Kaufman and Mack McDonald and Alternate Commissioner Michael Nilson were excused.*

Item #3. Jerod Jeppson/Norm Dahle – Recommendation for Final Plat Approval for Silverleaf Subdivision

Staff said the applicant originally proposed 11 lots during Schematic and Preliminary Plat. His first phase or final plat will consist of 7 lots in part because a neighboring property owner is not wanting to participate in moving the sewer line which was needed for some of the additional lots. Now, the subdivision includes Parcel B in addition to Parcel A, where Mr. Jeppson's home is located. If there comes a time when both Parcel A and B will be developed, the applicant will only need to do a Plat Amendment since both parcels have been included in the subdivision. The Commissioners expressed some concern with the lot sizes; staff explained and showed that the lot sizes were consistent with the neighboring communities.

Item #4. Michael Fisher/Brent Stephens – Recommendation for Plat Amendment and Minor Subdivision (lot split).

Staff explained this item is a simple lot split, but is complicated as the small adjacent parcels are owned by four different property owners. It is not necessary for the applicant to obtain all of the small adjacent parcels, but doing so will square the lot. Staff has included a condition that the parcels must be deeded over prior to it being recorded. Also, after the lot split, the westerly lot will join the Grove P.U.D. Staff said the HOA looks to approve the addition.

Item #5. Dave Cowley/Ivy Properties – Requesting Conditional Use/Site Plan Approval and Metes and Bounds Subdivision.

Staff reminded the Commission that previously the Commission increased the allowable height for the proposed building. This is the next step in the applicant's process. The site plan application includes all landscaping, lighting, traffic plans, etc. Staff explained in the past, the Commission deferred the majority of the review of the landscape plan to staff, but if the Commission would like to review it in more depth, staff will provide the information to them. The Commissioners and staff also discussed concerns with the increase in traffic the proposed building may bring by the nearby schools.

Item #6. James Larkin – Conditional Use Permit Approval for Wholesale Garden Center and Nursery

Staff provided a brief background on this item. The applicant is growing trees and other plants to use in his contracting business, as well has open storage for materials. The applicant is

located on 11 acres of property. Staff explained that his "use" of the property may be classified as a wholesale greenhouse garden center and nursery, as found in the ordinance, but that use is only allowable on less than 5 acres. He explained it was up to the Commission to interpret the ordinance and determine what is allowed for the applicant. The Commission had concerns regarding his use not fitting within the area when the surrounding areas are developed for their zones, which are Office Mixed Use and Class A Business Park. They discussed having the applicant return each year, like other approved Conditional Uses within the City.

Item #7. Todd Gibbs – Recommendation to Amend Chapter 15 of the Zoning Ordinance to Allow Recreational Equipment Rental Business

Staff stated the applicant looked further into the K-Mart property for the business, but decided against it as it did not best fit his needs.

Item #8. Farmington City – Recommendation to Amend Chapters 10, 11, 12 & 28 of the Zoning Ordinance Regarding Conventional and Conservation Subdivisions

Staff and Commission discussed the proposed amended changes which will be further discussed in the meeting.

REGULAR SESSION

Present: *Commissioners Heather Barnum, Kent Hinckley and Rebecca Wayment, Alternate Commissioner Karolyn Lehn, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Chairman Brett Anderson, Commissioners Kris Kaufman and Mack McDonald and Alternate Commissioner Michael Nilson were excused.*

#1. Minutes

Heather Barnum made a motion to approve the Minutes from the August 7, 2014 Planning Commission meeting. **Karolyn Lehn** seconded the motion which was unanimously approved.

#2. City Council Report

Eric Anderson gave a report from the City Council meeting on August 19, 2014. The big agenda item was the request for a "Temporary Beer" permit for the Davis County Fairgrounds' Steelfist Fight Night. The request was denied last year, but was approved by City Council this year. The Bell Estates Final Plat was also approved.

SUBDIVISION APPLICATIONS

#3. Jerod Jeppson/Norm Dahle – Applicant is requesting a recommendation for Final Plat approval for the Silverleaf Subdivision (7 lots) on 5.21 acres located at approximately 1505 North 150 West in an LR Zone. (S-16-13)

Eric Anderson restated the information provided in the Study Session.

The applicant **Norm Dahle** was present and available for questions; the Commission did not have any.

Heather Barnum stated her questions regarding the small lot sizes and consistency with the surrounding area were answered in the Study Session; she is comfortable moving forward with approval. The Commissioners agreed.

Motion:

Heather Barnum made a motion that the Planning Commission recommend the City Council approve the Final Plat of the Silverleaf Conservation Subdivision as shown, subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall obtain a 10% open space waiver and pay the agreed upon amount (as determined through negotiations with the City Manager) prior to City Council consideration of Final Plat;
2. The applicant shall satisfy the requirements of Central Davis Sewer, including the dedication of easements prior to City Council consideration of Final Plat;
3. The property owner shall enter into an agreement whereby he agrees to extend and dedicate the right-of-way to the northerly boundary of the project/plat in the event the George Clark property is developed or parcel B is further subdivided into future lots, whichever occurs first;
4. Public improvement drawings, including but not limited to, a grading and drainage plan, shall be reviewed and approved by the Farmington City Works, City Engineer, Storm Water Official, Fire Department, Central Davis Sewer District and Benchland Water.

Karolyn Lehn seconded the motion which was unanimously approved.

Findings:

1. The LDR (Low Density Residential) designation of the General Plan allows up to 4 dwelling units/acre. The proposed subdivision is at approximately 3 dwelling units per acre and is consistent with the General Plan threshold.
2. The project is consistent with the Conservation Subdivision standards for an LR zone.
3. The applicant has worked through the issues raised by the DRC at Preliminary Plat and addressed these issues on this Final Plat.
4. An open space requirement of .37 acres is of no value to the City and the money for the waiver would be better spend on open space elsewhere in the City.

Item #4. Michael Fisher/Brent Stephens (Public Hearing) – Applicant is requesting a recommendation for plat amendment and minor subdivision (lot split) approval for property (.5 acres) located at approximately 515 North Main in an OTR (Original Townsite Residential) Zone. It is proposed that the new, or westerly lot be added to the Grove P.U.D. (S-9-14)

Eric Anderson explained that this item is a lot split. Mr. Stephen's home is located on the easterly side along Main St. The westerly side is surrounded by small remnant pieces all owned by different property owners. By obtaining the remnant pieces, the applicant is able to square the westerly lot and have access to the private street, Grove Creek Circle. The creation of the new lot will require a plat amendment in the Grove subdivision and will require acceptance by the HOA. **Eric**

Anderson clarified the three things before the Commission with this item: the lot split, acquisition of the three remnant property pieces and the HOA's plat amendment.

Rebecca Wayment asked for further clarification on the owners of the remnant pieces of property. **Eric Anderson** showed the owners and added that staff has included a condition in the motion that the pieces must be deeded over to the applicant.

Michael Fisher, 10211 S. Clarks Hill Dr., South Jordan, stated he and all three adjacent property owners have agreed on a price for the small remnant pieces of property and are comfortable moving forward to deed the property to him.

Heather Barnum asked the applicant if he is comfortable moving forward with the motion as it is written in the staff report. **Michael Fisher** said yes, he agrees to the conditions as listed.

Rebecca Wayment opened the public hearing at 7:19 p.m.

Christie Hodgman, 498 N. Grove Greek Lane, lives adjacent to the property. She expressed concerns that Mr. Fisher has plans to turn his home sideways on the property. This would mean the front of his home would be facing the side of her home; she feels it would not be consistent with the area and would decrease the privacy of her home.

Deanie Stott, 31 W. 550 N., also lives adjacent to the property and also expressed concerns regarding the placement of his home on the property. She feels turning the front of the home to face south, when it should face west, would be inconsistent with the surrounding homes and would not be aesthetically pleasing for the development.

Staff and the Commissioners discussed Mrs. Hodgman and Mrs. Stott's concerns and if the HOA would restrict the home placement. **Deanie Stott** stated there is currently no HOA in place as it requires 80% of the development to be completed.

David Petersen explained the HOA is currently operated by the developer, Henry Walker Homes. Apparently, once 80% of the development is completed, the HOA will be turned over to the residents. He added the HOA's CC&Rs may restrict the placement of Mr. Fisher's home, but the City ordinance will not allow his home to face south; it must face the private street. **David Petersen** reviewed the ordinance with the Commission.

Michael Fisher added plans for his home have not yet been started, but as a custom home builder from Boise, ID, he will ensure the home will be attractive and will fit into the community.

Rebecca Wayment closed the public hearing at 7:27 p.m.

Heather Barnum said she is comfortable with approving the item as any residents' concerns are protected by the ordinance.

Eric Anderson clarified the motion for the Commission. With regards to the minor plat subdivision, the Planning Commission is only a recommending body; the motion should be amended to reflect that as such.

Motion:

Karolyn Lehn made a motion that the Planning Commission approve the metes and bounds subdivision of Brent Stephens' property and recommend approval to the City Council for the minor plat of the Grove at Farmington Creek P.U.D. Amended and Extended as shown, subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant must obtain a plat amendment/minor plat approval of The Grove at Farmington Creek P.U.D. Amended and Extended from the City Council and HOA approval of the amendment prior to recordation;
2. The applicant shall receive deeds to the remnant pieces of property from the owners of lots 12, 17 and 18 of The Grove subdivision prior to recordation.

Kent Hinckley seconded the motion which was unanimously approved.

Findings:

1. The project is consistent with the standards as determined by The Grove P.U.D. of which it will be included in.
2. The applicant has worked through the issues raised by the DRC and addressed these issues on this subdivision plat.

CONDITIONAL USE AND SITE PLAN APPLICATIONS

Item #5. Dave Cowley/Ivy Properties (Public Hearing) – Applicant is requesting conditional use/site plan approval, and metes and bounds subdivision (lot split) related thereto for the Indulgent Foods Office Building on 1.55 acres located at 228 S. 200 W. in a BP (Business Park) Zone. (S-8-14, SP-2-14)

Eric Anderson said the applicant previously came before the Commission on February 20, 2014 to request a zone text change that would allow for a height increase for their proposed three story building. Since the commercial site is over one acre, the ordinance requires the applicant to apply for a conditional use. The applicant also submitted his site plan application which has been reviewed and approved by the DRC and staff.

In reference to the discussion the Commission had with deferring the review of the landscape plan to staff, **Heather Barnum** asked if a condition to the motion needs to be added. **David Petersen** said it is implied with Condition #3, but is also okay if the Commission would like to include a separate condition specifically addressing it.

Rebecca Wayment opened the public hearing at 7:34 p.m.

No comments were received.

Rebecca Wayment closed the public hearing at 7:34 p.m.

Heather Barnum mentioned concerns about the increase in traffic the building might bring near the schools on and around 200 W. that were discussed in the Study Session. She also mentioned that she feels that many traveling to the building will be taking I-15, thus limiting the traffic on the north side of 200 W. The Commissioners agreed.

Rebecca Wayment asked how the new building height will compare to the surrounding buildings. **Eric Anderson** said it will be one story taller than the ThomasArts building, but will not appear much taller as the new building will have a flat roof and the ThomasArts building has a very pitched roof.

The Commissioners were comfortable moving forward with the proposed motion.

Motion:

Kent Hinckley made a motion that the Planning Commission grant conditional use/site plan for the 3 story office building as requested, and a metes and bounds subdivision related thereto, subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall maintain, clean and restore the existing storm water detention basin and receive the City Engineer's approval of improvements prior to recordation;
2. The applicant shall show the sewer service on the site plan and ensure that it has a 10' of separation from the water lines;
3. All remaining issues related to the site plan shall be reviewed and approved, including improvement drawings and a grading and drainage plan, by the City Engineer, the Planning Department, Stormwater Official, Public Works, Fire Department, Benchland Water, and the Central Davis Sewer District. Any outstanding conditions of the approval shall be conditions of the conditional use permit;
4. The applicant must post a bond on a form acceptable to the City to ensure completion of any public improvements deemed necessary by the City Engineer prior to issuance of a building permit;
5. The conditional use permit must be issued before or concurrent with the issuance of a building permit;
6. Any necessary easements must also be recorded prior to issuance of the building permit;
7. The Planning Commission will defer the final review of the landscaping plan to staff for approval.

Heather Barnum seconded the motion which was unanimously approved.

Findings:

1. The project is consistent with the standards as determined by Chapter 14 of the Zoning Ordinance.
2. The applicant has worked through the issues raised by the DRC and addressed these issues on the site plan and subdivision.
3. The proposed use will benefit the community greatly, providing added employment opportunities and the use is in conformance to the general plan.

Item #6. James Larkin (Public Hearing) – Applicant is requesting conditional use permit approval for the wholesale greenhouse garden center and nursery on property (3.68 acres) located at 925 N. 1525 W. in an A (Agricultural) Zone. (C-16-14)

David Petersen said the applicant currently has outdoor storage and has a "pot in pot" tree farm for his landscaping business. The property is zoned A (Agricultural) and the closest permitted

use under the A zone is a wholesale greenhouse/nursery, but the use is restricted to less than 5 acres. Mr. Larkin's site is located on 11 acres. The applicant has agreed to carve out an area under 5 acres to grow and store materials, as shown on the site plan in the staff report. The applicant is requesting conditional use approval for the tree farm and outdoor storage, but it is up to the Commission on how to best interpret the ordinance to determine if the use is allowed.

Craig Cummings, 4001 S. 7th E., Salt Lake City, is representing Mr. Larkin. He explained the applicant is a general contractor and his purpose to grow trees is to provide his customers mature trees for their properties at a lower price than purchasing from a nursery. The trees are not for sale to the general public and each tree will be transported from the property by Mr. Larkin's business; customers will not be allowed on the property. He also explained the benefits of the "pot in pot" growing technique. He said the overall use of the total 11 acres of property has been grazing for livestock and it will remain that way, except for the small area set aside for the tree farm.

Karolyn Lehn asked for a timeline on when the rest of the tree farm may be developed. **Craig Cummings** said the new trees may be put in during this fall or late spring, depending on the species of tree.

Heather Barnum asked how long the applicant has been running his business from the property. **Craig Cummings** clarified the applicant has not been operating a business there, but simply cultivates top soil and grows mostly decorative horticulture there. He has a separate location where his business is operated. He added that no public or wholesale buyers ever come to the location.

Rebecca Wayment asked if there are plans to ever sell trees or plants from the location. **Craig Cummings** said all horticulture is transported off the property. Once a tree reaches a specified trunk size, it is transported offsite for use. No public will ever come on site. Workers tending to the trees and other materials, such as bark and mulch, will be the only things on location.

Heather Barnum asked how the Commission will know if the applicant is containing the tree farm to the specified 5 acres. **Craig Cummings** explained, as outline in the site plan, there is already a fence around the area, which is less than 5 acres. The fence is already in place as to keep the grazing animals from entering the area.

Rebecca Wayment opened the public hearing at 7:50 p.m.

No comments were received.

Rebecca Wayment closed the public hearing at 7:50 p.m.

Kent Hinckley explained that the conditional use calls for the property to be less than 5 acres and this is 11. He feels that a fence around the area does not meet the intent of the ordinance and purposed a lot split of the property or to rewrite the ordinance to allow for a larger property than 5 acres; however, he feels a use on a property larger than 5 acres may not fit with other permitted or conditional uses within the zone.

Heather Barnum said she feels that the applicant's use is simply agricultural; the applicant is growing something and then transporting it off site without any sales on the property. She feels that would be considered a permitted use. **David Petersen** added if that interpretation was agreed upon by the other Commissioners, there would not be a 5 acre restriction.

Rebecca Wayment asked how the Commission or staff could monitor the applicant's use and determine if the applicant does choose to begin selling from the property. **Craig Cummings** said the sole purpose for the applicant to grow trees is to allow his contracting company the ability to offer mature trees to his customers at a lower cost than a nursery. It would be contrary to his purpose to begin selling his trees.

The Commissioners and staff discussed if the applicant needs to subdivide the property or if fencing an area will fulfill the ordinance's requirement of less than 5 acres. The Commissioners agreed that confining the area for the growing of trees and storage of equipment to less than 5 acres, based on the site plan the applicant provided, was sufficient to meet the requirements of the ordinance.

Rebecca Wayment expressed concern that the applicant's use of the property does not fit with the future purposes of the surrounding zones. **David Petersen** agreed; the surrounding areas are Master Planned for Office Mixed Use and Class A Business Park. **Rebeca Wayment** added that as part of the conditional use permit, she feels it would be important for the applicant to return each year for approval. Doing so, she said, would allow the Commission to determine if it is still a good use for the area as surrounding property is developed. The Commissioners agreed.

Motion:

Kent Hinckley made a motion that the Planning Commission approve conditional use/site plan for the private wholesale greenhouse/garden center as requested, subject to all applicable Farmington City ordinances and development standards, and with the following conditions:

1. The planting and equipment storage is to be confined to the site plan;
2. The conditional use permit is to be renewed annually.

Karolyn Lehn seconded the motion which was unanimously approved.

Finding:

1. Although the property in question is 11.86 acres, the actual footprint of the proposed garden center and equipment storage will be 3.66 acres, as shown in the site plan, which is well below the 5 acre threshold set in Chapter 10.
2. The project is consistent with the standards as determined by Chapter 10 of the Zoning Ordinance.
3. The proposed use will benefit the community and the use is befitting the underlying agricultural zone.

Item #7. Todd Gibbs – Applicant is requesting a recommendation to amend Chapter 15 of the Zoning Ordinance to allow a recreation equipment rental business as permited or a conditional use in the BR Zone. (ZT-8-14)

David Petersen said this is the same item that was before the Commission at the last meeting. The motion was a tie-vote so it came before the Commission again. The applicant told staff he will not continue to pursue the old K-Mart building as an option for his business as it does not best fit his needs.

The applicant was not present at the meeting.

Heather Barnum stated she has the same concerns as she did in the previous meeting; she does not feel this is an appropriate business for the location.

Kent Hinckley explained he is still in favor of the business. He does not like to see vacant buildings within the City and this specific building will need a special tenant that can use the large yard. He stated he does not feel this use is any worse than the other permitted or conditional uses within the zone. As low-impact businesses are permitted, he feels this could qualify as a low-impact business. He added that if the business is permitted, he would not want recreation vehicle rentals placed on the road as advertising.

Heather Barnum asked if there are plans to amend the lighting in the back yard. **David Petersen** said the item before the Commission is just a zone text change. If it is recommended for approval, the applicant would return for a conditional use permit which would then be the appropriate time to add conditions on lighting, restriction of recreation vehicle rentals on the parking strip, etc.

Heather Barnum also asked if the item is recommended for approval, if there can be restrictions placed on the type of recreational vehicle he rents, specifically, but not limited to a restriction on motor homes. The Commission and staff discussed how to best define recreational vehicles within the ordinance. It was suggested a definition for small recreational vehicles could be added to Chapter 2 of the ordinance. **David Petersen** said he can look further into it if the Commission chooses to recommend the item for approval.

Karolyn Lehn stated she does not feel comfortable changing the zone for one person and also feels this type of business will detract from the vision the City is trying to create for Main St. She also is concerned with the traffic coming through the area as the business is across from a school crossing and those renting vehicles may not be accustomed to traveling with recreational vehicles. She said she is also concerned about the parking along Main St. and would like similar parking restrictions as the U-Haul business as a condition if the motion passes.

After reading through Chapter 5 of the Zoning Ordinance, **David Petersen** explained the applicant's use may be permitted. Since the HHI building and building yard were used as a non-confirming use as a contractor with contracting equipment, a business that has a less-intense non-conforming use may be permitted by the zone administrator up to one year after the original non-conforming use has vacated. **David Petersen** said by permitting the use through Chapter 5, the permitted and conditional uses for the BR zone would not change.

Heather Barnum asked how long the acceptance of a non-conforming use for a location can be continually perpetuated. **David Petersen** stated it will continually perpetuate until it ceases to exist or if the location remains vacant for one year after the non-conforming use has been vacated.

Rebecca Wayment feels that the Commission has been trying to revise and decrease the number of permitted and conditional uses for the BR zone for some time. She feels adding this to the list will be contrary to what they have been trying to accomplish. She feels the applicant would not have any expansion opportunity. For example, if he ever chooses to expand to sales, it would not be possible within the BR zone. She stated she does not like the idea of recreation rental equipment placed along Main St. and also feels the lack of advertising would be a hindrance to his business. She expressed concern that the building has only been vacant a few months and approving the first proposal may not be the best thing as other business may come that may be conforming uses within the zone. She also feels that Farmington may not be the best location to rent recreational vehicles as others may want to rent this equipment closer to the destination of use.

Kent Hinckley stated he does not feel it is within the Commission's purview to determine what is best for his long-term business plans. It is up to the Commission to place conditions, then up to the applicant to weigh those risks and determine if he still wants to move forward. **Heather Barnum** said she would like to see a business be able to thrive so it's important to consider some of those things. **Kent Hinckley** added there is never a guarantee any business will thrive.

Karolyn Lehn said she likes that the applicant has thought outside of the box for a business and what may work there; she hopes others will do the same.

Motion:

Heather Barnum made a motion that the Planning Commission deny recommendation of approval to the City Council to amend Chapter 15 to allow for recreation vehicle and equipment rental. **Karolyn Lehn** seconded the motion. **Heather Barnum**, **Karolyn Lehn** and **Rebecca Wayment** approved the motion; **Kent Hinckley** denied it. The motion passed.

Item #8. Farmington City – Applicant is requesting a recommendation to amend Chapters 10, 11, 12 and 28 of the Zoning Ordinance regarding conventional and conservation subdivisions standards, and transfer of development rights (TDR). (ZT-3-14)

David Petersen went through the proposed drafts for each chapter. He showed the Commission the proposed overlay areas that would require a developer to apply for a conservation subdivision. He explained the new alternative lot sizes and added a developer cannot go below the lot sizes without a transfer of development rights (TDR). He walked the Commission through Chapter 12, which had the waiver removed and the TDR moved to Chapter 28. He explained he did provide an alternative waiver option, in the event the Commission decided they were in favor of it. The alternative waiver requires a "good cause" must be present to apply the waiver; 5 standards were outlined to define the meaning of a "good cause." **David Petersen** stated the Commission can choose to leave the draft without the waiver, but again, in the event they decide they would like it, the wording is there for approval.

Rebecca Wayment clarified that on the "good cause" standard #2, she would like the useable park space be amended to 1 acre in size in lieu of the listed ½ acre size. The Commissioners agreed; **David Petersen** said if the alternative waiver is kept, he will make the change.

The Commissioners discussed the waiver in depth. **Heather Barnum** would like to remove a waiver for a time as it seemed to be excessively used; **Karolyn Lehn** and **Rebecca Wayment** agreed. **Kent Hinckley** feels there may be circumstances when the waiver will be needed; he would like to keep it as part of the ordinance.

Heather Barnum asked staff how the City Council and the City Manager feel about the waiver. **David Petersen** said they are in favor of the waiver as it has provided a significant amount of money to fund parks, trails and more within the City.

David Petersen also explained that with the amended conservation subdivision overlay areas, only a few will be able to apply for a waiver unlike how the ordinance was previously written.

Rebecca Wayment said that there is a lot of acreage on the south east corner of the city near the Centerville border. If standard #1 of the waiver requires the subdivision be located within ½ mile of an existing public park, much of that acreage may meet that requirement with the Centerville

parks. She would like it to read that the subdivision be located with ½ mile of an existing Farmington public park. **David Petersen** agreed and would make the change if the waiver is accepted.

The Commissioners and staff discussed the difference between how the City Council uses the waiver and the TDR. Staff explained in the past, the City was able to collect more money from a TDR than a waiver. Going forward, however, a TDR may not bring is as much money if the waiver has been removed. The Commissioners decided they felt more comfortable sending the proposed waiver to City Council for approval with the outlined standards. **David Petersen** said the proposed waiver is completely discretionary. The Commissioners agreed the proposed waiver was a better option.

Motion:

Karolyn Lehn made a motion that the Planning Commission recommend that the City Council amend Chapters 10, 11, 12 and 28 related to conventional and conservation subdivision standards, and transfer of development rights, as set forth herein and based on the Planning Commission's discussion on August 21, 2014. **Kent Hinckley** seconded the motion which was unanimously approved.

Findings:

1. The proposed zone text amendment will continue to provide high quality open space, which better meets the purpose of Chapter 12, near the Great Salt Lake and Farmington Bay Bird Refuge, and near National Forest Service property in northeast and southwest of Farmington.
2. TDR and Conservation Subdivision mechanisms remain in place to offer incentives to developers community wide to help the City acquire land for such public benefits as parks, trails, open space, etc.
3. The amendments result in standards which make subdivision process less cumbersome and easier to administer.
4. Difficult-to-meet standards are removed from Chapter 12 of the Zoning Ordinance, which were rarely met in the past. This provides a benefit to the property owner and the City.
5. It is anticipated that the TDR option will receive greater use by property owners and the City.

OTHER BUSINESS/SPECIAL EXCEPTION

Item #9. Miscellaneous: A) Zone Text Change of Permitted and Conditional Uses in the BR Zone (Discussion Only)

Eric Anderson said this discussion might be more effective once more Commission members are in attendance. The Commissioners agreed.

Motion:

Heather Barnum made a motion that the Planning Commission table this item until the next meeting. **Karolyn Lehn** seconded the motion which was unanimously approved.

ADJOURNMENT

Motion:

At 9:29 p.m., **Rebecca Wayment** made a motion to adjourn the meeting which was unanimously approved.

_____

Rebecca Wayment
Farmington City Planning Commission

SITE TOUR / WORK SESSION: A work session will be held at 5:30 p.m. to tour property in the Pretty Valley area for a potential new well and water tank site. The Council will return to City Hall at approximately 6:30 for a work session in Conference Room #3, Second Floor, of the Farmington City Hall, 160 South Main Street. The public is welcome to attend.

FARMINGTON CITY COUNCIL MEETING
NOTICE AND AGENDA

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, September 2, 2014, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

Meetings of the City Council of Farmington City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

The agenda for the meeting shall be as follows:

CALL TO ORDER:

7:00 Roll Call (Opening Comments/Invocation) Pledge of Allegiance

REPORTS OF COMITTEES/MUNICIPAL OFFICERS

7:05 Executive Summary for Planning Commission held August 21, 2014

PUBLIC HEARINGS:

7:10 Zone Text Change, Chapter 18 (Regulating Plan)

7:25 Zoning Map Amendment (1600 South Lund Lane) from A (Agriculture) to LR (Large Residential).

ACTION ITEMS:

7:40 Ladder Truck Purchase

7:50 A Resolution approving the form of the Equipment Lease Agreement with Zions First Nation Bank, Salt Lake City, Utah. Finding that it is in the best interests of Farmington City, Utah to enter into said Agreement, and authorizing the execution and delivery thereof.

DISCUSSION ITEM:

8:00 Proposed Zone Text Changes, Chapters 10, 11, 12, 28

SUMMARY ACTION:

9:00 Minute Motion Approving Summary Action List

1. Approval of Minutes from August 19, 2014
2. Cottages at Farmington Hollow Subdivision Improvements Agreement
3. Ordinance Update to Title 10 Chapter 2
4. Ambulance Write Off's
5. Ratification of Approvals of Storm Water Bond Logs
6. Questar Gas Easement through the Detention Basin at Glover's Lane and the Frontage Road
7. Armstrong Well Siting Study
8. Armstrong Exploratory Well Design

GOVERNING BODY REPORTS:

9:05 City Manager Report

1. Building Activity Report for July
2. Pro/Con Arguments for Park Bonds

9:10 Mayor Talbot & City Council Reports

ADJOURN

CLOSED SESSION

Minute motion adjourning to closed session for property acquisition.

DATED this 28th day of August, 2014.

FARMINGTON CITY CORPORATION

By: Holly Gadd

Holly Gadd, City Recorder

***PLEASE NOTE:** Times listed for each agenda item are estimates only and should not be construed to be binding on the City Council.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting, should notify Holly Gadd, City Recorder, 451-2383 x 205, at least 24 hours prior to the meeting.

Planning Commission Staff Report
September 4, 2014

Item 3: Conditional Use Permit for The Waffle Wagon food truck

Public Hearing:	Yes
Application No.:	C-15-14
Property Address:	Approximately 1358 North Highway 89
General Plan Designation:	GC (General Commercial)
Zoning Designation:	C (Commercial)
Area:	n/a
Number of Lots:	n/a
Property Owner:	Syney King
Agent:	Greg Timothy

Request: *Conditional use approval for the Waffle Wagon food truck.*

Background Information

An application has been submitted for a conditional use permit for the operation of a food truck stand at the northern end of the Smith's parking lot on the Good Spray company's property. The use is conditional and requires the Planning Commission's approval. Staff has included with this packet information regarding the placement, size and appearance of the stand.

Unlike most conditional use applications of this nature, the use may not necessarily be temporary or seasonal. The applicant may want to operate his food stand year-round, so the Planning Commission will have to consider whether they want to put a close date as a condition or leave the applicant the ability to operate all year.

Typically, Planning Commissions in the past have approved such conditional uses for one year, and if they prove acceptable, they have granted long-term approval thereafter upon receipt of another application.

Suggested Motion

Move that the Planning Commission approve the conditional use subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. The hours of operation are limited to 10 a.m. to 10 p.m.;

2. The use granted is solely for purposes of food sales, and no other commercial activities of any kind shall be associated with this use permit;
3. Any alterations made to the site to accommodate the use shall be removed and the space shall be converted back to its original conditions upon termination of the food stand;
4. Outdoor lighting, if used, must be subdued. All lighting shall be designed, located and directed to minimize glare, reflection and light pollution into adjoining and nearby lots. Search lights shall not be permitted;
5. The applicant must obtain all other applicable permits for the operation of the conditional use including but not limited to a business license from Farmington City, all health department regulations and all applicable building codes.

Findings for Approval

1. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well-being of the community.
2. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
3. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
4. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
5. The location provides or will provide 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.
6. The proposed use is not detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.

Supplemental Information

1. Information submitted by the applicant regarding the operation and site plan of the proposed conditional use.

Applicable Ordinances

1. Title 11, Chapter 8 – Conditional Uses
2. Title 11, Chapter 16 – Commercial Zone

Farmington City

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Farmington City

Tuesday, February 24, 2009 10:44:54 AM
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WAFFLE
WAGON
wafflewag.com

Planning Commission Staff Report
September 4, 2014

Item 4: Text Change of Chapters 1, 2, and 6 of the Subdivision Ordinance

Public Hearing:	Yes
Application No.:	ZT-9-14
Property Address:	N/A
General Plan Designation:	N/A
Zoning Designation:	N/A
Area:	N/A
Number of Lots:	N/A
Applicant:	Farmington City
Agent:	N/A

Applicant is requesting a recommendation to amend Chapters 1, 2, and 6 of the Subdivision Ordinance regarding the approval process for major subdivisions and related chapters where necessary.

Background Information

The need for this text change arose because of an appeal by an applicant of a preliminary plat decision made by the Planning Commission that went to the City Council. When it was called to the City's attention that an appeal can't be made to the land use authority (i.e. the City Council is both the land use authority *and* the appeal body under the current ordinance), our City Attorney recommended that we alter the subdivision ordinance as it relates to the subdivision approval process. The text change will make it so that the Planning Commission will be a recommending body at Preliminary Plat and the approving body at Final Plat (i.e. the Land Use Authority). City Council will be the approving body at Preliminary Plat and in the event that an appeal is made of a final plat decision, it will be the City Council that acts as the appeals body.

In addition to these changes, staff would like some direction on whether to make Preliminary Plat a public hearing or not. And if so, should the Preliminary Plat be a public hearing only at Planning Commission or should it be at both Planning Commission and City Council. If the Planning Commission decides that a public hearing of Preliminary Plat is necessary, it is staff's preference to have it only at the Planning Commission level. That way, there will still be three public hearings, which is one more than is currently required, and the public comments can be incorporated into the Planning Commission's recommendation to City Council of Preliminary Plat action.

Suggested Motion

Move that the Planning Commission recommend that the City Council amend Chapters 1, 2, and 6 of the Subdivision Ordinance as written in the attached draft amendments.

Finding

1. The proposed subdivision text amendment will improve the subdivision approval process and ensure that the process meets state law.
2. It provides a more clear appeal process.

Supplementary Information

1. Title 12, Chapter 1, proposed draft changes.
2. Title 12, Chapter 2, proposed draft changes.
3. Title 12, Chapter 6, proposed draft changes.

CHAPTER 1

GENERAL PROVISIONS

12-1-010 Short Title.
12-1-020 Purpose.
12-1-030 Interpretation.
12-1-040 Definitions.
12-1-050 Considerations.
12-1-060 General Responsibilities.
12-1-070 Appeal of Planning Commission Decisions.
12-1-080 Judicial Review of City Council Decisions.

12-1-010 Short Title.

This Title shall be known as the "Farmington City Subdivision Ordinance." This Title shall also be known as Title 12, Farmington City Code. It may be cited and pleaded under either designation.

12-1-020 Purpose.

(1) Purpose. The purpose of this Title, and any rules, regulations and specifications hereafter adopted, are to promote and protect the public health, safety and general welfare through provisions designed to:

(a) Provide for the harmonious and coordinated development of the City, and to assure sites suitable for building purposes and human habitation.

(b) Insure adequate open space for traffic, recreation, light, and air.

(c) Facilitate the conservation of, or production of, adequate transportation, water, sanitation, drainage and energy resources.

(d) Avoid scattered and premature subdivisions which would cause insufficient public services and facilities, or necessitate an excessive expenditure of public funds for the supply of such services and facilities.

(e) Preserve outstanding natural, cultural or historic features.

(2) Intent. This Title is designed to inform the Subdivider and public of the requirements and conditions necessary to obtain approval of a subdivision. To this end, all requirements, where possible, are expressly delineated in this Title or other applicable ordinances. However, since it is impossible to cover every possibility, and there are some

aspects which do not lend themselves to being easily articulated, this Title allows the Planning Commission and City Council to impose reasonable conditions upon a Subdivider in addition to those expressly required, so long as such conditions do not conflict with any requirements set forth in this Title or other applicable ordinances.

12-1-030 Interpretation.

In their interpretation and application, the provisions of this Title shall be considered as minimum requirements. Where the provisions of this Title impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this Title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this Title, the provision of such statute, other regulation, ordinance or covenant shall prevail. The provisions of this Title are not intended to abrogate any easement, covenant, or any other private agreement or restriction which is not inconsistent with these regulations.

12-1-040 Definitions.

Whenever any word or phrase used in this Title is not defined herein, but is defined in related sections of the Utah Code or in the Farmington City Zoning Ordinance, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. 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. The following terms as used in this Title shall have the respective meanings hereinafter set forth.

(1) Agricultural Use means land used for the production of food through the tilling of the soil, the raising of crops, breeding and raising of domestic animals and fowl, except household pets, and not including any agricultural, industry or business.

(2) Alley means a public way which generally affords a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

(3) Applicant means the owner of land proposed to be subdivided or such owner's duly authorized agent.

(4) Bond means an agreement to install improvements secured by cash, a letter of credit, or escrow funds on deposit in a financial institution, or with the City, in an amount corresponding to an engineering estimate and in a form satisfactory to the City Attorney.

(5) Condominium means property conforming to the definition set forth in Section 57-8-3 of Utah Code Annotated, 1953, as amended. A condominium is also a "subdivision" subject to these regulations.

(6) Capital Project means an organized undertaking which provides, or is intended to provide, the City with a capital asset. "Capital Asset" is defined according to generally accepted accounting principles.

(7) City means Farmington City.

(8) City Council means the City Council of Farmington City.

(9) City Manager means the City Manager of Farmington City.

(10) Consolidated Fee Schedule means the schedule of fees adopted periodically by resolution of the City Council setting forth the various fees charged by the City.

(11) Cul-de-sac means a minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic.

(12) Dedication of Land refers to land set aside by the Subdivider to be used by the public, such land being conveyed to the City or other governmental entity.

(13) Developer means, as the case may be, either: (1) an applicant for subdivision approval; (2) an applicant for a building permit or another permit issued; or (3) the owner of any right, title, or interest in real property for which subdivision approval or site plan approval is sought.

(14) Dwelling Unit means one or more rooms in a dwelling, designed for or occupied by one family for living or sleeping purposes and having one but not more than one kitchen or set of fixed cooking facilities, other than hot plates or other potable cooling units or wet bars.

(15) Easement means a nonprofitable interest in property owned by another that entitles its holder to specific use on, under, or above said property.

(16) Final Plat means a map of a subdivision, required of all major subdivisions, which is prepared for final approval and recordation, which has been accurately surveyed, so that streets, alleys, blocks, lots and other divisions thereof can be identified; such plat being in conformity with the ordinances of the City and the Municipal Land Use Development and Management Act, set forth at Title 10, Chapter 9, Utah Code Annotated, 1953, as amended.

(17) Flag Lot means a lot that has been approved by the City with access provided to the bulk of the lot by means of a narrow corridor.

(18) Flood Damage Prevention Ordinance means the Farmington City Flood Control

and Storm Drainage Ordinance, as amended.

(19) Flood, One Hundred Year means a flood having a one percent (1%) chance of being equalled or exceeded in any given year.

(20) Flood, Ten Year means a flood having a ten percent (10%) chance of being equalled or exceeded in any given year.

(21) Flood Plain, One Hundred Year means that area adjacent to a drainage channel which may be inundated by a one hundred year flood.

(22) Freeway means a street with fully controlled access designed to link major destination points. A freeway is designed for high speed traffic with a minimum of four travel lanes.

(23) General Plan means the document adopted by the City which sets forth general guidelines for proposed future development of land within the City, as provided in Title 10, Chapter 9, Utah Code Annotated 1953, as amended. "General Plan" includes what is also commonly referred to as a "master plan."

(24) Lot means a parcel of land occupied or capable of being occupied by one (1) building or a group of buildings together with such yards, open spaces and yard areas as are required by this Title and the Farmington City Zoning Ordinance, and having frontage on a public street equal to fifty percent (50%) of the minimum required frontage for the lot except for flag lots.

(25) Lot Split means the division of a property which may be divided into no more than two (2) legal size lots.

(26) Major Street Plan means the plan which defines the future alignments of streets and their rights-of-way, including maps or reports or both, which has been approved by the Planning Commission and City Council. Also known as an "official map" as referred to in the Utah Municipal Land Use Development Act.

(27) Natural Drainage Course means any natural watercourse which is open continuously for flow of water in a definite direction or course.

(28) Owner means the owner in fee simple of real property as shown in the records of the Davis County Recorder's Office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, limited liability company, trust, private corporation, public or quasi-public corporation, or any combination thereof.

(29) Parcel of Land means a contiguous quantity of land, in the possession of, or

owned by, or recorded as the property of, the same owner.

(30) Planned Unit Development means a development designed pursuant to the Planned Unit Development Ordinance set forth in the Farmington City Zoning Ordinance. Such development is a subdivision and shall comply with the applicable provisions of these regulations.

(31) Planning Commission means the Farmington City Planning Commission.

(32) Planning Department means the Planning Department of Farmington City.

(33) Preliminary Plat means the initial map of a proposed land division or subdivision required for major subdivisions.

(34) Protection Strip means a strip of land bordering a subdivision, or a street within a subdivision, which serves to bar access of adjacent property owners to required public improvements installed within the subdivision until such time as the adjacent owners share in the cost of such improvements.

(35) Public Improvements means streets, curb, gutter, sidewalk, water and sewer lines, storm sewers, and other similar facilities which are required to be dedicated to the City in connection with subdivision, conditional use, or site plan approval.

(36) Public Way means any road, street, alley, lane, court, place, parkway, walk, public easement, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right-of-way.

(37) Public Works Department means the Public Works Department of Farmington City.

(38) Reservation of Land refers to land set aside for common use within a subdivision, such land to be developed and maintained by the Subdivider or by the residents of the subdivision.

(39) Right-of-way means a strip of land used or intended to be used for a street, sidewalk, sanitary or storm sewer, drainage, utility, railroad, or other similar use.

(40) Schematic Plan means a sketch prior to the preliminary plat for major subdivisions or prior to final plat in the case of minor subdivisions to enable the Subdivider to save time and expense in reaching general agreement with the Planning and Zoning Division as to the form of the plat and the objectives of these regulations.

(41) Sidewalk means a passageway for pedestrians, excluding motor vehicles.

(42) Street, Dead-end, means a street with only one outlet which is intended to be extended at a future time to connect with other streets and to provide future access for abutting properties.

(43) Street, Local means a street for which the principal function is access to abutting land. Traffic movement is a secondary function.

(44) Street, Major Collector, means a street which carries traffic from minor streets and minor collector streets to the arterial street system. The primary function of such streets is the movement of traffic. Providing access to abutting properties is a secondary function.

(45) Street, Minor Arterial, means a street for which the principal function is movement of large volumes of traffic from collector streets to freeways. Providing access to abutting land is a secondary function.

(46) Street, Minor Collector, means a street which carries traffic from minor streets to the collector and major street system. Such streets include the principal entrance streets of residential developments and the primary circulating streets within such developments.

(47) Street, Private means a privately owned and maintained way used, or intended to be used, for passage or travel by motor vehicles and to provide access to abutting properties.

(48) Street, Public means a public way, having a width of at least fifty (50) feet, used or intended to be used for passage or travel by motor vehicles and to provide access to abutting properties, which has been accepted and is maintained by the City.

(49) Subdivider means the owner of the real property proposed to be subdivided, including any successors or assigns.

(50) Subdivision means any land that is divided, redivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions including resubdivision. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument, and divisions of land for all residential and nonresidential uses, including land used or to be used for

commercial, agricultural and industrial purposes.

(51) Subdivision, Major means all subdivisions of ten (10) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities.

(52) Subdivision, Minor means any subdivision of land that results in nine (9) or fewer lots, provided that each lot thereby created has frontage on an improved public street or streets, and providing further that there is not created by the subdivision any new street or streets.

(53) Survey Monument means a mark affixed to a permanent object along a line of survey to furnish a survey control.

(54) Utilities includes culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, sub-surface drainage systems, electric power, natural gas, and telephone transmission lines, cable television lines, and underground conduits and junction boxes.

(55) Water and Sewer Improvement Districts means the Farmington Area Pressure Irrigation District and the Central Davis Sewer District and any other water or sewer improvement district existing or hereinafter organized, whichever has jurisdiction over the land proposed to be subdivided.

(56) Zoning Ordinance means the Farmington City Zoning Ordinance, as amended.

12-1-050 Considerations.

(1) General Plan. The General Plan shall guide the use of all land within the corporate boundaries of the City. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any special facilities in any subdivision shall conform to the land uses shown and the standards established in the General Plan, the Zoning Ordinance, and other applicable ordinances.

(2) Natural Landscape. Trees, native land cover, natural watercourses, and topography shall be preserved when possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with the Foothill Development Ordinance. The design of new subdivisions shall consider, and relate to, existing street widths, alignments and names.

(3) Community Facilities. Community facilities, such as parks, recreation areas trails, and transportation facilities shall be provided in the subdivision in accordance with General Plan standards, this Title, and other applicable ordinances and resolutions. This Title establishes procedures for the referral of information on proposed subdivisions to interested

boards, bureaus, and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of the subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the Subdivider may be required to dedicate, grant easements over or otherwise reserve land for schools, parks, playgrounds, public ways, utility easements, and other public purposes as specified.

12-1-060 General Responsibilities.

(1) Subdivider. The Subdivider shall prepare a plat consistent with the standards contained herein and shall pay for the design and inspection of the public improvements required. The City shall process said plats in accordance with the regulations set forth herein. The Subdivider shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until the necessary approvals as outlined herein have been obtained.

(2) Planning Department. The Planning Department shall review the plats for design; for conformity to the Master Plan and to the Zoning Ordinance; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this Title.

(3) Other Agencies. Plats of proposed subdivisions may be referred by the Planning Department to such City departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The Planning Department shall decide which agencies to refer proposed subdivision plats to. Subdividers shall be responsible for distributing plans to and coordinating the comments received from all public and private entities.

(4) Public Works and Engineer. The Public Works Department and City Engineer shall make comments as to engineering requirements for street widths, grades, alignments, and flood control, whether the proposed public improvements are consistent with this Title and other applicable ordinances and shall be responsible for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated with transportation planning in the Planning Department.

(5) Planning Commission. The Planning Commission shall act as an advisory agency to the City Council at Preliminary Plat. It is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the Master Plan and Zoning Ordinance, and other pertinent documents. The Planning Commission shall recommend approval, approval with conditions, or disapproval of the preliminary plat to the City Council. The Planning Commission has final jurisdiction in the approval of subdivision plats, the establishment of requirements and design standards for public improvements, and the acceptance of lands and public improvements that may be proposed for dedication.

(6) City Attorney. The City Attorney shall verify, prior to recordation of a plat, that the form of the final plat is correct and acceptable, that the Subdivider dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report submitted by the Subdivider.

(7) City Manager. The City Manager acts as liaison between the Planning Commission, Planning Department staff, and the City Council. Prior to preliminary approval for a subdivision, the City Manager may review the proposed plat and receive written comments from the City Council on the plat. The comments may then be forwarded to the Planning Commission for evaluation. Upon final approval by the Planning Commission, the plat will be sent to the City Manager who will present it to the City Council.

(8) City Council. The City Council has final jurisdiction in the approval of Preliminary Plat. And shall consider appeals regarding the administration of the subdivision ordinance as provided herein.

12-1-070 Appeal of Planning Commission Decisions.

(1) City Council. Appeal may be made to the City Council from any decision, determination or requirement of the Planning Commission under this Title by filing with the City Recorder a notice thereof in writing within fifteen (15) days after such decision, determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which the Subdivider, or other interested person, deems himself or herself aggrieved.

(2) Hearing. The City Recorder shall set the appeal for hearing before the City Council to be held within a reasonable time from the date of receipt of the appeal. Such hearing may, for good cause, be continued by order of the City Council. The appellant shall be notified of the appeal hearing date at least seven (7) days prior to the hearing. After hearing the appeal, the City Council may affirm, modify, or overrule the decision, determination or requirement appealed and enter any such order or orders as are in harmony with the spirit and purpose of this Title. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the City Council.

12-1-080 Judicial Review of City Council Decisions.

Any person aggrieved by any decision of the City Council under this Title 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 the decision by the City Council. No person may challenge in district court any land use decision made by the City under this Title until that person has exhausted his or her administrative remedies as provided herein.

Title 6 (now Title 12) Amended, 6-06-91, Ord. 91-21
6-1-104 (now 12-1-040) Amended, 4-21-93, Ord. 93-18
Title 12 Amended and Recodified, 6-19-96, Ord. 96-24
Amended 12-1-050(3) & 12-1-060(3) 04/19/06, Ord. 2006-28
Amended 5-19-06, Ord. 2006-28

CHAPTER 2

CONTROL AND APPLICATION

12-2-010 Subdivision Control.
12-2-020 Required Plat Approval.
12-2-030 Transfer of Land.
12-2-040 Transfer of Land - Voidable.
12-2-045 Building Permits.
12-2-047 Certificates of Occupancy.
12-2-050 Penalties.

12-2-010 Subdivision Control.

It shall be unlawful for any owner, or agent of the owner, of any land within the corporate limits and jurisdiction of the City to subdivide such land unless and until:

(1) A plat, or metes and bounds description(s) based upon a survey as specified in Chapter 4 of this Title, of such subdivision is made in accordance with the requirements set forth herein;

(2) Approval of such plat or metes and bounds description(s) based upon a survey is secured as provided herein; and

(3) The approved plat, or metes and bounds description(s) based on a survey as approved herein, is recorded in the Office of the Davis County Recorder by the City Recorder or, in the case of a metes and bounds description, by the Subdivider.

12-2-020 Required Plat Approval.

No plat of any subdivision shall be recorded in the County Recorder's Office until it has been submitted and approved as provided herein ~~and unless a recommendation has been received from the Planning Commission and it has been approved by the City Council~~ by the Planning Commission and such approvals are entered in writing on the plat by the ~~Mayor~~ Chair of the Planning Commission. A plat shall not be approved if such plat is in conflict with any provision or portion of the General Plan, Major Street Plan, Zoning Ordinance, this Title, or any other State law or City ordinance.

12-2-030 Transfer of Land.

Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until the final subdivision plat is recorded in the Davis County Recorder's Office in accordance with this Title and any applicable provisions of State Law, and until the

improvements required in connection with the subdivision have been constructed or guaranteed as provided herein.

12-2-040 Transfer of Land - Voidable.

No person shall offer to sell, contract to sell, sell, deed or convey any property contrary to the provisions of this Title. Any deed or conveyance, sale or contract to sell made contrary to the provisions of this Title is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in bankruptcy, within one (1) year after the date of execution of the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee.

12-2-045 Building Permits.

12-2-045 Building Permits.

(a)____No building permit shall be issued for any structure within a subdivision until the final subdivision plat is recorded in the Davis County Recorder's Office, a bond is provided acceptable to the City ensuring the adequate installation of required public improvements and utilities, and the required improvements and utilities have been installed and are operable as provided herein. No building permit shall be issued for any structure within a subdivision until all sanitary sewer, storm sewer, culinary water lines, pressure irrigation (if applicable), fire hydrants, curb and gutter, streets, other underground utilities located under the street surface, and required grading and drainage improvements, are installed and fully functional, as determined by the City, providing continuous access and/or service to the lot. Notwithstanding the foregoing, for condominium projects only, permits for footings and foundations which are accompanied by a certificate of survey by a licensed surveyor verifying its location, may be issued by the City Council, subject to compliance with applicable requirements, including adequate access for emergency vehicles, prior to the installation of utilities and street improvements. For purposes of this Section, street improvements shall require asphalt or concrete hard surfacing of the streets, except as otherwise provided in Subsection (b).

(b) A building permit may be issued by the City for the construction of a structure within a subdivision prior to application of hard surfacing of the streets within the subdivision under the following conditions:

(1) The street improvements are being constructed during the months when cold weather prohibits the laying of a hard

surface on the street.

(2) The streets shall be completed with all utilities, rough grading, and all-weather road base sufficient for emergency vehicle access and construction traffic. Sufficiency of the road base, including road base gradation and thickness, shall be determined by the City Engineer upon review and consideration of applicable soils reports, drainage factors and existing topographic conditions of the property.

(3) The developer enters into an agreement with the City that the developer will take responsibility to ensure that the road is accessible for emergency vehicles and construction traffic at all times, including snow removal and other required maintenance.

(4) The developer enters into an agreement with the City that developer will hard surface the road as soon as weather permits and as authorized by the City. If developer fails to do so, the City can declare the developer in default of the applicable improvements bond agreement and may withdraw any or all of the funds from the bond and cause the improvements to the street to be constructed, completed and/or repaired in accordance with the terms and procedures set forth in the bond agreement for the withdrawal of funds.

(5) The building contractor, property owner, and building permit applicant enters into an Assumption of Risk Agreement acknowledging the lack of hard surface streets within the subdivision and developer's obligation regarding maintenance and access of the same and assuming the risk of proceeding with construction under such circumstances pursuant to the terms and conditions set forth herein.

(6) No certificate of occupancy shall be granted by the City for any structure within the subdivision until all streets are hard surfaced.

12-2-047 Certificates of Occupancy.

No building within a subdivision shall be occupied until a certificate of occupancy has been issued for such structure by the City. No certificate of occupancy shall be issued for any structure within a subdivision by the City until all required improvements for the subdivision are complete, including the hard surfacing of the streets, all required street signs are installed for the subdivision and house numbers are placed on the structure, all required utilities are installed providing service to the structure, and all other applicable ordinance provisions have been satisfied.

12-2-050 Penalties.

It shall be a Class "C" misdemeanor for any person to fail to comply with the provisions of this Title. In addition to any criminal prosecution, the City may pursue any other legal remedies provided by law to ensure compliance with this Title including, but not limited to, instituting an injunction, mandamus, abatement, or other appropriate actions, or proceedings to prevent, enjoin, abate, or remove the unlawful use or act.

Title 6 (now Title 12) Amended, 6-06-91, Ord. 91-21
Title 12 Amended and Recodified, 6-19-96, Ord. 96-24
12-2-045 and 12-2-047 Enacted, 3-21-01, Ord. 2001-01
12-2-030 and 12-2-045 and 12-2-047 Amended, 4-04-01, Ord. 2001-13
Title12-2-045 amended, July 11, 2006, Ord. 2006-45

CHAPTER 6

MAJOR SUBDIVISIONS

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12-6-010 Preliminary Plat - Purpose.

The purpose of the preliminary plat is to require formal preliminary approval of a major subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and procedures relating thereto, shall, in all respects, be in compliance with the provisions of this Title and any other applicable ordinances.

12-6-020 Application and Fees.

The Subdivider of a major subdivision, after completing the schematic plan required by this Title, shall file an application for preliminary plat approval with the Planning Department on a form prescribed by the City, together with one reproducible copy and two (2) prints of the preliminary plat. At the same time, the Subdivider shall pay an application fee as published in the Consolidated Fee Schedule of the City. The Planning Department will determine if the appropriate

plan is submitted, if the application is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the Planning Department, and the Subdivider shall distribute plans, accompanied by the letter, for comment to all appropriate public and private entities.

12-6-030 Preliminary Plat - Preparation and Required Information.

(1) Form. The preliminary plat shall be clearly and legibly drawn with approved waterproof drawing ink at a scale not less than one inch (1") equaling one hundred (100) feet . The plat shall be so drawn that the top of the sheet is either north or east, whichever accommodates the drawing best. Dimensions shall be in feet and decimals thereof and bearings in degrees, minutes and seconds.

(2) Required Information. The following information shall be included on or with the preliminary plat:

(a) A vicinity sketch at a scale of not less than one thousand (1000) feet to the inch which defines the location of the subdivision within the City;

(b) The name of the subdivision. Such subdivision names shall not duplicate or nearly duplicate the name of any subdivision in the City or in the incorporated and unincorporated area of Davis County;

(c) The name and address of the Subdivider and his or her agent, if applicable;

(d) If the Subdivider is represented by an agent, there shall be a statement from the recorded owner authorizing the Agent to act;

(e) The name and address of the person, firm or organization preparing the preliminary plat and a statement indicating the recorded owner's permission to file the plat;

(f) The date, north point, written and graphic scales;

(g) A legal description to define the location and boundaries of the proposed subdivision;

(h) The location, names and existing widths of adjacent streets;

(i) The names and numbers of adjacent subdivisions and the names of owners of adjacent unplatted land;

(j) The contours, at one (1) foot intervals, for predominant ground slopes within the subdivision between level and five percent (5%), and two (2) foot contours for

predominant ground slopes within the subdivision over five percent (5%). Such contours shall be based on Davis County datum. The closest City survey monument shall be used and its elevation called out on the map. Survey monument information shall be obtained from the Davis County Surveyor or City Engineer;

(k) At the discretion of the City, a grading plan showing, by appropriate graphic means, the proposed grading of the subdivision. Contours should be consistent with Subsection (j). Proposed subdivisions located in the Foothill Zone shall comply with requirements of the Farmington City Foothill Development Ordinance set forth in the Zoning Ordinance;

(l) The location of all isolated trees worthy of preservation with a trunk diameter of four (4) inches or greater, within the boundaries of the subdivision, and the outlines of groves or orchards;

(m) The boundaries of areas subject to one hundred (100) year flooding or storm water overflow, as determined by the City, and the location, width and direction of flow of all watercourses, including all existing and proposed irrigation and natural runoff channels and courses;

(n) The existing use or uses of the property and the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines drawn to scale;

(o) A statement of the present zoning and proposed use of the property, as well as proposed zoning changes, whether immediate or future;

(p) Location and dimensions of proposed sites to be dedicated or reserved for open space or recreational use;

(q) Any proposed lands to be reserved in private ownership for community use;

(r) The locations, proposed names, widths and a typical cross section of curbs, gutters, sidewalks and other improvements of the proposed street and access easements;

(s) Layout of all lots, including the average and minimum lot size, lot divisions, and consecutive numbering;

(t) Preliminary location and size of sanitary sewers, water mains, pressurized irrigation lines, and any other public or private utility;

(u) The dimensions and locations of all existing or proposed dedications, easements, and deed restrictions. These shall include easements for drainage,

sewerage and public utilities;

(v) Preliminary indication of needed storm drainage facilities with preliminary runoff calculations and location, size, and outlets of the drainage system;

(w) The location of any of the foregoing improvements which may be required to be constructed beyond the boundaries of the subdivision shall be shown on the subdivision plat or on the vicinity map as appropriate;

(x) If it is contemplated that the development will proceed by phases, the boundaries of such phases shall be shown on the preliminary plat along with the estimated construction schedule for each phase;

(y) The words "Preliminary Plat - Not to be Recorded" shall be shown on the plat.

12-6-040 Soil Report.

(1) Form. A soil report, based upon adequate test borings and excavations, prepared by a civil engineer specializing in soil mechanics and registered by the State of Utah, shall be required prior to preliminary approval of any subdivision plat. The soil report shall include, among other things, a description of the soil types and characteristics on the site, describe whether or not ground water was encountered in any of the test borings and at what elevation it was encountered, and shall identify the location of any seismic zones or flood zones on the property.

(2) Investigation. If the soil report indicates the presence of critically expansive soils, high water table, the presence of toxic or hazardous waste, or other soil problems which, if not corrected, would lead to structural defects of the proposed buildings, damage to the buildings from the water, premature deterioration of the public improvements, or which would represent a public health hazard, a soil investigation of each lot in the subdivision may be required by the City Engineer. The soil investigation shall recommend corrective actions intended to prevent damage to proposed structures and/or public improvements. The fact that a soil report has been prepared shall be noted on the final plat and a copy attached to the preliminary plat application.

12-6-050 Evaluation of Preliminary Plat.

The Planning Department will determine if the appropriate plan is submitted, if the application is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the Planning Department, and the Subdivider shall distribute plans for comment to all appropriate public and private entities. After reviewing the plans, each of the public agencies and utilities

will provide the acknowledgment letter to the Subdivider indicating whether the plans are acceptable or need to be revised, and may forward to the Subdivider a written report of its findings and recommendations. These agencies shall include, but are not necessarily limited to, Water and Sewer Improvement Districts, the Public Works Department, the City Engineer, and the Fire Department. The Planning Department will also provide the City Manager with one (1) full set of plans for comment and review.

12-6-060 Planning Commission Action.

Upon receipt of the preliminary plat, the Planning Commission shall examine the plat to determine whether the plat conforms with the schematic plan and with all changes requested and all requirements imposed as conditions of acceptance. If the Planning Commission determines that the plat is in conformity therewith, it shall recommend approval of the plat. If the Planning Commission determines that the preliminary plat does not fully conform to the schematic plan as approved, it shall advise the Subdivider of the changes or additions that must be made for approval. After the plat is approved by the Planning Commission, the Subdivider shall be responsible for notifying the Planning Department when the application is ready to go to the City Council for preliminary plat approval. If such notification is not given within twelve (12) months from the date of final approval by the Planning Commission, such approval shall be null and void. This time period may be extended for up to twelve (12) months for good cause shown if the Subdivider petitions the Planning Commission for an extension prior to the expiration date. Only one (1) extension may be granted.

12-6-070 City Council Action.

(1) The City Council shall not be bound by the recommendations of the City Departments, the Planning Commission or the City Manager, and may set its own conditions and requirements consistent with this Title.

(2) Within a reasonable time following the recommendation of the preliminary plat by the Planning Commission and receipt of the same from the Planning Department upon notification from the Subdivider, the City Council shall consider the plat. If the City Council determines that the plat is in conformity with the requirements of this Title, other applicable ordinances and any reasonable conditions as recommended by the City departments, Planning Commission, City Manager or on its own initiative, and that it is satisfied with such plat of the subdivision, it shall approve the preliminary plat.

12-6-080 Disapproval by the City Council.

If the City Council determines that the preliminary plat is not in conformity with this Title or other applicable ordinances, or any reasonable conditions imposed, it

shall disapprove the plat specifying the reasons for such disapproval. Within one (1) year after the City Council has disapproved any plat, the Subdivider may file with the Planning Department a plat altered to meet the requirements of the City Council. No plat shall have any force or effect until the same has been approved by the City Council.

~~12-6-060 Planning Commission Action.~~

~~Within a reasonable time after the filing of a preliminary plat of a subdivision and any other information required, the Planning Commission shall act thereon. If the Planning Commission finds that the proposed plat complies with the requirements of this Chapter and that it is satisfied with the plat of the subdivision, it shall approve, or approve with conditions, the plat. If the Planning Commission finds that the proposed plat does not meet the requirements of this Title or other applicable ordinances, it shall deny approval of such plat.~~

~~12-6-070~~ 12-6-090 Notification of Action.

The Planning Department shall notify the Subdivider, in writing, of the action taken by the ~~Planning Commission~~ City Council. One (1) copy of the plat and accompanying conditions, if applicable, and the minutes of the City Council meeting shall be retained in the permanent file. Notification of the approval of the preliminary plat shall be authorization for the Subdivider to proceed with the preparation of detailed plans and specifications for the improvements required by City ordinances and the City Council, and with the preparation of the final plat.

~~12-6-080~~ 12-6-100 Effect of Approval of the Preliminary Plat.

Approval of the preliminary plat shall in no way relieve the Subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all City standards.

~~12-6-090~~ 12-6-110 Final Plat - Purpose.

The purpose of the final plat is to require formal approval by the Planning Commission ~~and City Council~~ before a major subdivision plat is recorded. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this Title. The final plat and improvement plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure. Pursuant to Section 10-9-805, Utah Code Annotated, 1953 as amended, the ~~City Council~~ Planning Commission designates the ~~Mayor~~ Planning Commission Chair as its agent to sign final subdivision plats. The ~~Mayor~~ Planning Commission Chair shall not sign any final plat until such plat has been approved by the Planning Commission ~~and~~

~~the City Council~~ in accordance with the provisions set forth herein.

~~12-6-100~~ 12-6-120 Filing Deadline, Application and Fees.

The Subdivider shall file an application for final plat approval with the Community Development Department on a form prescribed by the City, together with one reproducible copy and prints of the final plat, the number of which shall be determined by City staff, and all required fees. The preliminary plat shall become null and void unless the Subdivider submits an application for and obtains final plat approval for all phases encompassing the area of the preliminary plat within twelve (12) months after approval or conditional approval of the preliminary plat by the ~~Planning Commission~~ City Council, except as otherwise provided for by written agreement with the City. This time period may be extended for up to twelve (12) months for good cause shown if the Subdivider petitions the ~~Planning Commission~~ City Council in writing for an extension prior to the expiration date of the preliminary plat together with any applicable fees. Only one (1) extension of the preliminary plat approval may be granted. In the event the final plat approval expires, or the City does not grant an extension of final plat approval, or the City does not re-approve a previously approved final plat, the preliminary plat approval shall also expire, unless 12 months has not lapsed from the date of its approval and/or a 12 month extension of time has been granted as provided herein

~~12-6-110~~ 12-6-130 Final Plat - Preparation and Required Information.

(1) The final plat shall consist of a sheet of approved mylar to the outside or trim line dimensions of nineteen by thirty (19" x 30") , and the border line of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inch (1½") on the left margin of the sheet for binding, and not less than a one-half inch (½") margin in from the outside or trim line around the other three edges of the sheet. The plat shall be so drawn that the top of the sheet either faces north or east, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the mylar with approved waterproof black drawing ink.

(2) The final plat shall be drawn at a scale of not less than one inch (1") equaling one hundred feet (100'), and the workmanship on the finished drawing shall be neat, clear and readable.

(3) The plat shall be signed by all required and authorized parties and the final drawings shall contain all information set forth in this Section. The location of the subdivision within the City shall be shown by a small scale vicinity map on the first sheet.

(4) The title of each sheet of the final plat shall consist of the approved name and

unit number of the subdivision in bold letters, and if applicable, the words “a Planned Unit Development (PUD)” or “a Conservation Subdivision”, followed by the words "Farmington City" at the top of the sheet.

(5) Wherever the City Engineer has established a system of coordinates, the survey shall use such system. The adjoining corners of all adjoining subdivisions shall be identified by lot and block numbers, subdivision name and place of record, or other proper designation.

(6) An accurate and complete boundary survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground shall close within a tolerance of one (1) foot to twenty thousand (20,000) feet of perimeter.

(7) The final plat shall show all survey, mathematical information, and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius, and arc length of curves, and such information as may be necessary to determine the location of the beginning and ending points of curves.

(8) All lots, blocks, and parcels offered for dedication for any purpose shall be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. The square footage of each lot shall be shown. Parcels offered for dedication other than for streets or easements shall be designated by letter. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. Sheets shall be so arranged that no lot is split between two or more sheets, and wherever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with numeral "1" and continue consecutively throughout the subdivision with no omissions or duplications. When a subdivision is developed in phases, the phase number shall precede each lot number. For example, phase two would be numbered 201, 202, 203, etc.

(9) The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated, and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet (50') of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such street to such existing streets shall be accurately shown.

(10) All streets within the subdivision shall be assigned a name. Numerical

names are preferred. Streets which have an alphabetic name shall also be assigned a coordinate reference number which conforms to the numbering system adopted by the City. All numbering shall be accomplished by the City Building Official.

(11) The side lines of all easements shall be shown by fine dashed lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified.

(12) If the subdivision is adjacent to a waterway or any other area which is subject to flooding, the plat shall show the line of high water with a continuous line and shall also show with a fine continuous line, any lots subject to inundation by a one hundred (100) year flood.

(13) The plat shall show fully and clearly stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the Subdivider under the direction of the City Engineer. The following required monuments shall be shown on the final plat:

(a) The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;

(b) All right-of-way monuments at angle points and intersections as approved by the City Engineer.

(14) The title sheet of the map shall show the name of the engineer or surveyor, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of the final maps, and such certificates may be combined where appropriate:

(a) Registered land surveyor's "Certificate of Survey;"

(b) Owner's dedication certificate;

(c) Notary public's acknowledgment for each signature on the plat;

(d) A description of all property being subdivided with reference to maps or deeds of the property as shall have been previously recorded or filed. Each reference in such description shall show a complete reference to the book and page of records of the County and commence from Section corners of known location, bearing, and distance. The description shall also include reference to any vacated area with the vacation ordinance number indicated;

(e) Blocks for authorized signatures of the Planning Commission, City

Engineer, Benchland Irrigation, Central Davis Sewer District, and City Attorney, ~~and City Council~~ shall be provided along the bottom or right side of the plat. A block for the Davis County Recorder shall be provided in the lower right corner of the plat.

(f) Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law, by this Title or by the City Attorney;

(g) Prior to recordation of the plat, the Subdivider shall submit a current title report to be reviewed by the City Attorney. A "current" title report is considered to be one which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.

(15) A note shall be placed on the final plat indicating that a soil report has been prepared and submitted to the City for the proposed subdivision in accordance with the provisions of this Title.

(16) When a subdivision contains lands which are reserved in private ownership for community use, the Subdivider shall submit, with the final plat, the name, proposed articles of incorporation, and bylaws of the owner or organization empowered to own, maintain and pay taxes on such lands.

(17) An address shall be placed on each lot shown on the final plat. Addresses shall conform to the established grid system for Davis County and shall include optional addresses for corner lots.

~~12-6-120~~ 12-6-140 Data to Accompany Final Plat.

At the time a final plat of a subdivision is submitted to the City, the Subdivider shall also submit the following documents:

(1) Calculation and traverse sheets giving bearings, distances and coordinates of the boundary of the subdivision and blocks and lots as shown on the final plat.

(2) Design data, assumptions and computations for proper analysis in accordance with sound engineering practice, along with appropriate plan, section, and profile sheets for all public improvements.

~~12-6-130~~ 12-6-150 Evaluation of Final Plat.

(1) Planning Department. The Planning Department will determine if the final plat submission is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the Planning Department, and the Subdivider shall distribute plans, accompanied by the letter, for comment to all appropriate public and private entities.

(2) Reviewing Entities. After reviewing the plans, each of the public agencies and utilities will provide the acknowledgment letter to the Subdivider indicating whether the plans are acceptable or need to be revised, and may forward to the Subdivider a written report of its findings and recommendations. These agencies shall include, but are not necessarily limited to, Water and Sewer Improvement Districts, the Public Works Department, the City Engineer, and the Fire Department.

(3) Additional Reviews. In cases where Subdivider's submission or plat is incomplete, incorrect or otherwise fails to comply with Farmington City ordinances and/or development standards as determined by the City and where such failure makes additional or repeat reviews on the part of the City Engineer and/or other consultants to the City necessary, Subdivider shall be required to resubmit the plans to those reviewing entities that will be effected by changes. After reviewing the plans, each of the public agencies and utilities will provide the acknowledgment letter to the Subdivider indicating whether the plans are acceptable or need to be revised. This process shall continue until all reviewing entities have accepted the plans.

(4) Within a reasonable time after receipt of a final plat and approval or comments from all appropriate reviewing entities, the Planning Department shall include the final plat on the Planning Commission agenda and prepare a report on the plat's compliance with the General Plan, City Ordinances, Rules and Regulations. The plat and the report of the City Planning Department shall then be presented to the Planning Commission.

12-6-160 Planning Commission Action.

(1) The Planning Commission shall not be bound by the recommendations of the City Departments or the City Manager, and may set its own conditions and requirements consistent with this Title.

(2) Within a reasonable time following the approval of receipt of the final plat from the Planning Department upon notification from the Subdivider, the Planning Commission shall consider the plat. If the Planning Commission determines that the plat is in conformity with the requirements of this Title, other applicable ordinances and any reasonable conditions as recommended by the City departments, City Manager or on its own initiative, and that it is satisfied with such plat of the subdivision, it shall approve the plat.

12-6-170 Disapproval by the Planning Commission.

If the Planning Commission determines that the final plat is not in conformity with this Title or other applicable ordinances, or any reasonable conditions

imposed, it shall disapprove the plat specifying the reasons for such disapproval. Within one (1) year after the Planning Commission has disapproved any plat, the Subdivider may file with the Planning Department a plat altered to meet the requirements of the Planning Commission. No plat shall have any force or effect until the same has been approved by the Planning Commission.

~~12-6-140 Planning Commission Action.~~

~~Upon receipt of the final plat, the Planning Commission shall examine the plat to determine whether the plat conforms with the preliminary plat and with all changes requested and all requirements imposed as conditions of acceptance. If the Planning Commission determines that the plat is in conformity therewith, it shall recommend approval of the plat. If the Planning Commission determines that the final plat does not fully conform to the preliminary plat as approved, it shall advise the Subdivider of the changes or additions that must be made for approval. After the plat is approved by the Planning Commission, the Subdivider shall be responsible for notifying the Planning Department when the application is ready to go to the City Council for final plat approval. If such notification is not given within twelve (12) months from the date of final approval by the Planning Commission, such approval shall be null and void. This time period may be extended for up to twelve (12) months for good cause shown if the Subdivider petitions the Planning Commission for an extension prior to the expiration date. Only one (1) extension may be granted.~~

~~12-6-150 City Council Action.~~

~~(1) The City Council shall not be bound by the recommendations of the City Departments, the Planning Commission or the City Manager, and may set its own conditions and requirements consistent with this Title.~~

~~(2) Within a reasonable time following the approval of the final plat by the Planning Commission and receipt of the same from the Planning Department upon notification from the Subdivider, the City Council shall consider the plat. If the City Council determines that the plat is in conformity with the requirements of this Title, other applicable ordinances and any reasonable conditions as recommended by the City departments, Planning Commission, City Manager or on its own initiative, and that it is satisfied with such plat of the subdivision, it shall approve the plat.~~

~~12-6-160 Disapproval by the City Council.~~

~~If the City Council determines that the plat is not in conformity with this Title or other applicable ordinances, or any reasonable conditions imposed, it shall disapprove the plat specifying the reasons for such disapproval. Within one (1)~~

~~year after the City Council has disapproved any plat, the Subdivider may file with the Planning Department a plat altered to meet the requirements of the City Council. No plat shall have any force or effect until the same has been approved by the City Council.~~

~~12-6-170~~ 12-6-180 Security Bond - Subdivider.

Prior to the installation of or any work on any required public improvements, the Subdivider shall enter into a security bond agreement acceptable to the City to insure completion of all public improvements required to be installed in the subdivision. The bond agreement shall be in a form and contain such provisions as approved by the City Attorney. The bond agreement shall include, but not be limited to, the following:

(a) Incorporation by reference of the final plat and all accompanying data required herein which is used to compute the cost of the improvements by the City Engineer;

(b) Completion of the improvements within a period of time not to exceed two (2) years from the date the bond agreement is executed;

(c) The improvements shall be completed to the satisfaction of the City and according to City standards, as established by the City Engineer and as specified in Chapter 8 of this Title;

(d) The bond amount shall be equal to one hundred twenty percent (120%) of the City Engineer's estimated cost of the public improvements to be installed;

(e) The City shall have exclusive control over the bond proceeds and they may be released only upon written approval of the City Manager;

(f) The bond proceeds may be reduced upon request of the Subdivider as the improvements are installed. The amount of the reduction shall be determined by the City. Such requests may be made only once every thirty (30) days and no reductions shall be authorized until such time as the City has inspected the improvements and found them to be in compliance with City standards. All reductions shall be by the written authorization of the City Manager;

(g) If the bond proceeds are inadequate to pay the cost of the completion of the improvements according to City standards for whatever reason, including previous reductions, the Subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision or development until the improvements are completed or, with City Council approval, a new bond, satisfactory to the City, has been executed and delivered to the City to insure completion of the remaining improvements;

(h) If, upon written demand by the City after expiration of the time period, bond proceeds are not transferred to the City within thirty (30) days, the City's costs of obtaining the proceeds, including attorney's fees and court costs, shall be deducted from the bond proceeds;

(i) Upon receipt of the bond proceeds, after the expiration of the time period, the costs of completion shall include reimbursement to the City for the costs of administration incurred by the City in obtaining the completion of the improvements;

(j) The Subdivider shall agree to hold the City harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the City certifies the improvements as complete;

(k) The bond agreement shall be one of the following types as dictated by the City:

(i) A Cash Bond Agreement accompanied by a cashier's check or a money market certificate made payable only to the City;

(ii) An Escrow Bond Agreement and an escrow account with a financial institution Federally insured; or

(iii) A Letter of Credit Bond Agreement accompanied by an irrevocable letter of credit with a financial institution Federally insured.

(l) The City reserves the right to reject any bond. The bonds required by this Section are for the sole benefit of the City. The bonds are not for the benefit of any individual citizen or identifiable class of citizens, including the owners or purchasers of lots within the subdivision or project;

(m) The time period for the completion of the required public improvements may be extended in the following manner upon approval of the City Council;

(i) The Subdivider may submit a new bond for approval.

(ii) The existing bond may be extended upon payment, by the Subdivider, of the actual administrative costs incurred in reevaluating the sufficiency of the bond amount.

~~12-6-180~~ 12-6-190 Delay Agreement.

In lieu of the bond requirements outlined above, at the City's sole option, the

Subdivider 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.

~~12-6-190~~ 12-6-200 Recording of Plat.

After City Council approval, completion of the required public improvements or filing of the bond agreement described herein, and signing of the plat by the Mayor, the plat shall be presented by the City Recorder to the Davis County Recorder for recordation.

~~12-6-200~~ 12-6-210 Expiration of Final Approval.

If the plat is not recorded within six (6) months from the date of City Council approval, such approval shall be null and void. This time period may be extended for additional six (6) month periods by the City Manager. The Subdivider must petition for an extension, prior to the expiration of the original six (6) months, or an extension previously granted. An extension may be granted only if it is determined that it will not be detrimental to the City. If any of the fees charged as a condition of subdivision approval, including but not limited to, inspection fees, parks fee, flood control fees, as well as the amounts the City uses to estimate bonds to insure completion of improvements, have increased, the City Manager may require that the bond estimate be recalculated and that the Subdivider pay any applicable fee increases as a condition of granting the extension.

Title 6 (now Title 12) Amended, 6-06-91, Ord. 91-21
6-6-113 (now 12-6-130) Amended, 2-03-92, Ord. 93-04
Title 12 Amended and Recodified, 6-19-96, Ord. 96-24
12-6-170 Amended, 2-03-99, Ord. 99-05
12-6-170 Amended, 6-21-00, Ord. 2000-23
Chapter 6, Amended 4-19-06, Ord. 2006-28
Amended 12-6-170 10/20/2009, Ord 2009-53
Amended 12-6-110 (1) & (14)(e), 5/18/10, Ord. 2010-20
Amended 12-6-110 (4) 05/18/2011, Ord 2011-10
Amended 12-6-100 05/17/2011, Ord 2011-10
Amended 12-6-170 06/05/2012. Ord 2012-23
Amended 12-6-170 05/07/2013 Ord 2013-0

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 BR Zone is an historic district and it is integral to the cultural heritage of Farmington City that the historic resources of the zone be preserved, rehabilitated or restored where appropriate. 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~~;
(4) Day care, pre-school;
(5) Financial institutions, excluding non-chartered financial institutions, as defined in Section 11-2-020 of this Title;
(6) Funeral home;
(7) 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.);
(8) Printing, publishing;
(9) Public park;
(10) Public utility lines and rights-of-way;
(11) Reception center;
~~(14) 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) Single-family dwelling;
(17) Two-family dwelling;
(18) Uses customarily accessory to a listed permitted use.
(19) Home occupations complying with the Home Occupation Chapter of this Title, except as specified in Section 11-15-030 below.

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~~ Fitness/Athletic Center;
~~(3) Car wash~~;
(3) Commercial indoor recreation (movie theater, video arcade, bowling alley, etc.);
(4) Commercial outdoor recreation, minor (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.);
(5) Convenience store (sale of grocery items, non-prescription drugs, and/or fuel from building with less than five thousand (5,000) square feet gross floor area);
Farmers Market
(6) Fast food establishments, attached (walk-in service only, no exterior walk-up or vehicle drive-thru service);
~~(8) Fuel sales and/or storage~~;
(7) Greenhouse/garden center (retail or wholesale);
(8) Hotels, motels;
(9) Multiple-family buildings with three or more units;
(10) Museum
(11) Neighborhood grocery (grocery store not exceeding fifteen thousand (15,000) square feet in gross floor area);
(12) Nursing home, convalescent center;
(13) Performing Arts 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~~;
(19) Reduction of minimum setbacks for office/commercial buildings located next to residential uses within the BR zone (see Section 11-15-105(c);
(20) Restaurant (traditional sit-down);
(21) Shopping center (commercial complex) ;
~~(23) Small Auto Dealership~~;
(22) Temporary uses;

(23) Uses customarily accessory to a listed conditional use.
(24) Home occupations as identified in Section 11-35-104 of this Title;
(25) Mixed-Use development as defined in Section 11-18-102 of this Title.

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) Adaptive Reuse. Rehabilitation or renovation of existing building(s) or structure limited to residential and/or office uses(s) other than the present use(s).

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

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

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

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

(8) 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.

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

(10) 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.

(11) 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.

(12) 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.

(13) 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.

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

(15) 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.

(16) 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.

(17) 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.

(18) 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.

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

(20) 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.

(21) 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.

(22) 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.

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

(24) 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.

(25) 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.

(26) 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.

(27) 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.

(28) 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.

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

(30) 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.

(30-5) Daylight plane. An inclined plane, beginning at a stated height above grade at a side or rear property line, and extending into the side at a stated upward angle to the horizontal, which may limit the height or horizontal extent of structures at any specific point on the site where the daylight plane is more restrictive that the height limit or the minimum yard applicable at such point on the site.

(31) 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.

(32) Demolition. Any dismantling, intentional destruction, or removal of public or private structures, sites, surfaces, utilities, or other improvements, except partial demolitions.

(33) Partial Demolition. Any act which destroys a portion of a structure consisting of not more than twenty five percent (25%) of the floor area of the structure; and in the case of a Historic Resource on the Farmington Historic Landmark Register or Farmington Historic Sites List where the portion of the structure to be demolished is not readily visible from the street-and also includes the demolition or removal of additions or materials not of the historic period on any exterior elevation exceeding twenty five percent (25%) when the domolition is part of an act of restoring original historic elements of a structure and/or restoring a structure to its historical mass and size.

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

(35) 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.

(36) 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.

(37) 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.

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

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

(40) 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.

(41) 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.

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

(43) 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.

(44) 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.

(45) 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.

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

(47) 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.

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

(49) 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.

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

(51) Greenway Lands. See Conservation Lands.

(52) 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.

(53) 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.

(54) Lot. Any parcel of land.

(55) 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.

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

(57) 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.)

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

(59) 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.

(60) 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.

(61) 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.

(62) Lot Width. The width of a lot is the distance of a straight line for inside lots from side lot line to side lot line, or for corner lots from side lot line to the other front lot line that is not used to designate the front of the lot, tangent to the required minimum front set back line, which is parallel to the frontage of the lot, at a point and angle 90° to the centerline of the lot. (See Appendix I)

(63) 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.

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

(65) 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.

(66) 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.

(67) Non-chartered financial institution. A business other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association, that offers check cashing services and loans for payment of a percentage fee. Specifically included are check-cashing businesses that charge a percentage fee for cashing a check or negotiable instrument,

"payday loan" businesses that make loans upon assignments of wages received, or businesses that function as deferred presentment services.

(68) 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.

(69) 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.

(70) 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.

(71) 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.

(72) 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.

(73) 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.

(74) 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.

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

(76) 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.

(77) 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.

(78) 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.

(79) 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.

(80) 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.

(81) 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.

(82) 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.

(83) 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.

(84) 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.

(85) 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.

(86) 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.

(87) Silviculture. The art of cultivating a forest or woodlands.

(88) 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.

(89) 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.

(90) 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.

(91) 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.

(92) Structural Alteration. See "Alteration, Structural".

(93) 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.

(94) Tract. Any parcel of land. See lot definition in this ordinance.

(95) Trailer Coach. A mobile home designed and equipped for temporary and semi-permanent occupancy by humans.

(96) 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.

(97) 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.

(98) Use, Accessory. See "Accessory Use".

(99) Yard. An open space on a lot unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

(100) Yard, Front. Any yard between the front lot line and the front setback line of a main building and for inside lots extending between side lot lines, or for side corner lots extending between a side lot line and the other front lot line that is not used to designate the front of the structure, parallel to the frontage of the lot. On lots that are other than rectangular in shape, the front setback 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.

(101) Yard, Rear. A yard between the rear lot line and the rear setback line of a main building and for inside lots extending between side lot lines, or for corner lots extending between the side lot line and the side yard corner lying opposite thereto, parallel to rear lot line. On lots that are other than rectangular in shape, the rear setback 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.

(102) Yard, Required Front. Any yard between the front lot line and the minimum front setback distance required in a particular zone extending between side lot lines, or for side corner lots extending between a side lot line and the other front lot line that is not used to designate the front of the structure, parallel to the frontage of the lot. On lots that are other than rectangular in

shape, the required minimum front setback 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.

(103) Yard, Required Rear. A yard between the rear lot line and the minimum rear setback distance required in a particular zone for inside lots extending between side lot lines, and for corner lots extending between the side lot line and the side yard corner lying opposite thereto, parallel to the rear lot line. On lots that are other than rectangular in shape, the required minimum rear setback 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.

(104) Yard, Side. Any yard between the side lot line and the side setback of a main building, extending from the front yard to the rear yard.

(105) Yard, Required Side. Any yard between the side lot line and the minimum side setback distance required in a particular zone, extending from the front yard to the rear yard.

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

(107) Yard, Required Side Corner. Any yard between the other front lot line that is not used to designate the front of the main building and the minimum side corner setback of a main building required in a particular zone extending between the rear lot line and the front yard parallel to the street.

(108) 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

Amended/Enacted (29.5), (99), (99-5) (100), (100-5) Ord. 2007-18, 3/6/07

Amended 3/18/08,Ordinance 2008-19

Amended 09/20/11, Ordinance 2011-18
Amended 04/16/13, Ordinance 2013-08

Brigham Mellor requested more information on splitting the road, as sometimes one property owner is ready to develop, but the other is not. **David Petersen** said on a local road the first developer is to do back of curb to back of curb. When the other developer is ready, they are to dedicate an additional 14 feet of land for side treatments. Although it may seem unfair, a developer is required to have a sufficient street for their development.

David Petersen explained some cities have implemented "pioneering agreements," which allows a city to reimburse the first developer for the second developer's property in building a new road. Often these agreements are valid for 5-10 years; sometimes property owners may wait until the agreement is no longer in force so they are not required to provide compensation for their portion of the road back to the city.

Brett Anderson ended the Public Hearing at 7:31 p.m. for this meeting, but continued it until the next Planning Commission meeting on August 15, 2013.

Brad Dutson requested more information on the proposed road regarding a specific block on the plan as his understanding was the plan still provides flexibility so why propose one. **David Petersen** stated the block is so large and awkwardly shaped due to the City's form based codes, but staff assumes there will be a local road in the block somewhere, they are just unsure where.

David Petersen explained the regulating plan does provide flexibility for developers as many things can change based on tenants; this is to just provide the framework and to ensure adjacent property owners are still left is a good situation. He also clarified there are no text changes to the ordinance taking place. The only changes is adopting an amended map as part of the ordinance.

Motion:

Mack McDonald made a motion that the Planning Commission continue this item until all exhibits are included in the amended regulating plan. **Rebecca Wayment** seconded the motion which was unanimously approved.

#4. Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend Chapter 15 of the Zoning Ordinance regarding permitted and conditional uses in the BR zone. (ZT-4-13)

Christy Alexander explained the zoning ordinance needs to be updated based on the community's needs. In reviewing the current ordinance, some current listed uses may not be compatible to maintain the historic feel of Downtown Farmington. In reviewing the list, they also reviewed any uses that would be appropriate to add. Staff discussed the uses with the Historical Preservation Commission, the General Council and the Mayor. All agreed to the proposed amended uses. She summarized the additions and deletions of the uses, as shown in the staff report.

Brett Anderson wondered if the definition of fuel includes propane. If fuel sales are removed from Conditional Uses, but sale of gasoline remains, it may limit the sale of propane. **Christy Alexander** agreed and will amend the wording to show fuel in lieu of gasoline.

Brad Dutson asked for further clarification on Financial Institutions (depository only) as shown under Permitted Uses. **Christy Alexander** explained it is to exclude payday type lenders as a permitted use to maintain the historic feel of the downtown. There are other zones within the City

that allow for such lenders. **Brad Dutson** advised there are many private equity, broker or financial advisors that may be considered a financial institution, but would not have any depository type services. **Christy Alexander** agreed and will amend the language. **Brett Anderson** also suggested that if the depository only wording is still included in the use, to also include that depository services is the institutions' primary purpose.

Rebecca Wayment asked if an auto repair shop would be included as it is not currently listed on either Permitted or Conditional Uses. **Christy Alexander** said since it does not appear on either list, it would not be approved. She continued to explain that any existing business of that nature are grandfathered in.

David Petersen stated the mixed-use element of the ordinance (live/work units or 2nd story apartments) has never been adopted. He proposed that the Commission possibly look at adopting this use. The Commission would like to see an example of language that may be used for this use in an ordinance to ensure it is properly defined and restricted so a place does not become a live/live unit, but can still have the first floor remain a place of business. **David Petersen** will provide more information.

Bob Murri opened the Public Hearing at 7:45 p.m.

Lynn Bradak, 188 E. State St., stated the Commission answered all questions she had regarding the item.

Craig Holmes, 97 N Main St., owns the Precision Windshield located at the provided address. He requested further clarification on a use grandfathered in if he ever chooses to sell his property and business. **Christy Alexander** explained his current use becomes a legal non-conforming use that can also be resold. **David Petersen** also clarified that if a non-conforming use is abandoned for 12 months, then a property owner cannot go back to it. He also stated it may be possible to expand a non-conforming use. For example, sometimes a use may be less impactful. Typically staff determines if a use is more or less impactful. Based on the ordinance, however, some things staff cannot determine. In the event that happens, it is then taken to the Board of Adjustment. **David Petersen** also explained Chapter 5 of the Zoning Ordinance provides written information regarding non-conforming uses. **Craig Holmes** also stated approximately a year ago, he requested a text amendment to include a small U-Haul dealership as a conditional use, which was recommended for approval by the Planning Commission, but denied by the City Council. He would like it to be included on the Permitted Uses now.

Brett Anderson ended the Public Hearing at 7:54 p.m. for this meeting, but continued it until the next Planning Commission meeting on August 15, 2013.

Christy Alexander stated she will review the wording for the Financial Institutions (depository only) use, amend gasoline to fuel, and research wording to provide a mixed-use element to the ordinance.

Mack McDonald would like expanded language regarding the historic nature of the area and that a developer needs to remain consistent with building materials to maintain that historic feel.

Motion:

Mack McDonald made a motion that the Planning Commission continue this item until the August 15, 2013 meeting. **Brigham Mellor** seconded the motion which was unanimously approved.

#5. Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend Chapter 12 of the zoning Ordinance regarding transfer of development rights (TDR). (ZT-2-13)

David Petersen asked that this item be tabled as the correct information regarding the amendments was not included in the staff report.

Brett Anderson opened the Public Hearing at 8:04 p.m.

No comments were received.

Brett Anderson ended the Public Hearing at 8:04 p.m. for this meeting, but continued it until the next Planning Commission meeting on August 15, 2013.

Motion:

Brad Dutson made a motion that the Planning Commission continue this item until the August 15, 2013 meeting. **Rebecca Wayment** seconded the motion which was unanimously approved.

ADJOURNMENT

Motion:

At 8:08 p.m., **Mack McDonald** made a motion to adjourn the meeting which was unanimously approved.

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Brett Anderson
Farmington City Planning Commission