FARMINGTON

HISTORIC BEGINNINGS • 1847

Farmington City Planning Commission

May 21, 2015

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
May 21, 2015

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

Study Session: 6:30 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

SUBDIVISION APPLICATION

3. Jared May (Public Hearing) – Applicant is requesting a recommendation for schematic plan approval for the May PUD Subdivision consisting of 3 lots on .72 acres located at 984 North 300 West in an LR-F (Large Residential-Foothill) zone. (S-19-15)

CONDTIONAL USE APPLICATION

4. Brad Miller / Impressive Homes – On behalf of Tony Henderson (Public Hearing) – Applicant is requesting a recommendation for conditional use permit to locate a tennis court in the front yard of a residence at 384 West Primrose Court in an LR-F zone. (C-4-15)

OTHER BUSINESS

5. Miscellaneous, correspondence, etc.
   a. 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 May 15, 2015

Eric Anderson
Associate City Planner

FARMINGTON CITY
PLANNING COMMISSION MEETING
May 7, 2015

STUDY SESSION

Present: *Commissioners Brett Anderson, Heather Barnum, Bret Gallacher, Alex Leeman and Kent Hinckley, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Chair Rebecca Wayment was excused.*

Item #3. Jerry Preston – Recommend Final Plat Approval for the Taylor Minor Subdivision

Eric Anderson said this is a minor subdivision and consists of three lots on 100 East and between 600 and 700 North. Any outstanding issues have been resolved. There will be a reciprocal access easement to allow for a shared driveway for lots 3 and 4 as there is a sharp grade drop making it difficult for each lot to have its own driveway. Also, the applicant has agreed to enter into an extension agreement for the sidewalk. Due to the sharp grade change, sidewalk does not exist on the west side. It is not reasonable to require the applicant to put sidewalk in at this time. In the event the property on the east side is developed and the road is moved toward the east, the City may call upon the extension agreement as there may then be room for the sidewalk on the west side of the road.

Item #4. Phil Holland/Wright Development – Recommend Rezone from a LS to CMU Zone.
Item #6. Phil Holland/Wright Development – Request an Amendment to Chapters 19 and 28 to create Class "A" Auto Sales as a defined use in the CMU zone.

Eric Anderson recommended that a motion is made to discuss items #4 and #6 together.

David Petersen reviewed the General Plan. He explained the proposed area has been planned for Commercial Mixed Use (CMU). He showed the Master Transportation Plan. The yellow dotted line near the development is a proposed road that is to connect to the Frontage Rd., but the road is also the demarcation line for the CMU zone. The road may be pushed lower or higher; the applicant is proposing the road be designed on the high route. **David Petersen** said staff is comfortable with this road proposal as sending the road low may be challenging due to the location of the wetlands. The Planning Commission and City Council have expressed concern with past proposed projects as some wanted to leave the area as residential and others are comfortable with non-residential. **David Petersen** explained the motion states the effective date of the rezone goes into effect upon site plan approval to ensure the Council and Commission knows what they are getting. Staff and the Commission further discussed the road placement, as well as how the road placement impacts the proposed project and future development.

With regards to item #6, **Eric Anderson** explained auto sales (for the most part) are not an allowed use within the City. The proposed text amendment makes class "A" auto sales a defined use within the City. With the proposed text amendments, he explained Chapter 28 of the Zoning Ordinance would define Class "A" Auto Sales and Chapter 19 would add it to the list of allowable uses (which are conditional uses) within the CMU zone. **Eric Anderson** said the language used to define Class "A" Auto Sales is similar to Chapter 18's form-based code that includes provisions for landscaping, lighting, signage, noise and cleanliness. He also recommended that the text amendment, like the rezone, be tied to the approval of the site plan. The Commissioners expressed concern that allowing this auto sales dealership, may open the doors to future auto sales. **David Petersen** said the City can still regulate

additional auto dealerships as the dealerships will only be allowed in the CMU zone. The City can deny a request to rezone a property to CMU in the event the City is not in favor of other possible dealership proposals.

Item #5. Bryce Thurgood/Castle Creek Homes – Request Approval for the proposed Clark Lane Village Project Master Plan

Eric Anderson said CenterCal entered into an RDA with the development of Station Park. As part of the RDA, some component of housing has to be included. Other areas for housing have been proposed, but there was never an application submitted. This is the last location left in order for CenterCal to fulfill their agreement. He explained there will be 7 apartment buildings 2 stories high for a total of 140 units. He said the major issue is with 650 West as it needs to be improved and widened to fulfill parking requirements by the applicant. The interior roads will be private and privately maintained. **Brett Anderson** asked if the density is appropriate. **David Petersen** said the applicant could do additional density up to 200 units. The Commissioners expressed concern that there is a lot of apartment complexes being approved.

REGULAR SESSION

Present: *Commissioners Brett Anderson, Heather Barnum, Bret Gallacher, Alex Leeman and Kent Hinckley, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Chair Rebecca Wayment was excused.*

Item #1.a Minutes from April 16, 2015

Kent Hinckley made a motion to approve the Minutes from the April 16, 2015 Planning Commission meetings. **Heather Barnum** seconded the motion which was unanimously approved.

Item #1.b Minutes from April 23, 2015

Alex Leeman made a motion to approve the Minutes from the April 23, 2015 Planning Commission meetings. **Kent Hinckley** seconded the motion which was unanimously approved.

Item #2. City Council Report

Eric Anderson gave a report from the May 5, 2015 City Council meeting. He said the zoning map amendment for the Perry property, the zoning ordinance height amendment for public uses related to setbacks and plat amendments for the Hidden Meadow and McOmber Subdivisions all passed. The Avenues at the Station Phase II Final Plat was tabled due to significant settling on the private roads, and Kestrel Bay Townhomes Final Plat was approved.

SUBDIVISION APPLICATION

Item #3. Jerry Preston (Public Hearing) – Applicant is requesting a recommendation for final plat approval for the Taylor Minor Subdivision consisting of 3 lots on 1.64 acres located at approximately 629 North 100 East in an OTR (Original Townsite Residential) zone. (S-11-14)

Eric Anderson said when this project was previously before the Planning Commission during Schematic Plan, there were issues with the sidewalk along the property frontage due to the significant grade change. The City will enter into an extension agreement with the applicant that in the event the road is moved to the east, a sidewalk may be required at that point. There may be other triggers that would require the sidewalk; it will all be included in the extension agreement. **Eric Anderson** said there is also a 20' reciprocal access easement for lots 3 and 4 to allow for a shared driveway. Staff recommends approval of this item.

Jerry Preston, 347 E. 100 N., said he has been working on this project for over 9 months. The item has been thoroughly discussed with City Council regarding the sidewalk and the possibility of changes to the road placement. There were also concerns with the sewer, but that was resolved as there is a sewer main behind the properties.

Eric Anderson also added if the Commission required a sidewalk at this time, it would be isolated as there is no other sidewalk that would connect to it on that side of the street.

Motion:

Alex Leeman made a motion that the Planning Commission recommend that the City Council approve the proposed final plat for the Taylor Minor Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions;

1. The applicant will enter into an extension agreement for sidewalk along his portion of 100 East, and such agreement shall be recorded prior to or concurrent with plat recordation;
2. Prior to construction, applicant will provide City staff with a detail showing the construction of the retention pond.

Kent Hinckley seconded the motion which was unanimously approved.

Motion to Amend Agenda Items:

Kent Hinckley made a motion that the Planning Commission combine agenda item #6 (Amendment to Chapters 19 and 28 of the Zoning Ordinance creating Class "A" Auto Sales) with agenda item #4 (Request for Rezone from Large Suburban (LS) to Commercial Mixed Use (CMU)). **Heather Barnum** seconded the motion which was unanimously approved.

REZONE APPLICATION & ZONE TEXT CHANGE APPLICATION

Item #4. Phil Holland / Wright Development (Public Hearing) – Applicant is requesting a recommendation for rezone on 13.34 acres of property located at 549 West Bourne Circle from an LS (Large Suburban) to a CMU (Commercial Mixed Use) zone. (Z-4-15)

Item #6. Phil Holland / Wright Development (Public Hearing) – Applicant is requesting an amendment to Chapters 19 and 28 of the Zoning Ordinance creating Class "A" Auto Sales as a defined use within the City, and then making this an allowed use in the CMU zone. (ZT-7-15)

As previously discussed during the Study Session, **Eric Anderson** said the Master Transportation Plan has a road connection planned through the property being discussed, but it has not yet been determined if that road will be pushed more toward the north or to the south. **Eric Anderson** stated the preliminary wetland study the City had completed was done after the Master Transportation Plan was

completed, which has caused changes to the plan. He explained the requested amendment to Chapter 28 of the Zoning Ordinance is to define Class "A" Auto Sales, which will set a high standard for auto sales within the City. **Eric Anderson** said staff recommends that the Planning Commission amend the motion so that the rezone and text change approvals take effect after the final site plan approval.

Phil Holland, Mountain Green, said that he has watched this area for over 15 years. He has seen a few proposed projects; however, none of them have yet to come to fruition. He explained when he started to look at this area for potential development, he focused on the best circulation of the northern extension of Lagoon Drive. He feels keeping the extension of Lagoon Drive pushed north is the best solution; having this road may also assist the many property owners in the area with their future developments. **Phil Holland** also said that they have worked with 5 of the property owners and many property owners have come together to assist in the creation of this project. He feels bringing a Mercedes-Benz dealership to Farmington will be a great asset to a great city.

Mike Dunlap, 1186 Black Hawk Dr., Conifer, CO, said this has been a project he has been working on for a few years. He has completed extensive studies on the Utah luxury automotive market. He feels Farmington is a great gateway between northern Utah and the City of Salt Lake and feels the quality of the development and its type of retail will be a good fit in Farmington. He also explained that Wright Development has been in business for 76 years; they focus on customer service, transparency and offering world-class sales experience.

Brett Anderson asked where the office building will be located on the proposed parcel of land. **Mike Dunlap** said the dealership will be located mostly in the middle of the parcel with the office building slightly to the east. **Brett Anderson** asked how much of the property needs to be rezoned as CMU if the west side of the parcel will not currently be developed. **Kent Hinckley** also asked if the west side of the parcel will be landscaped or left as raw land. **Phil Holland** showed on the aerial map the entire parcel that will be rezoned as CMU. **Mike Dunlap** said he is unsure the plans for the west side at this time, but there is low visibility for that area of land from the road. With regards to the low visibility from the road, **Heather Barnum** asked about the plans for signage for the development. **Mike Dunlap** said they do not have a sign plan at this point, but once they do, the plans will conform to Farmington City's code and will be approved by the City.

Mike Dunlap spoke regarding the high aptitude of Wright Development; he said Wright Development has exceptional corporate responsibility within the community. Wright Development has already been in discussions with CenterCal regarding a shuttle between Station Park and the dealership for customers servicing their cars. He said Wright Development goes above what other dealerships do, including pick-up and delivery of vehicles.

Heather Barnum referenced Mr. Holland's opening comments that the property owners have mostly come together; she asked if there are any concerns from other property owners. **Phil Holland** said he is not aware of additional concerns from property owners; however, there are a lot of property owners near the proposed dealership that they haven't directly worked with at this time. He explained having this auto dealership use in this area will help many property owners within the vicinity down the road.

Brett Anderson opened the Public Hearing at 7:39 p.m.

Steve Willey, 497 W. Quail Run Rd., said he lives to the northwest area of the gas station. He applauded the applicant for their strong feelings toward corporate responsibility and the exceptional customer service they offer. He has talked with many of his neighbors, all of which were unable to attend due to outside conflicts. He and his neighbors feel the proposed placement of this development

is not in the best interest of the community. They would like to preserve the land as it currently is being used. Although they are not opposed to the project, they feel its placement would best fit with the other commercial development on the west side of the City.

Matthew Gus, 484 Hampton Ct., Fruit Heights, said he represents his family that owns approximately 40 acres of property located north of the proposed development. He said that although he cannot speak for all the owners to the north, he is in full support of the proposed Class "A" auto dealership use and is also in favor of the proposed concept. With regards to the placement of the northern extension of Lagoon Drive, **Matthew Gus** said he is also in favor of how it is proposed on the development's plan. He feels its placement makes the most sense as it avoids the wetlands. He understands concerns regarding the farming lifestyle that Farmington has been known for; however, he feels that will no longer be the lifestyle in 5-10 years. **Bret Gallacher** asked if the road placement will make things easier down the road for him when he decides to develop his land. **Matthew Gus** said yes; he said he is unsure how his property will be developed, but he feels this road placement may assist with its development later on. He also said that the proposed property is located east of Highway-89. There is a lot of traffic noise, highway lights and other effects of the highway. He said he embraced the CMU concept on the Master Plan as he does not feel this area would be a good fit for a residential subdivision.

Brett Anderson closed the Public Hearing at 7:49 p.m.

Brett Anderson expressed concern with the need to rezone the entire parcel to CMU when there are not any plans for the development of the west side of it. **David Petersen** explained one condition to the motion is that the rezone takes effect on the effective date of the site plan approval for only those areas that have received site plan approval.

With regards to Mr. Willey's comment, **Brett Anderson** said that he is sensitive to the concerns from the residents; however, the City has designed and anticipated this area as CMU. It is not to remain as agricultural or residential in the eyes of the City. **Brett Anderson** also explained that, based on the ordinance, CMU allows for 34 different uses with the appropriate approval; what is before the Commission is simply a request to rezone the property and add another use to the list of allowable uses.

Referencing Brett Anderson's concern with rezoning the entire parcel as CMU, **Alex Leeman** asked the applicant his thoughts on rezoning only the area where the proposed dealership and office buildings will be located to CMU and leave the unplanned west side as LS. **Mike Dunlap** explained their forecasts may soon demand development of the west side for further growth of the business. Also, he said he is not able to buy a portion of the land and not the other. Leaving a portion of the property as LS would diminish the value of the property. He reassured the Commissioners that they do not have any intention of putting a secondary business on the west side of the property; it will be a single use property. The west side's development would be based purely on the success of the business. **Phil Holland** also added that the City still has full approval as everything still has to come through for site plan approval.

Kent Hinckley expressed concern regarding the use of subjective concepts in the proposed text amendment, like the use of the word "minimum." He feels subjective terms are difficult to measure. He also asked that exclusions for excessive marketing (blow up animals, large balloons, etc.) are also included in the text amendment. **David Petersen** provided an example on when it may be appropriate to include subjective terms than to not put anything in it at all. He also added that that type of marketing is prohibited under the sign ordinance.

Heather Barnum asked if the proposed road configuration for north Lagoon Drive would assist in making a connection to 700 West. **David Petersen** said **yes.** She also asked if there would be additional costs to obtain the longer road. **David Petersen** said no; over time as land develops, developments will assistant in the creation of the road.

In reference to residents' concerns with not wanting the proposed property to develop, **Alex Leeman** said he is sympathetic; however, property owners have the right to develop or sell their property. He said he feels previously proposed projects may not have been compatible with this land so it has escaped development up until this point. He feels development will come, but wants to help it be zoned and used correctly.

Bret Gallacher asked staff if this land was always planned to be developed as CMU; **David Petersen** said yes. **Bret Gallacher** does not feel Class "A" Auto Sales is any more impactful than the list of the other 34 uses for the CMU zone. **Heather Barnum** is unsure about the proposed text change as she does not know what it may mean for future requests and does not like amending the ordinance for one applicant. **Kent Hinckley** agreed, but added that sometimes a request like this is the only way the City can consider more uses than what was originally thought about. **Alex Leeman** agreed; without an applicant making a request, the City does not know other uses that may be allowable.

Heather Barnum confirmed that the motion needs to tie the approval of the rezone and for the text change to the approval of the site plan. She asked if an additional condition needs to be added regarding ambiguous words like "minimum" within the text change. **Kent Hinckley** said no; he just requested staff to be aware of other wording that the text could be amended to if the other language is a better fit for the ordinance.

Motion for item #4:

Heather Barnum made a motion that the Planning Commission recommend that the City Council rezone the property from LS to CMU effective only on approval of a site plan to ensure that the alignment of the minor collector (or the north extension of Lagoon Drive) is consistent with the goals and objectives of the General Plan. **Alex Leeman** seconded the motion which was unanimously approved.

<u>Findings for Approval:</u>

1. The zone designation of CMU may be consistent with the General Plan if the minor collector street follows a more northerly alignment.
2. Whether the ZT change (item 6) is approved or not, this property should be rezoned to match the general plan as per the "effective" language set forth in the motion above.
3. This notwithstanding, both this item and item 6 will need approval in order for the applicant to move forward with his plans for an auto dealership.

Motion for item #6:

Heather Barnum made a motion that the Planning Commission recommend that the City amend Chapter 28 of the Zoning Ordinance as outlined in the attached document labeled "Exhibit A", and amend Chapter 19 as listed below and with the condition that these changes are effective only on approval of a site plan.

11-19-104 Allowable Uses.

The CMU zone provides for a broad variety of land uses. The purpose of the CMU zone is to provide for a mix of uses rather than a single type of use. The specific uses that will be allowed in an CMU zoned area will depend on the location and character of the property to be zoned, the mix and intensities of the uses proposed, and on the character of the surrounding neighborhoods and land uses, and will be determined through the review and approval of either a Planned Unit Development pursuant to Chapter 27 of this Zoning Ordinance, or as a Planned Center Development pursuant to the conditional use permit process.

Among the uses that may be considered for approval in the CMU zone as part of a Planned Center Development are the following:

(1) Agriculture;
(2) Athletic or tennis club;
(3) Bed & Breakfast;
(4) Business and professional offices;
(5) Class "A" auto sales;
(6) Class "A" beer outlet;
(7) Class "A" self-storage;
(8) Class "B" beer outlet;
(9) Commercial complex (commercial center), with a maximum floor area of 80,000 square feet for any single tenant;
(10) Commercial indoor recreation (movie theater, video arcade, bowling alley, etc.);
(11) Commercial outdoor recreation, minor (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.);
(12) Commercial testing laboratories;
(13) Convenience store (sale of grocery items, non-prescription drugs, and/or gasoline from building with less than five thousand (5,000) square feet gross floor area);
(14) Data processing services;
(15) Daycare/preschool center;
(16) Department store;
(17) Dwelling, multiple-family; (minimum density: five (5) units per acre; maximum density: fourteen (14) units per acre);
(18) Financial institutions;
(19) Fast food, detached, with drive-through;
(20) Funeral home;
(21) Greenhouse/garden center (retail or wholesale);
(22) Hotels and motels;
(23) Neighborhood service establishment (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.);
(24) Medical clinics, offices and out-patient surgical facilities;
(25) 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 with may allow or require that clients stay overnight or longer;
(26) Printing/publishing services;
(27) Private school or hospital;
(28) Public park;
(29) Reception center;
(30) Restaurants (traditional sit-down);

(31)Research services and development activities;
(32)Specialty retail stores;
(33)Temporary uses;
(34)Uses customarily accessory to a listed allowable use;
(35)Veterinary hospital (no outdoor kennels).

Bret Gallacher seconded the motion which was unanimously approved.

Findings for Approval:

1. An auto dealership is currently not a defined nor an allowed use (whether conditional or permitted) anywhere in the City. Making these two changes would allow for an auto dealership to come into Farmington as long as it meets the criteria for a class "A" auto dealership as set forth in Chapter 28.
2. Defining class "A" auto sales, and making that the only type of auto sales allowed in the City, in addition to setting design criteria for such a use, will give the City more discretion to ensure that a high standard is met for this type of use.

PROJECT MASTER PLAN

Item #5. Bryce Thurgood / Castle Creek Homes (Public Hearing) – Applicant is requesting approval for the proposed Clark Lane Village Project Master Plan consisting of a 140 unit apartment complex (7 apartment buildings total) on 12.96 acres of property located at approximately 650 West and Clark Lane in a TMU (Transit Mixed Use) zone. (PMP 1-14)

Eric Anderson showed an aerial view of the proposed parcel for the development. He said Castle Creek Homes is in an agreement with CenterCal. The project plans for 7 apartment buildings 2 stories high for a total of 140 units. The project will also include a club house and pool. The applicant will be required to improve 650 West, which will also include widening it and creating parking on the street and on 100 North to meet the parking requirements. The City will have to enter into an access easement agreement with the applicant to determine who will maintain 100 N. and the parking, but the agreement will be completed at a later date. This property is located in the TMU zone; the project complies with the City's form-based codes. SPARC has not yet reviewed it, but that can be done at a later date. What is being presented to the Planning Commission are conditions that deal with 650 West and 100 North.

Bryce Thurgood, Perry UT, said this is his sixth project of apartments and is looking forward to coming to Station Park. He said CenterCal has very stringent standards and they have an exceptional product which will make for a development that the City can appreciate. He said one correction, based on Eric Anderson's opening remarks, the buildings will be three stories, not two. He also said CenterCal's Development Agreement calls for a 50-200 unit complex; this project will be 140 units.

Bret Gallacher asked if all units will remain as rentals. **Alex Leeman** asked if there will be any vacancy concerns with the large apartment complex that will be coming in north of Park Lane apartments and **Heather Barnum** asked the size of each unit. **Bryce Thurgood** said yes, the units will remain as rentals. With regards to vacancy, he said with all the upcoming complexes, they still may not reach the market demand for this type of housing. **Bryce Thurgood** said there will 1, 2, and 3 bedrooms units ranging from 800-1200 square feet.

Brett Anderson opened the Public Hearing at 8:29 p.m.

No comments were received.

Brett Anderson closed the Public Hearing at 8:29 p.m.

Bret Gallacher mentioned a resident's concern that was emailed to the Commission regarding this development being located in close vicinity to the County jail. The Commissioners discussed this concern, but feel its placement is still adequate as foot traffic from the jail is kept at a minimum and inmate release typically means the inmates are ready to leave Farmington as soon as possible.

Heather Barnum asked what the safest mode will be to cross a very busy street. **David Petersen** said a traffic light will be installed so it will be a controlled intersection. Also, residents will have access to the trail connection for easy access to the commuter station.

Motion:

Bret Gallacher made a motion that the Planning Commission approve the PMP for the Residences at Station Parkway subject to all applicable Farmington City codes and development standards and the following conditions:

1. Prior to Development Plan Review, the applicant shall meet with and obtain recommendations of the site plan from SPARC;
2. The Applicant must enter into an agreement with the City to maintain the on-street parking on 650 West and on-street parking and right-of-way on 100 North;
3. Any building that does not meet the requirements of Section 11-18-106(2) of the Zoning Ordinance must do so at Development Plan Review;
4. The applicant shall provide a geotechnical report and traffic study for the proposed project prior to or concurrent with Development Plan Review;
5. Any change to the standard street cross-section is subject to 11-18-104(4) and will require City Council approval prior to consideration of Development Plan Review.

Alex Leeman seconded the motion which was unanimously approved.

Findings:

1. After a preliminary review, it appears that the proposed development meets all of the standards and requirements of the transit mixed use zone as outlined in Chapter 18 with the exceptions listed above.
2. The parking needs for this project are being addressed using tuck under garages, small broke-up surface parking lots, on-street parking, and covered parking this treatments of parking meets the form based code with the exceptions notes above.
3. The proposed development meets the spirit of the form based code and provides a greater variety of housing choices.
4. The City intended both in the General Master Plan and in the Zoning Ordinance for the mixed use district to be where the highest densities and intensities of uses would be concentrated, this project complies with that intention.
5. The location of this project and its accessibility to transit, Station Park, etc.
6. The DRC will review and plans more thoroughly at the next phase, Development Plan Review where more details are required.

Item #7. Farmington City (Public Hearing) – Applicant is requesting an amendment to Chapter 14 of the Zoning Ordinance regarding setback standards in the BP (Business Park) zone allowing for commercial buildings to be brought to the street. (ZT-8-15)

David Petersen showed an aerial view of the corner lot near the Hampton Inn. He said a developer would like to put an office building on the corner lot. He said in the 1990's, all parking was found in the front of the building; however, the City is now trying to bring office buildings to the street and hide the parking behind the building to create a more defined street edge. The standard for setbacks is 20' making it difficult to bring the building to the street on the proposed corner lot. He said this text amendment will allow the Planning Commission flexibility to allow circumstances like this with the building brought to the street and the parking behind the building.

Kent Hinckley said he is in favor of the amendment; however, he asked why the standard of 20' setbacks will remain in the ordinance if the objective is to move buildings closer to the street. **Eric Anderson** said leaving the 20' standard in the ordinance gives the developer flexibility to abide by the setbacks without special approval from the Planning Commission. **David Petersen** suggested amending the proposed text to, "The minimum side and rear setback from streets may be determined through the Planning Commission..." in lieu of the word "reduced." This change would allow for the removal of the 20' standard if the Commission chooses to do so. **Alex Leeman** said he is comfortable leaving the standard and proposing the motion as it is currently written.

There was a brief discussion regarding the remaining home near the Hampton Inn and west of the proposed corner lot. The home will remain as is for the current time.

Brett Anderson opened the Public Hearing at 8:55 p.m.

No comments were received.

Brett Anderson closed the Public Hearing at 8:55 p.m.

Motion:

Alex Leeman made a motion that the Planning Commission recommend that the City amend the Zoning Ordinance as follows:

11-14-050 Minimum Lot and Setback Standards

(1) Setbacks from Streets: The minimum setback from public or private streets shall be twenty (20) feet for buildings or structures twenty (20) feet or less in height. Buildings or structures over twenty (20) feet in height shall be setback an additional ten (10) feet (thirty (30) feet total). The minimum side and rear setback from streets may be reduced through Planning Commission review and approval in conjunction with a conditional use and site plan application. Parking lots shall not be permitted within the minimum required street setback(s).

(2) Commercial side and rear setbacks: the minimum side and rear setbacks from property lines shall be twenty (20) feet for buildings and structures twenty (20) feet or less in (10) feet (thirty (30) feet total). If the area of the side or rear setback is used for parking or as a service area, a landscaped strip, not less than ten (10) feet in width shall be maintained along the property lines. The minimum side and rear setback for commercial buildings and

structures may be reduced through Planning Commission review and approval in conjunction with a conditional use and site plan application.

Heather Barnum seconded the motion which was unanimously approved.

Findings for Approval:

1. The Planning Commission should have flexibility to modify set-back requirements for commercial buildings, especially if the building is brought to the street.
2. This flexibility also has the added benefit of hiding parking behind the building and creating a more pedestrian oriented environment.

Item #8. Farmington City (Public Hearing) Applicant is requesting miscellaneous Text Amendments to Chapters 2, 7, 10, 11, 18, 28, and 35 of the Zoning Ordinance and Chapters 4, 6, and 7 of the Subdivision Ordinance regarding the following:

a. **Reducing the requirement in Agriculture Zones where farm structures have to be 100' from any public street as found in Section 11-10-040(8)(2);**
b. **Modifying the definition of Residential Facilities for the Elderly as 16 beds or less in Section 11-2-020(81);**
c. **Amending the language in Section 12-4-020 to allow for subdivision by metes and bounds in all zones;**
d. **Adding a requirement to Section 12-6-110(14)(e) whereby any property that has a gas pipelines traversing that property, the plat must have a signature block for each respective gas pipelines company;**
e. **Amending Sections 11-10-040(2) and 11-11-050(b) of the Zoning Ordinance to require any applicant using the alternative lot size to produce a yield plan showing the lot count for a conventional subdivision;**
f. **Amending M1 to LM&B in Section 11-28-190 Table 1;**
g. **Amending Sections 11-35-104(1)(a) to require Fire Department Review of Daycare Home Occupation CUPs;**
h. **Amending 11-28-120(d) and (e) to give staff the authority to approve sales offices;**
i. **Amending Section 11-18-104 to allow for sidewalks to count as frontages;**
j. **Removing the "Farmington Rock" requirement in Section 11-7-107(3)(a);**
k. **Amending the word "land" to "property" in Section 11-2-020(1);**
l. **Removing Section 12-7-040 of the Subdivision Ordinance;**
m. **Amending the word "Title 4" to "Title 6" in Section 11-35-102 regarding Home Occupation Fee Schedules.**

Eric Anderson reviewed the proposed amendments as listed below:

a) Update the setback requirement for farm structures from 100' to 50';
b) Clearly define Residential Facilities for the Elderly as found in the state code;
c) Allow for simple lot splits by metes and bounds in all zones;
d) Currently, a letter from the pipeline companies is a requirement; this amendment now requires a signature block on the plat for future ease of access;
e) Require a yield plan for a conventional subdivision to better establish a threshold for things like TDRs;
f) Clean up wording within the text;

g) Require fire department review of a daycare home occupation. **Heather Barnum** asked if there is additional cost or burden to the daycare provider. **David Petersen** said no. **Alex Leeman** asked if the inspection is free of cost. **David Petersen** said the cost is included as part of the home occupation permit. **Heather Barnum** asked if it will be implied retroactively or going forward. **Eric Anderson** said it will now be a requirement for anyone coming in to obtain a permit.

h) Delegate approval of sales offices to staff;

i) Dismiss;

j) Staff and the Commission thoroughly discussed the removal or amendment to the "Farmington Rock" requirement in the ordinance. Some felt the "rock" seems outdated and onerous to require of developers when it has been inconsistently required in the past. Others felt the "rock" unifies the look and historical feel of the City. **Heather Barnum** suggested seeking a recommendation from the Historical Preservation Commission as to what the best decision may be. Other Commissioners suggested other materials may be used as an alternate to the required "rock" as synthetic rock may be more cost effective or brick as it is also part of Farmington's history. Staff and the Commissioners agreed that if required materials remain in the ordinance, it must be more consistently applied. Staff and Commissioners were okay tabling the item until more information is received;

k) Clean up on wording in the text;

l) Clean up on wording in the text;

m) Clean up on wording in the text.

Brett Anderson opened the Public Hearing at 9:33 p.m.

No comments were received.

Brett Anderson closed the Public Hearing at 9:33 p.m.

Motion:

Heather Barnum made a motion that the Planning Commission recommend approval of items A-H and K-M, remove item I and table item J so it can be reviewed and recommendations can be made by the Historic Preservation Commission and staff on additional materials, consistency and any other proposals based on the discussion today. **Alex Leeman** seconded the motion which was unanimously approved.

Findings:

A. The existing Section 11-10-040(8)(2) places too high of a requirement on accessory buildings for agricultural uses in zones designated for agriculture; this amendment provides a much more reasonable distance from public streets while still maintaining a buffer from agricultural uses.
B. Adding the definition for "residential facilities for the elderly" will give staff more clarify and codifies the limit at 16 beds, and formally defers to state code instead of arbitrarily relying on "staff interpretation."
C. Currently only allowing metes and bounds subdivision in the residential and agriculture zones is far too limiting; this amendment allows a metes and bounds subdivision anywhere in the city where they make sense.

D. Any property that currently has a gas pipeline traversing it is required to provide proof from the affected gas company in a letter, however, memorializing the pipeline company's approval on the plat is far more beneficial than keeping such approval in the file as a letter.
E. When staff amended Chapters 10, 11, and 12 of the Zoning Ordinance, we did not consider that an alternative yield plan would be required for an alternative subdivision; this amendment addresses and corrects that oversight. And where lots may be reduced to 12,000 s.f. in size, the setbacks and lot width standards for larger lots are difficult to meet. The change makes siting of a home on such lots easier to do.
F. This is a housekeeping item: the table wasn't updated to reflect the change of the M1 zone to the LM&B zone; this amendment makes this necessary change.
G. While the Fire Department reviews all applications as part of the DRC process and as part of the Building Permit process in some instances, conditional use permits don't receive DRC approval and daycares don't require fire department review, just that they comply with state regulations. This amendment ensures that all CUPs and home occupations of this type receive Fire Department review.
H. Currently, ever sales office must receive Planning Commission approval as a temporary use; staff feels that this is unnecessary and should be handles administratively to lessen the amount of minor items on the PC agenda.
I. Removed.
J. Tabled.
K. This amendment clarifies the language in the definition chapter and makes the term far less ambiguous.
L. Currently, the 600' requirement is being violated with every new subdivision that has a straight local road connection to other straight local roads. As staff, we prefer connectivity and good circulation networks, making any straight road over 600' non-conforming or illegal doesn't make sense.
M. This amendment is a housekeeping item: when Title 4 was amended to be Title 6, the zoning ordinance wasn't updated; this amendment corrects that staff oversight.

ADJOURNMENT

Motion:

At 9:36 p.m., **Alex Leeman** made a motion to adjourn the meeting which was unanimously approved.

Brett Anderson
Vice Chair, Farmington City Planning Commission

FARMINGTON

HISTORIC BEGINNINGS • 1847

Planning Commission Staff Report
May 21, 2015

Item 3: Schematic Plan for the May PUD Subdivision

Public Hearing:	Yes
Application No.:	S-19-15
Property Address:	984 North 300 West
General Plan Designation:	LDR (Low Density Residential)
Zoning Designation:	LR-F (Large Residential - Foothill)
Area:	.72 acres
Number of Lots:	3
Property Owner:	Jared May
Agent:	Jared May

Applicant is requesting a recommendation for schematic plan approval for the May PUD Subdivision.

Background Information

The applicant, Jared May is requesting approval for a 3 lot subdivision located at 984 North 300 West. There is an existing historic home on the site, however, the home is in a state of disrepair, despite the applicant's best efforts at preservation (he currently resides in the home). Additionally, the home sits awkwardly on the property making the subdivision of the property difficult. The applicant is proposing that the existing home be torn down and that the property be subdivided into 3 lots, however, in order to get the requested density, the applicant will need to do a PUD because the requested lot size falls under the 10,000 s.f. alternative lot size requirement as found in the LR zone.

According to Chapter 27 of the Zoning Ordinance:

11-27-120 Standards and Requirements.

(a) The minimum area for a Planned Unit Development shall be five acres in AA, A, AE, LS and S zones, and two and one-half acres in LR, Rand R-2 zones; and one and one half acres in R-4 and R-8 zones. Any proposal for a Planned Unit Development in areas smaller than those cited above, may be approved by the Planning Commission based upon the specific conditions related to the site upon which the development is proposed. Smaller Planned Unit Developments are encouraged in the older historical parts of the City in order to use lot interiors where unique conditions may exist.

The total acreage of this property falls well below the LR zone threshold of 2.5 acres, however, the property is in an older and historical part of the City and there are unique conditions due to both the irregular shape of the parcel, and the placement of the historic home on the site.

In the LR zone, every PUD has a 10% open space requirement. However, 10% of .72 acres is .07 acres, or approximately 3,000 s.f. The PUD chapter does provide a provision whereby historic preservation may be used in lieu of the open space requirement. Section 11-27-120(g) states:

"The City, at its sole discretion, may consider preservation of an on-site building or structure eligible, or that may be eligible, for the National Register of Historic Places in lieu of the 10 percent open space requirement or portion thereof."

As was mentioned above, the applicant plans to tear down the home, however, there is an old shed on the property that the applicant would like to preserve and use as a historic structure in lieu of the 10% open space requirement. If the Planning Commission feels that this is a good compromise, staff can arrange to have the City's historic architect look at the building to determine whether it could indeed be an eligible structure for the National Register of Historic Places.

Normally, when an applicant applies for a PUD, they will provide preliminary PUD master plan and schematic plan together; this is to avoid multiple public hearings. In this application, however, the applicant is first seeking schematic plan approval and then he will submit preliminary PUD master plan together with preliminary plat. While this process means that much of the PUD requirements will be reviewed at the next step, the schematic plan review consists of looking at lot layout and density, and a preliminary look to determine if the general PUD requirements can be met.

Additionally, because this property lies in the foothill overlay zone, the applicant may need to complete additional requirements as determined by Chapter 30 of the Zoning Ordinance.

Suggested Motion

Move that the Planning Commission recommend that the City Council approve the proposed Schematic Plan for the May PUD Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant will receive a determination that the out-building on the property is of historical value and could realistically be placed on the NRHP, and receiving such determination, the applicant will preserve this building;

   OR

   The applicant will provide 10% open space as required by Section 11-27-120(g) of the Zoning Ordinance;
2. The applicant will provide the reports and plans designated by Section 11-30-105 of the Zoning Ordinance prior to or concurrent with preliminary plat.

Findings for Approval:

1. The proposed schematic subdivision is in substantial compliance with all subdivision and zoning requirements for a schematic subdivision approval including:

a. A completed application;
b. Description and preliminary layout of utilities and other services required.

2. The proposed subdivision would rehabilitate and preserve the existing historic shed, however, the historic home would not be preserved under the current proposal.
3. The proposed Schematic Plan submittal is consistent with all necessary requirements for a Schematic Plan as found in Chapter 3 of the City's Subdivision Ordinance.

Supplemental Information

1. Vicinity map.
2. Schematic Plan.

Applicable Ordinances

1. Title 11, Chapter 11 – Single Family Residential Zones
2. Title 11, Chapter 27 – Planned Unit Developments
3. Title 11, Chapter 30 – Foothill Development Standards
4. Title 12, Chapter 5 – Minor Subdivisions
5. Title 12, Chapter 7 – General Requirements for all Subdivisions

Farmington City

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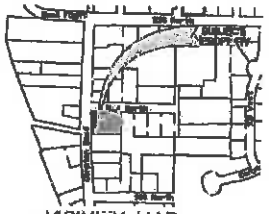
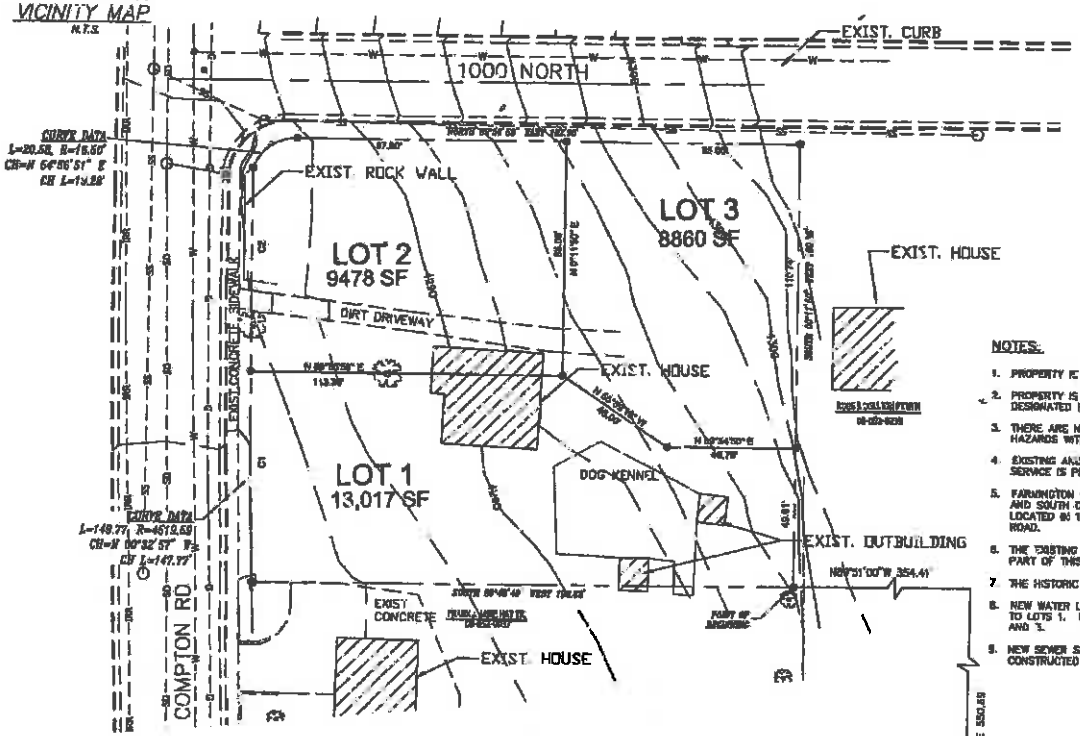
JARED MAY SUBDIVISION
IN FARMINGTON, DAVIS COUNTY, UTAH

DECEMBER 2014

LOCATED IN THE NORTHEAST QUARTER OF SECTION 13
TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN





CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BRG	CHORD
C1	57°48'41"	4519.58'	73.33'	N01°01'28"W	73.33'
C2	58°14'38"	4519.58	73.94'	N00°04'07"W	73.94

NOTES:

1. PROPERTY IS LOCATED WITHIN THE L-R ZONE
2. PROPERTY IS NOT LOCATED WITHIN A FEMA DESIGNATED FLOOD PLAIN.
3. THERE ARE NO KNOWN WETLANDS OR GEOLOGIC HAZARDS WITH THE PROPERTY BOUNDARY.
4. EXISTING AND FUTURE IRRIGATION WATER SERVICE IS PROVIDED BY TAPID.
5. FARMINGTON CITY WATER AND STORM DRAIN, AND SOUTH DAVIS SEWER PIPE LINES ARE LOCATED @ 1000 NORTH STREET AND COMPTON ROAD.
6. THE EXISTING HOUSE WILL BE DEMOLISHED AS PART OF THIS PROJECT.
7. THE HISTORIC OUT BUILDINGS WILL REMAIN.
8. NEW WATER LATERALS WILL BE CONSTRUCTED TO LOTS 1, WATER SERVICES EXIST FOR LOTS 2 AND 3.
9. NEW SEWER SERVICE LATERALS WILL BE CONSTRUCTED FOR LOTS 1 AND 3.

SURVEYOR'S CERTIFICATE

I, a Registered Professional Land Surveyor, holding certificate number ____ as prescribed by the laws of the State of Utah, and do hereby certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described hereon, and have established said tract of land into lots and streets to be hereafter known as,

Jared May Subdivision

and that the same has been surveyed and staked on the ground as shown on this plat.

Signed on this ____ day of ____, 2014.

BOUNDARY DESCRIPTION

A parcel of land located in the Northeast Quarter of Section 13, Township 3 North, Range 1 West, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point North 00°01'00" West 330.00 feet and North 89°51'00" West from the said Greater Corner of Section 13, Township 3 North, Range 1 West, Salt Lake Base and Meridian and running thence South 89°48'40" West 165.00 feet to a point on a 4519.58 foot radius curve to the right (chord bearing North 00°32'57" West chord length 148.77 feet) said point also being on the east right of way line of a street; thence 148.77 feet along the arc of said curve to a point on a 15.50 foot radius non-tangent curve to the right (chord bearing North 89°54'31" East chord length 19.28 feet); thence 20.58 feet along the arc of said curve; thence South 89°51'00" East 165.26 feet to the Point of Beginning.
Contains 31,355 square feet. (0.72 Acres) more or less.

OWNER'S DEDICATION

Know all men by these present that we, the undersigned owners of the described tract of land hereon, having caused the same to be subdivided into lots and public streets to hereafter be known as

JARED MAY SUBDIVISION

do hereby dedicate for perpetual use of the public all parcels of land owned on this plat, as intended for public use, and do certify, defend, and save the County harmless against any easements or other encumbrances on the dedicated streets which will interfere with the County's use, operation and maintenance of the streets and do further dedicate the easements as shown for public utility and drainage purposes including construction, maintenance and operation of the public service lines and drainage as may be authorized by Davis County.

In witness thereof we have hereunto set our hands this day of ____, 2014.

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF ____)

On the ____ day of ____, 20__, personally appeared before me, the undersigned Notary public, in and for said County of Davis in said State of Utah, the signer of the above Owner's dedication who acknowledged to me that ____ signed it freely and voluntarily and for the uses and purposes therein mentioned.

My commission expires

NOTARY PUBLIC
RESIDING IN DAVIS COUNTY

LEGEND:

- BOUNDARY LINE
- CENTERLINE
- SECTION LINE
- SECTION CORNER FOUND
- SECTION CORNER (NOT FOUND)
- REV 5/8" REBAR AND CAP MARKED IN CURB EXTENDED TO FRONT CORNERS
- REV NEW STREET MONUMENT (SLC1000 AND NEED DATA)
- CURVE DATA NUMBER
- CENTERLINE CURVE DATA NUMBER
- LINE DATA NUMBER
- STREET ADDRESSES NO.

JARED MAY, SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 13,
TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN
FRUIT HEIGHTS CITY, DAVIS COUNTY, UTAH

SHEET 1 OF 1

OWNER:
JARED MAY
[illegible]
FARMINGTON, UT 84025
801.[illegible]

CENTRAL DAVIS SEWER DISTRICT
APPROVED THIS ____ DAY OF ____ A.D. 20__, BY
CENTRAL DAVIS SEWER DISTRICT
BY: ____

PLANNING COMMISSION
APPROVED THIS ____ DAY OF ____ A.D. 20__, BY
THE FARMINGTON CITY PLANNING COMMISSION.
BY: ____

CITY ENGINEER'S APPROVAL
APPROVED THIS ____ DAY OF ____ A.D. 20__, BY
THE FARMINGTON CITY ENGINEER.
BY: ____

CITY ATTORNEY'S APPROVAL
APPROVED THIS ____ DAY OF ____ A.D. 20__, BY
THE FARMINGTON CITY ATTORNEY.
BY: ____

CITY COUNCIL APPROVAL
APPROVED THIS ____ DAY OF ____ A.D. 20__, BY
THE FARMINGTON CITY COUNCIL.
MAYOR
CITY RECORDER

DAVIS COUNTY RECORDER
RECORDED NO. ____
STATE OF UTAH, COUNTY OF DAVIS
RECORDED AND FILED AT THE REQUEST OF ____
DATE ____ TIME ____ BOOK NO. ____ PAGE NO. ____
FEE ____ DAVIS COUNTY RECORDER

Planning Commission Staff Report
May 21, 2015

Item 4: Conditional Use Permit for Tennis Court in Front Yard

Public Hearing:	Yes
Application No.:	C-4-15
Property Address:	384 West Primrose Court
General Plan Designation:	LDR (Low Density Residential)
Zoning Designation:	LR-F (Large Residential-Foothill)
Area:	.5 Acres
Number of Lots:	1
Property Owner:	Tony Henderson
Agent:	Brad Miller

Request: *Applicant is requesting a conditional use permit for the placement of a tennis court within the front setback of property.*

Background Information

The applicant is requesting a conditional use permit for the placement of a tennis court on property located at 384 West Primrose Court in the Shepard Heights Subdivision. Section 11-28-060(c) of the Farmington City Code sets forth the requirements for the placement of sports and tennis courts. The ordinance specifies proper setbacks consistent with structures, i.e. 25' front, 30' rear, etc. The ordinance also allows a property owner the option of obtaining a conditional use permit from the Planning Commission to encroach in the front setback. In this case, the applicant is requesting a CUP to place the tennis court within the front setback.

The applicant has submitted a site plan, a landscape plan and a schematic diagram of the court for the City's review. The proposed tennis court is setback 10' from the front property line, so the tennis court would be encroaching on the front setback by 15'. The applicant is proposing to put a colored chain-link fence around the court and lighting. The ordinance does not prohibit lighted sports courts but does specify that no light *"shall throw any direct rays beyond the property lines on which it is constructed" (§11-28-060(c)).* The proposed tennis court is elevated above the sidewalk by approximately 4-5'.

Suggested Motion:
Move that the Planning Commission approve the conditional use permit for the placement of a sports court within the front setback of property located at 384 West Primrose Court subject to all applicable Farmington City codes and ordinances and the following conditions:

1. The fence height shall be approved as part of the building permit application;
2. No direct light rays shall be cast beyond the property lines of the subject property;
3. The sports court shall not be constructed any closer to the front property lines than shown on the approved plans.

Findings for Approval:

a. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use;
b. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan;
c. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing development;
d. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, etc.

Supplemental Information

1. Vicinity Map
2. Site Plan
3. Landscape Plan
4. Section 11-28-060 of the Zoning Ordinance

Applicable Ordinances

1. Title 11, Chapter 8 – Conditional Uses
2. Title 11, Chapter 11 – Single Family Residential
3. Title 11, Chapter 28 – Supplementary and Qualifying Regulations

Farmington City

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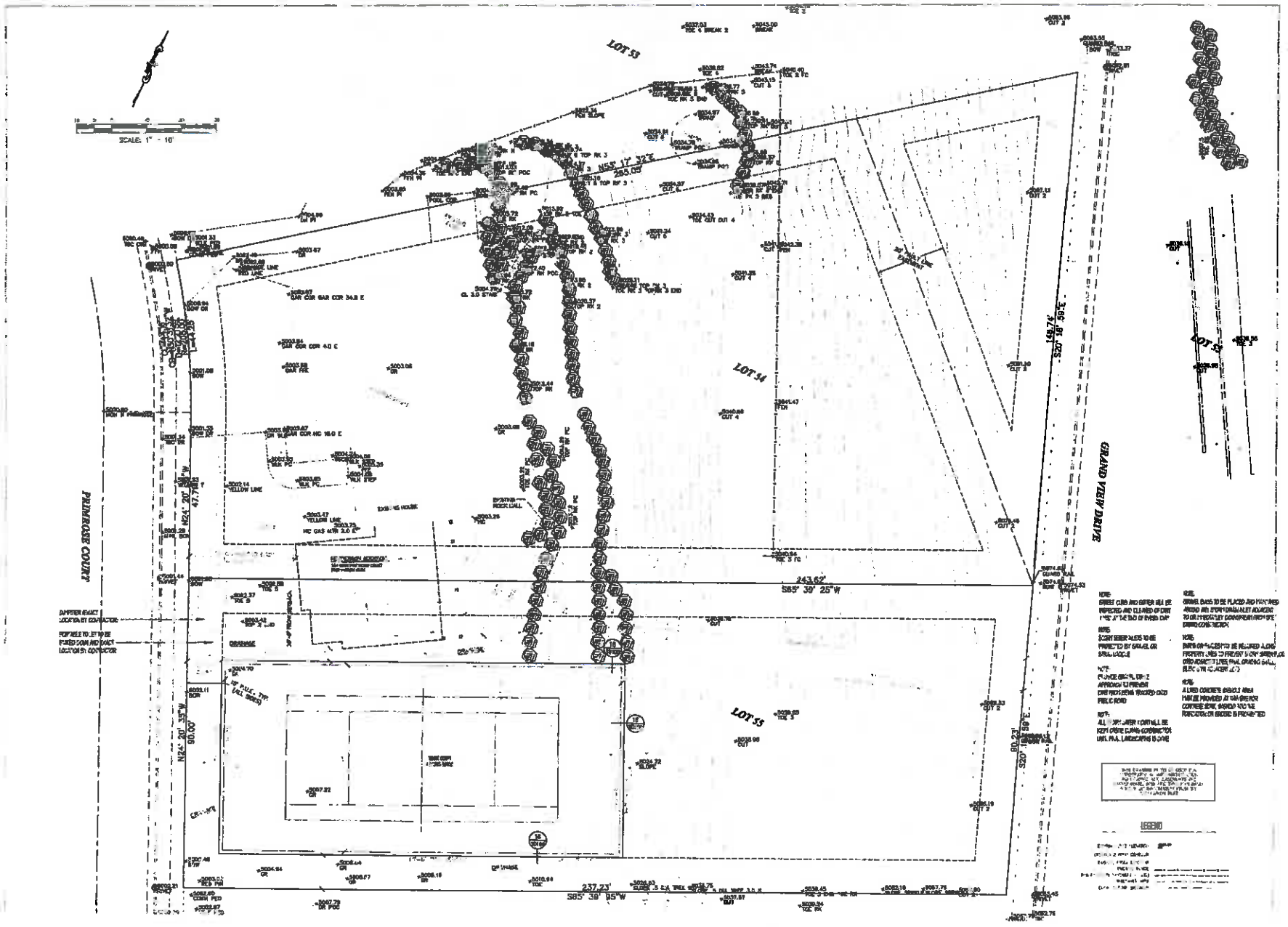
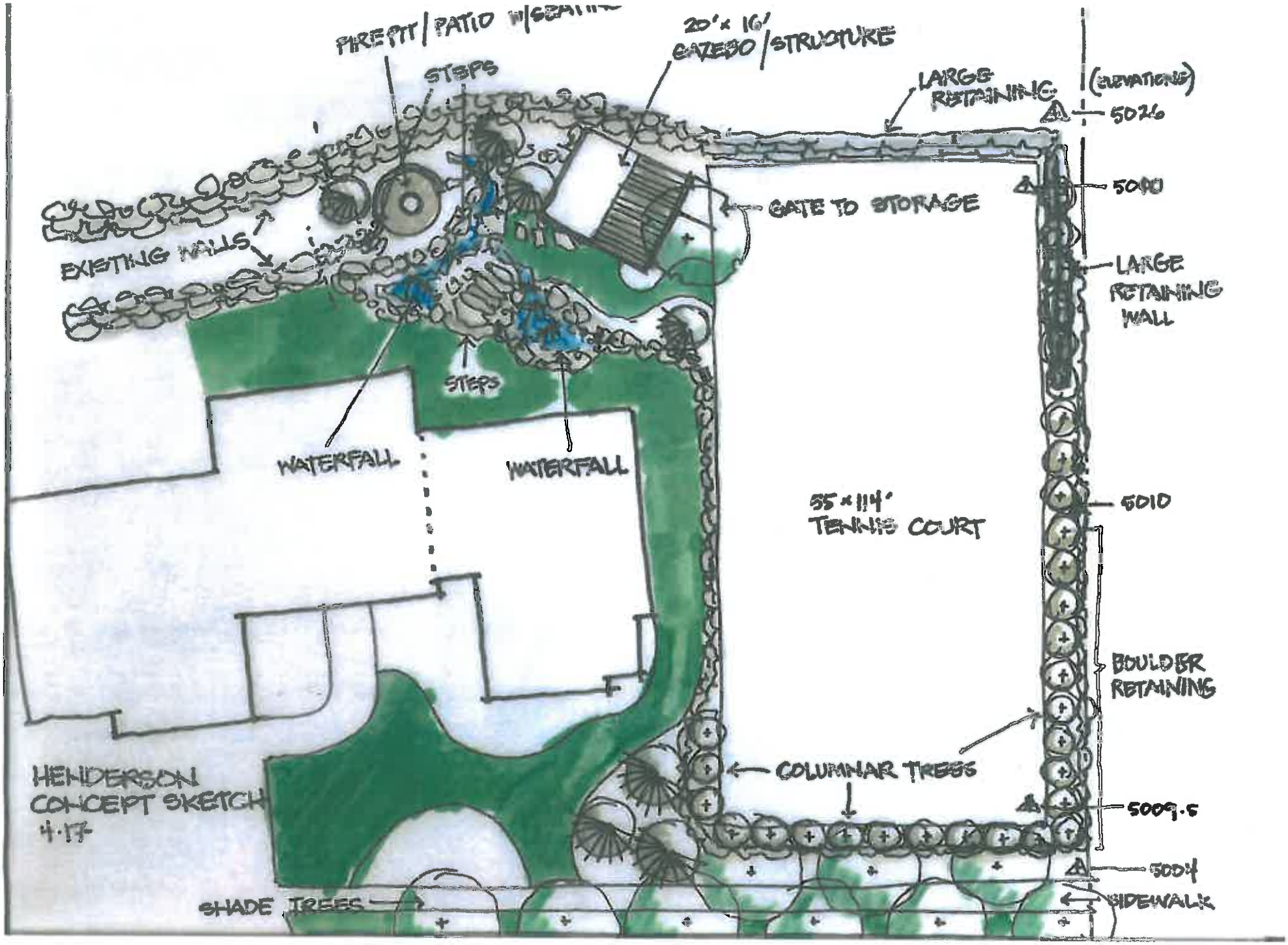


HILL & ARGYLE, Inc
Engineering and Surveying

IMPRESSIVE HOMES


FIREPIT/PATIO W/SEATING
STEPS
20' x 16' GAZEBO/STRUCTURE
LARGE RETAINING
(ELEVATIONS)
5026
5020
GATE TO STORAGE
EXISTING WALLS
LARGE RETAINING WALL
STEPS
WATERFALL
WATERFALL
55 x 114' TENNIS COURT
5010
BOULDER RETAINING
COLUMNAR TREES
5009.5
5004
SIDEWALK
SHADE TREES
HENDERSON CONCEPT SKETCH 4.17

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

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

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

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

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

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

(1) The pool shall be owned and maintained by the members of a swimming club; and a minimum of seventy-five percent (75%)of the membership must be residents of the neighborhood in which the facility is to be located.

(2) The lot to be used for the pool must be of sufficient size to meet the setback requirements of a private pool. The Planning Commission may

require off-street parking, where appropriate. The required front, side and rear yards must be landscaped and maintained.

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

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

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

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

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

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

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

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

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