

**WORK SESSION:** A work session will be held at 6:00 p.m. in Conference Room #3, Second Floor, of the Farmington City Hall, 160 South Main Street. The City Council will take a tour of the new parks throughout the City, discuss a stage cover for Forbush Park and the check approval process. 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, October 2, 2012, 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

### **PUBLIC HEARINGS:**

7:05 Schematic Plan and Preliminary PUD Master Plan Approval – Kestrel Bay Townhomes PUD Subdivision

### **PRESENTATION OF PETITIONS AND REQUESTS:**

7:15 Consideration of Ordinance amending the Zoning Ordinance and the Scenic By-way Overlay Zone regarding Electronic Message Signs

### **SUMMARY ACTION:**

7:30 Minute Motion Approving Summary Action List

1. Approval of Minutes from September 18, 2012
2. Ratification of Approvals of Storm Water Bond Logs
3. Ordinance Amending, Renumbering and Recodifying Title 5 of the Municipal Code
4. Century Link Easement Request

### **REPORTS OF COMITTEES/MUNICIPAL OFFICERS**

7:35 Executive Summary for Planning Commission held September 13, 2012

7:40 Retreat Format and Topics List

**GOVERNING BODY REPORTS:**

7:55 City Manager Report

1. Building Activity Report for August
2. Maughan Home Demo Request

8:05 Mayor Harbertson & City Council Reports

**ADJOURN**

**CLOSED SESSION**

Minute motion adjourning to closed session, if necessary, for reasons permitted by law.

DATED this 27<sup>th</sup> day of September, 2012.

**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.*

## CITY COUNCIL AGENDA

For Council Meeting:  
October 2, 2012

### **SUBJECT: Roll Call (Opening Comments/Invocation) Pledge of Allegiance**

It is requested that Mayor Scott Harbertson give the invocation/opening comments to the meeting and it is requested that City Recorder Holly Gadd lead the audience in the Pledge of Allegiance.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

For Council Meeting:  
October 2, 2012

**S U B J E C T: Public Hearing: Schematic Plan and Preliminary PUD Master Plan  
Approval – Kestrel Bay Townhomes PUD Subdivision**

**ACTION TO BE CONSIDERED:**

1. Hold the public hearing.
2. See staff report for recommendation.

**GENERAL INFORMATION:**

See enclosed staff report prepared by Christy Alexander.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



# FARMINGTON CITY

SCOTT C. HARBERTSON  
MAYOR

JOHN BILTON  
NELSEN MICHAELSON  
CORY R. RITZ  
JIM TALBOT  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council  
From: Christy Alexander, Associate City Planner  
Date: September 18, 2012  
SUBJECT: APPROVAL OF A SCHEMATIC PLAN & PRELIMINARY PUD MASTER PLAN FOR THE KESTREL BAY TOWNHOMES PUD SUBDIVISION

### RECOMMENDATION

1. Hold the public hearing.
2. Approve the attached Schematic Plan and Preliminary PUD Master Plan for the Kestrel Bay Townhomes PUD subdivision (11 units), located at approximately 123 West and 620 South, subject to the same conditions and findings established previously by the Planning Commission on September 13, 2012 as set forth in the attached supplemental information.

#### Findings for Approval:

See those stated in the PC staff report.

**-OR-**

Do not approve the attached Schematic Plan for the Kestrel Bay Townhomes subdivision and do not approve the associated Preliminary PUD Master Plan.

#### Findings for Denial:

See those stated in the PC staff report.

### BACKGROUND

The applicant, Scott Balling, is requesting a Schematic Plan and Preliminary PUD Master Plan approval for a multi-family 11 unit PUD subdivision consisting of townhomes on property located at approximately 123 West and 620 South. The proposed schematic plan contains a total of 11 units on .775 acres of property. The

applicant wishes to build these as condos but lease them initially and maintain the potential to sell the units in the future. The underlying zone for this property is an R-8 zone and under a PUD would be allowed up to 15 units per acre. Since it is a PUD, the approval process consists of a Schematic Plan & Preliminary PUD Master Plan, Preliminary Plat and Final Plat & Final PUD Master Plan. Because it is considered multi-family housing, the developer does not receive a bonus of units for additional open space and the maximum he can propose on this property is up to 11 units with the Planning Commission's and City Council's approval.

The Planning Commission provided a recommendation to the City Council regarding the Schematic Plan and approves the Preliminary PUD Master Plan as well as the City Council approves the Preliminary Master Plan. Due to the nature that it is a PUD, the developer has proposed a site plan that does not conform to many of the City's zoning codes. The Planning Commission and then City Council can deem whether they want to grant approval to each of these deviations or suggest alternatives that might be more appropriate in this area of the City. More specifically the Planning Commission is charged with either approving the application subject to certain conditions, tabling the application pending receipt of required materials, data, studies and information, or disapproving it. Approval of the Preliminary PUD Master Plan shall be made only after the Planning Commission makes specific findings, to which staff has added their analysis. [Please see the attached PC staff report for the findings and staff analysis].

As taken from the zoning ordinance "the intent of the PUD is to promote flexibility in site design, to achieve, for example, the clustering of buildings, the mixture of housing types, and the combining of housing with supplementary uses such as commercial centers, business parks or other multiple use centers, etc. A PUD is a large scale, predominantly residential development in which the regulations of the underlying zone are waived to allow flexibility and innovation in site and building design in accordance with a PUD Master Plan approved by the Planning Commission and City Council. A PUD shall be permitted as a conditional use in the R-8 zone." A separate conditional use application is not needed, it is implied with the approval of the PUD Master Plan that it is approved.

The items that deviate from the zoning ordinance are multiple. The driveways being in such close proximity to one another was a concern for staff. The developer has presented a new plan that spaces the curb cuts 40 feet apart and consistent with the zoning ordinance. Planning staff has received feedback from our traffic engineer regarding the safety of this new design and our traffic engineer now believes the modifications made to this new design adequately and reasonably address his previous traffic safety concerns and issues. Staff is still concerned whether having this many cars parked in driveways so close together, coming and going, may pose safety concerns to pedestrians in the area due to a limited site distance and potential density of parked cars as the property to the north develops and has the potential to develop with the same amount of density and similar site design. Staff is also standing firm on their recommendation to place the parking in the rear of the development and bring the front

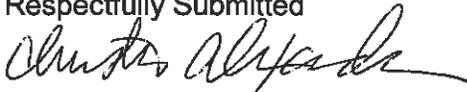
of the buildings closer to the street in order to provide and promote a more pedestrian friendly neighborhood as this project must be superior to any other R-8 zoned projects due to the PUD nature of the project. Nearby residents and owners of the two apartment complexes to the east have expressed concern with the vacant property to the north of this site and the potential ability for a developer to build at the same density ratios and lease as rental units as is proposed for this development if it is approved.

The items that deviate from the ordinance that the City Council would need to approve are highlighted in gray on the attached Planning Commission staff report. The City Council shall also review the application for a PUD designation to be added as a suffix to an underlying zone [for instance the R-8 zone would change to an R-8 PUD zone for this property]. The Planning Commission voted to recommend this Schematic Plan and Preliminary PUD Master Plan for approval on September 13, 2012 with the conditions listed on the attached PC staff report as well as the following additional conditions:

1. The applicant will break up the front with additional undulating setbacks of 1-2 units.
2. The applicant will add a window to the 2<sup>nd</sup> floor bedroom exterior wall.
3. The recycling can will also be stored inside the garage.
4. The applicant will work with staff regarding the number and size of trees that were posing problems to the utility pipes running under the property.

The applicant has submitted new plans this past week addressing the 4 additional conditions that the Planning Commissioners placed upon their recommendation and approval.

Respectfully Submitted



Christy J. Alexander  
Associate City Planner

Review & Concur -



Dave Millheim  
City Manager



## Planning Commission Staff Report September 13, 2012

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### Item 3: Schematic Plan and Preliminary PUD Master Plan for the Kestrel Bay Townhomes PUD Subdivision

Public Hearing:	Yes
Application No.:	S-11-12
Property Address:	Approximately 123 West and 620 South
General Plan Designation:	MDR (Medium Density Residential)
Zoning Designation:	R-8 (Multi-Family Residential)
Area:	.775 Acres
Number of Lots:	11 units
Property Owner:	Leavitt Properties LLC
Agent:	Scott Balling

Request: *Applicant is requesting a recommendation for Schematic Plan and Preliminary PUD Master Plan approval for the Kestrel Bay Townhomes PUD Subdivision.*

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#### **Background Information**

The applicant, Scott Balling, is requesting a recommendation for Schematic Plan and Preliminary PUD Master Plan approval for a multi-family 11 unit PUD subdivision consisting of townhomes on property located at approximately 123 West and 620 South. The proposed schematic plan contains a total of 11 units on .775 acres of property. The applicant wishes to build these as condos but lease them initially and maintain the potential to sell the units in the future. The underlying zone for this property is an R-8 zone and under a PUD would be allowed up to 15 units per acre. Since it is a PUD, the approval process consists of a Schematic Plan & Preliminary PUD Master Plan, Preliminary Plat and Final Plat & Final PUD Master Plan. Because it is considered multi-family housing, the developer does not receive a bonus of units for additional open space and the maximum he can propose on this property is up to 11 units with the Planning Commission's and City Council's approval.

The Planning Commission provides a recommendation to the City Council regarding the Schematic Plan and approves the Preliminary PUD Master Plan as well as the City Council approves the Preliminary Master Plan. Due to the nature that it is a PUD, the developer has proposed a site plan that does not conform to many of the City's zoning codes. The Planning Commission and then City Council can deem whether they want to grant approval to each of these deviations or suggest alternatives that might be more appropriate in this area of the City. More specifically the Planning Commission shall either approve the application subject to certain conditions, table the application pending receipt of required materials, data, studies and information, or disapprove it. Approval of the Preliminary PUD

Master Plan shall be made only after the Planning Commission makes the following findings, to which staff has added their analysis:

- (a) That the proposed layout will provide a more pleasant and attractive living environment than a conventional development established under the strict applications of the provisions of the underlying zones. The Planning Commission shall consider the architectural design of the buildings and their relationship on the site and their relationship to development beyond the boundaries of the proposed Planned Unit Development. The Planning Commission shall consider the landscaping and screening as related to the several uses within the proposed Planned Unit Development and as a means of its integration into its surroundings.

-Staff does not find that all of the curb cuts and driveways along 620 South will provide a more pleasant and attractive environment, Staff would like to see the parking and garages placed in the rear of the development and the townhomes brought closer to the street. This type of site plan, with rear-loaded garages promotes a more pedestrian-friendly community, providing eyes on the street which promotes increased safety for all ages and abilities and a sense of community with neighboring residents. The proposed site plan does not allow any first floor windows along the front of the buildings and essentially displaces any sense of community from the entire surrounding community. If this were an ordinary subdivision then property owners are allowed to do whatever is allowed within the zoning ordinance but since this is a PUD and approval of such necessitates that it be a superior product, staff feels that better site design should be required in order to enhance the long range vision of the entire community and city. If the Planning Commission approves the curb cuts as is then staff would recommend the Commission place conditions upon approval that the developer must implement the recommendations of the City's Landscape Architect consultant to the landscaping plan. His recommendations are detailed in an attached letter and redlined plan. Three members of the Planning Commission met with the developer to discuss the elevations and upon submittal of new plans staff does not find any significant changes to the new plans as was proposed in the meeting. Staff would like to see improvements especially to the frontage road (West) elevations, such as adding in a window to the 2<sup>nd</sup> floor bedroom which would break up the blank wall on the exterior. Staff would also like to see a few more of the units brought forward or recessed back so as not to show one solid row of garages flush with one another. At the meeting with the PC members the developer had agreed to this and in his new plans only shows units 6 & 7 recessed.

- (b) That the proposed Planned Unit Development will create no detriment to property adjacent to the Planned Unit Development and to this end the Planning Commission may require that the uses of least intensity or greatest compatibility be arranged around the boundaries of the project. The Planning Commission may require that yard and height requirements for the adjacent zone apply on the periphery of the Planned Unit Development.

-Staff feels that this development does not create any detriment to adjacent property as it is on a corner lot and the lot directly north of it is also multifamily

housing. Staff would suggest that adequate landscaping be required along the frontage road for a “year round” buffer.

- (c) That the proposed Planned Unit Development will provide more efficient use of the land and more usable open space than a conventional development permitted in the underlying zone. The Planning Commission shall consider the residential density of the proposed development and its distribution.

-The applicant does indeed receive higher density for doing a PUD, and creates a common open space for the residents; however the open space may be less now than if the applicant stayed with the R-8 zoning and not doing the PUD route, simply because that would mean having fewer buildings and leaving more space for landscaping of common areas.

- (d) That the increased density allowed within the Planned Unit Development will be compensated by better site design and by the provision of increased amenities, common open space, and recreational facilities. To insure this requirement is achieved, site plans and other plans should be prepared by design professionals.

-Staff would like to see alternatives to the proposed site design and would like to see the drive aisles and garages in the rear of the development or broken up more. Other than that the applicant is providing individual patios, common open space, a playground area and grow boxes which would be desirable amenities to the site. However, what is important to note is that due to the PUD nature the Planning Commission has the right to require additional reasonable requests to ensure that it is considered a “better site design” than ordinary single-family or multi-family lots. To this end staff does not feel that having so much concrete on the front of the property (north side) to be considered “better site design” as it detracts from the pedestrian activity along the sidewalks and does not create a community feel for the entire neighborhood.

- (e) That any variation allowed from the development standards of the underlying zone will not increase hazards to the health, safety, or general welfare of the residents of the proposed Planned Unit Development. Based on its action on the Preliminary (PUD) Master Plan, the Planning Commission shall make recommendations to the City Council. A recommendation for approval of the Preliminary (PUD) Master Plan shall also include a list of recommendations for deviation from the requirements of the underlying zone requirements.

-This finding was of greatest importance at the first public hearing. Staff was directed to wait for the City Traffic Engineer to assess the safety of pedestrians walking by the development as well as cars passing this development due to the very close proximity of all of the driveways in this development and the capability of views being blocked with many cars parked so close together or entering the driveways. Tim Taylor, the City’s Traffic Engineer, now believes the modifications made to this new design adequately and reasonably address his previous traffic safety concerns and issues.

As taken from the zoning ordinance “the intent of the PUD is to promote flexibility in site design, to achieve, for example, the clustering of buildings, the mixture of housing types, and the combining of housing with supplementary uses such as commercial centers, business parks or other multiple use centers, etc. A PUD is a large scale, predominantly residential development in which the regulations of the underlying zone are waived to allow flexibility and innovation in site and building design in accordance with a PUD Master Plan approved by the Planning Commission and City Council. A PUD shall be permitted as a conditional use in the R-8 zone” A separate conditional use application is not needed, it is implied with the approval of the PUD Master Plan that it is approved.

The items that deviate from the zoning ordinance are multiple. The driveways being in such close proximity to one another was a concern for staff. The developer has presented a new plan that spaces the curb cuts 40 feet apart and consistent with the zoning ordinance. Planning staff has received feedback from our traffic engineer regarding the safety of this new design and our traffic engineer now believes the modifications made to this new design adequately and reasonably address his previous traffic safety concerns and issues. Staff is still concerned whether having this many cars parked in driveways so close together, coming and going, may pose safety concerns to pedestrians in the area due to a limited site distance and potential density of parked cars as the property to the north develops and has the potential to develop with the same amount of density and similar site design.

The items that deviate from the ordinance that the Planning Commission would need to approve are highlighted in gray, below. In the ordinance it states:

#### 11-32-103 General Provisions.

Parking spaces required: 1.6 parking spaces per unit plus .25 spaces per unit for visitors (The plans show garages for 15 cars but with this requirement the plan would need to show 18 garages per paragraph below for minimum parking restrictions-Staff is ok with having fewer garages). Individual driveways on residential lots shall be spaced not less than 40 feet apart on the same lot and shall not be less than 15 feet from side property lines unless otherwise approved by the zoning administrator (The driveways from west to east are spaced approximately 36 feet apart, 33 feet apart, 30 feet apart, and 30 feet apart to the adjacent property to the east's curb cut).

#### 11-13-070 Parking Restrictions.

- (1) Minimum parking required by this Title shall not be located within the minimum required front yard (30 ft.) or side yard (10 ft.) setback adjacent to a public or private street in any multiple-family residential zone (This plan shows the driveways within the minimum required front yard setback, thus not allowing to use those spots in the calculation of parking spaces required).
- (2) Required parking for multiple-family buildings shall be located in the rear yard of the lot unless fully enclosed and covered parking is attached to, and designed as an architecturally integrated element of, the main building (This plan shows the garages as fully enclosed on the front which is ok, it just doesn't account for all the required parking spaces. Also staff would argue that the garages are not an architecturally integrated element of the main building as it protrudes out much further into the front yard).

#### 11-28-150 Clear Vision.

In all zones with a required front yard, no material obstruction to the view between a height of 2 feet and 10 feet above the level of the curb shall be permitted on any corner lot within a triangular area formed by the street property lines and a line connecting them between points 30 feet from the intersection of the two street property lines (In this plan the last driveway closest to the frontage road will be within this clear vision area and if a car is parked on that last space it will obstruct the view).

11-12-090 Dimensional Standards.

iii. Side Setback and Possible Rear Yard Setback. The minimum side yard setback for the main buildings within a subdivision shall be 10 feet and rear yard setback shall be 30 feet. (This plan shows approximately a 4 foot side yard setback on the west side and approximately a 5 foot side yard setback on the east side and if the patios have awnings placed over them - this being considered part of the structure - will encroach upon the required 30 foot rear yard setback. Staff is ok with the encroachment on these setbacks.)

**Suggested Motions:**

Move that the Planning Commission recommend that the City Council approve the Schematic Plan for the Kestrel Bay Townhomes subdivision and approve the associated Preliminary PUD Masterplan subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant continues to work with the City and other agencies to address any outstanding issues remaining with regard to the Schematic Plan/Preliminary PUD Masterplan prior to Preliminary Plat approval;
2. The applicant must come to agreement with Benchland Water District on secondary water shares/line extensions prior to Preliminary Plat approval;
3. All culinary water and sewer lines will be private lines within the project property;
4. All recommendations from the City's Landscape Architect consultant will be included into the Preliminary Plat and Final Plat/Final PUD Masterplan landscaping plans;
5. Applicant must receive approvals of the Preliminary Plat from the Planning Commission and Final Plat/Final PUD Master Plan from the City Council to record the proposed subdivision;
6. Any additional conditions that the Planning Commission deems appropriate for the PUD.

**Findings for Approval:**

See those stated earlier in the staff report.

**-OR-**

Move that the Planning Commission does not recommend that the City Council approve the Schematic Plan for the Kestrel Bay Townhomes subdivision and does not approve the associated Preliminary PUD Masterplan.

**Findings for Denial:**

See those stated earlier in the staff report.

### **Supplemental Information**

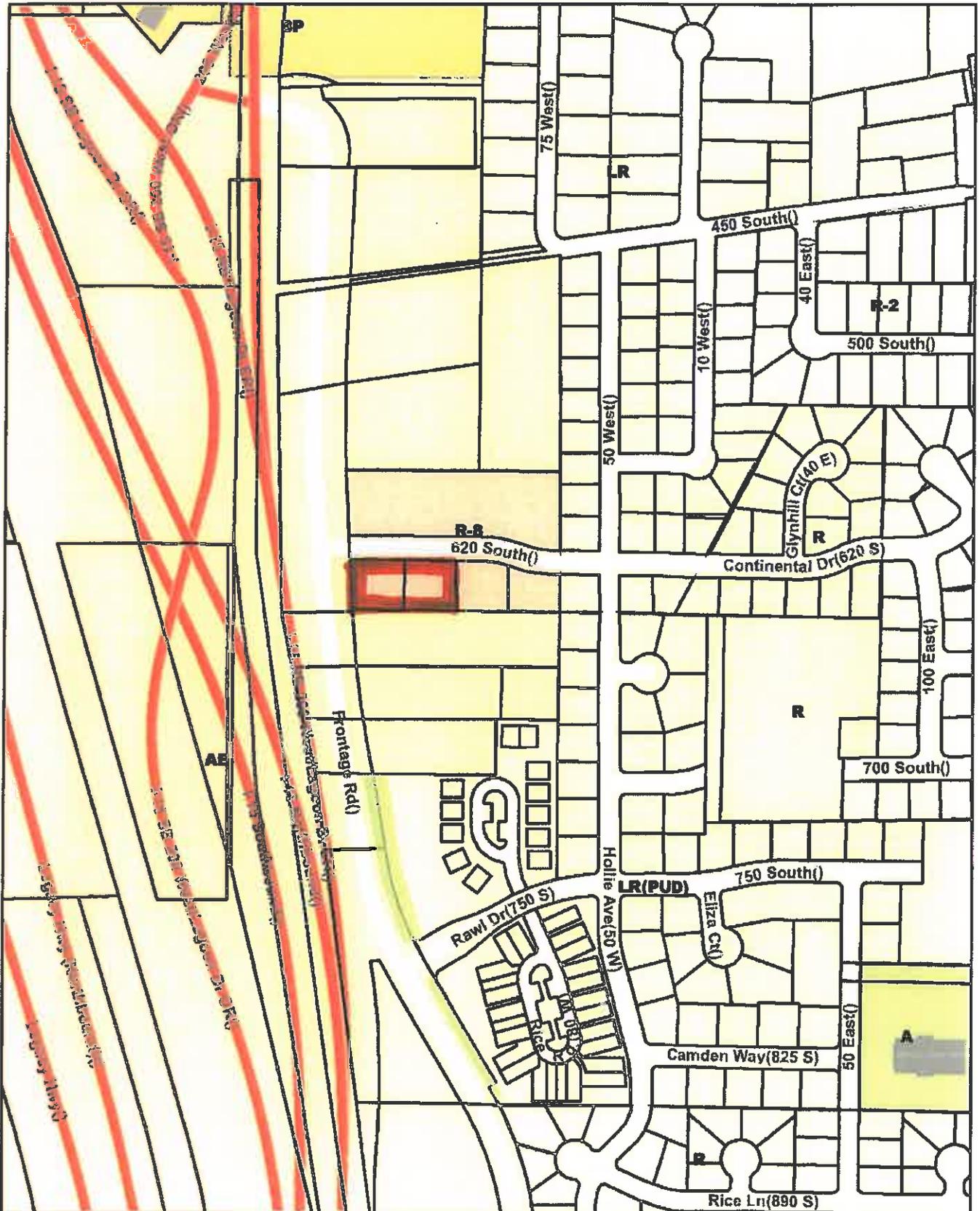
1. Vicinity Map
2. Schematic Plan
3. Emails from Tim Taylor, the City's Traffic Engineer
4. Building Elevations
5. Landscaping Plan
6. Letter and redlines to the landscaping plan from Mark Morris, the City's Landscape Architect consultant
7. Floor Plans

### **Applicable Ordinances**

1. Title 12, Chapter 3 – Schematic Plan
2. Title 12, Chapter 6 – Major Subdivisions
3. Title 12, Chapter 7 – General Requirements for All Subdivisions
4. Title 11, Chapter 13 – Multi-Family Residential Zones
5. Title 11, Chapter 27 – Planned Unit Development

# KESTREL BAY VICINITY MAP

## Farmington City





**Balling Engineering** \* Surveying \* Planning  
 Civil Engineering  
 323 East Pages Lane  
 P.O. Box 805  
 Centerville, Utah 84014  
 Phone: (801) 286-7237  
 Fax: (801) 286-0418  
 Email: scott@ballinginc.com



**Kestrel Bay Townhomes**  
 5-Plex Elevation Views  
 For Scott and David Balling  
 (801) 568-7905

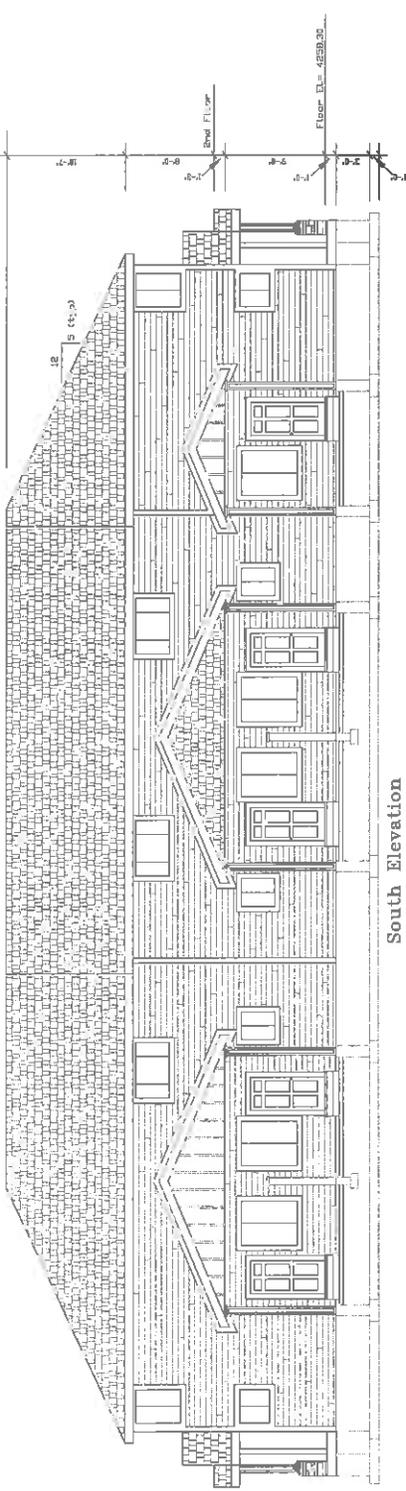
Revisions	
Date	Description
7-28-12	Dk Balling
11-2-12	J. C. Balling
8-09-12	R. C. Balling

Surgeor	Dk Balling
Date Surveyed	7-28-12
Tracked By	J. C. Balling
Checked By	R. C. Balling
Submittal Date	8-09-12
File Number	

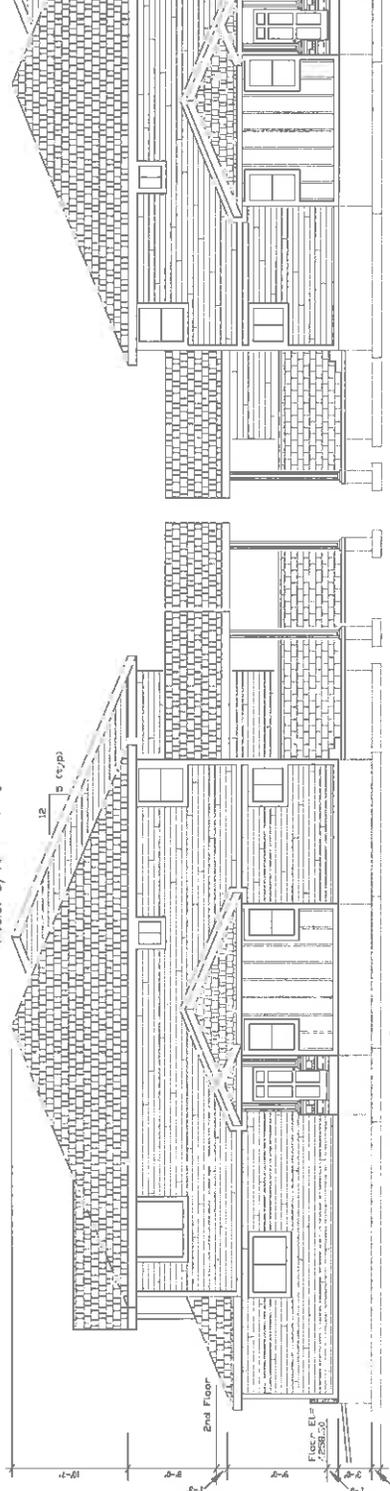
**A301**  
 Sheet 23 of 31



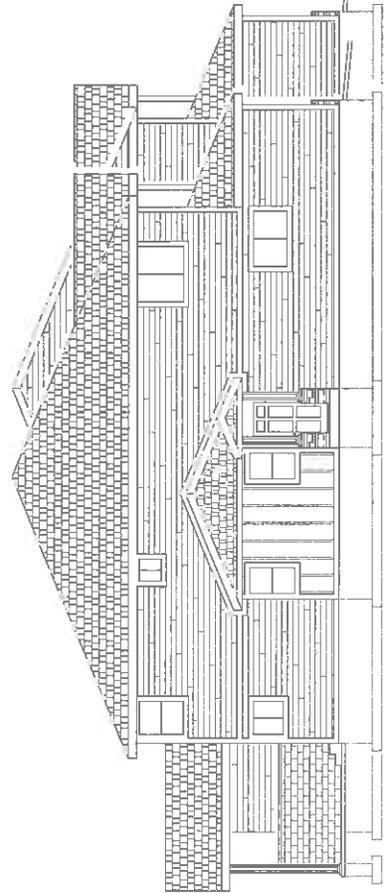
North Elevation  
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South Elevation  
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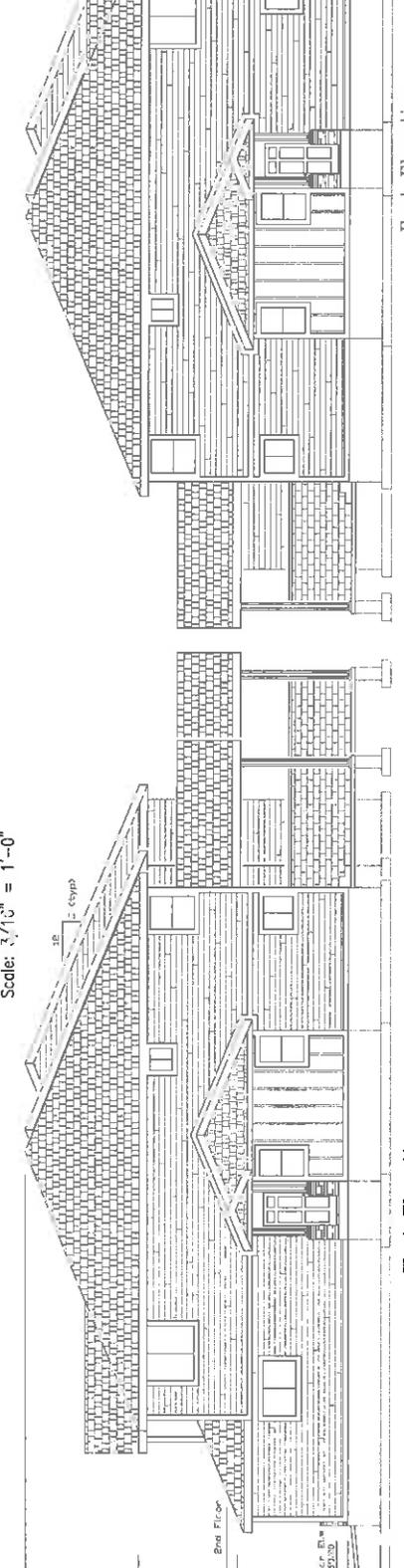
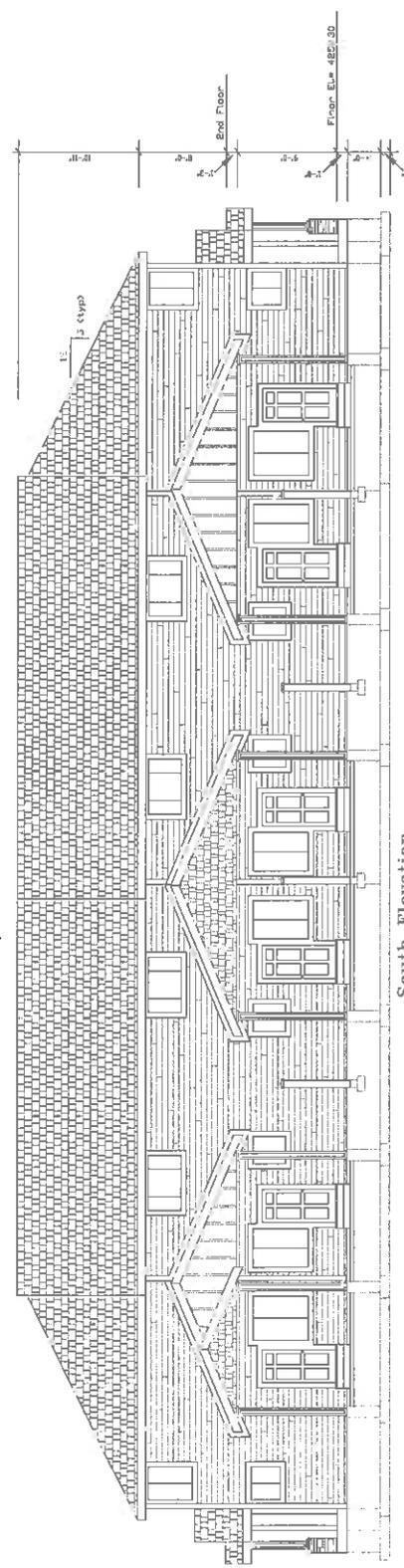
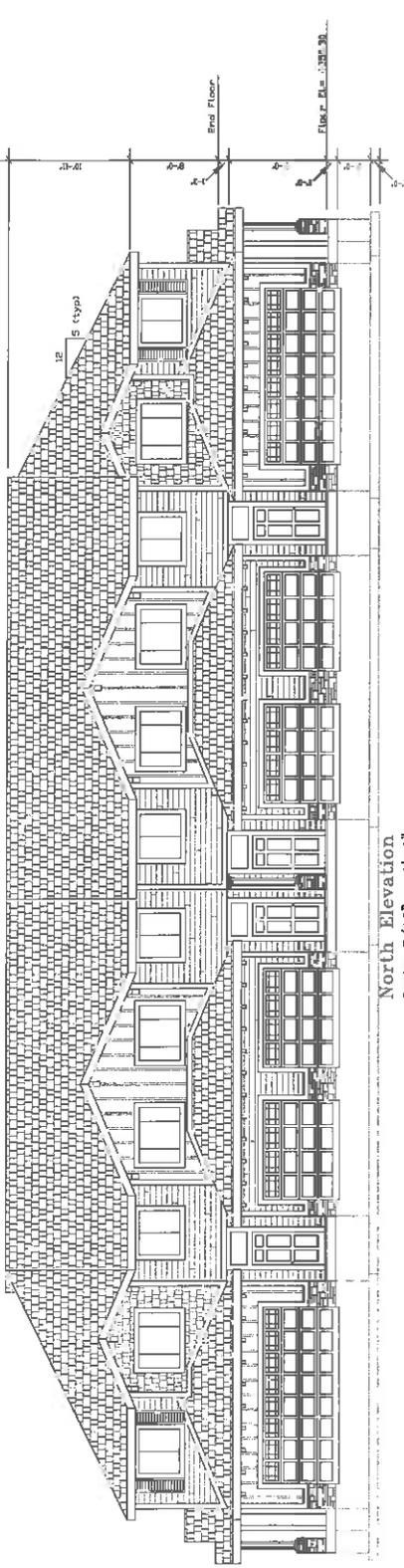


West Elevation  
 Scale: 3/16" = 1'-0"



East Elevation  
 Scale: 3/16" = 1'-0"

SP	Description	Date
1	DK Paving	7-29-12
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323 East Pagosa Lane  
 P.O. Box 606  
 Center, UT 84014  
 Phone: (801) 205-7237  
 Fax: (801) 283-0410  
 Email: scott@balling.com

**Balling Engineering**  
 Civil Engineering \* Surveying \* Planning



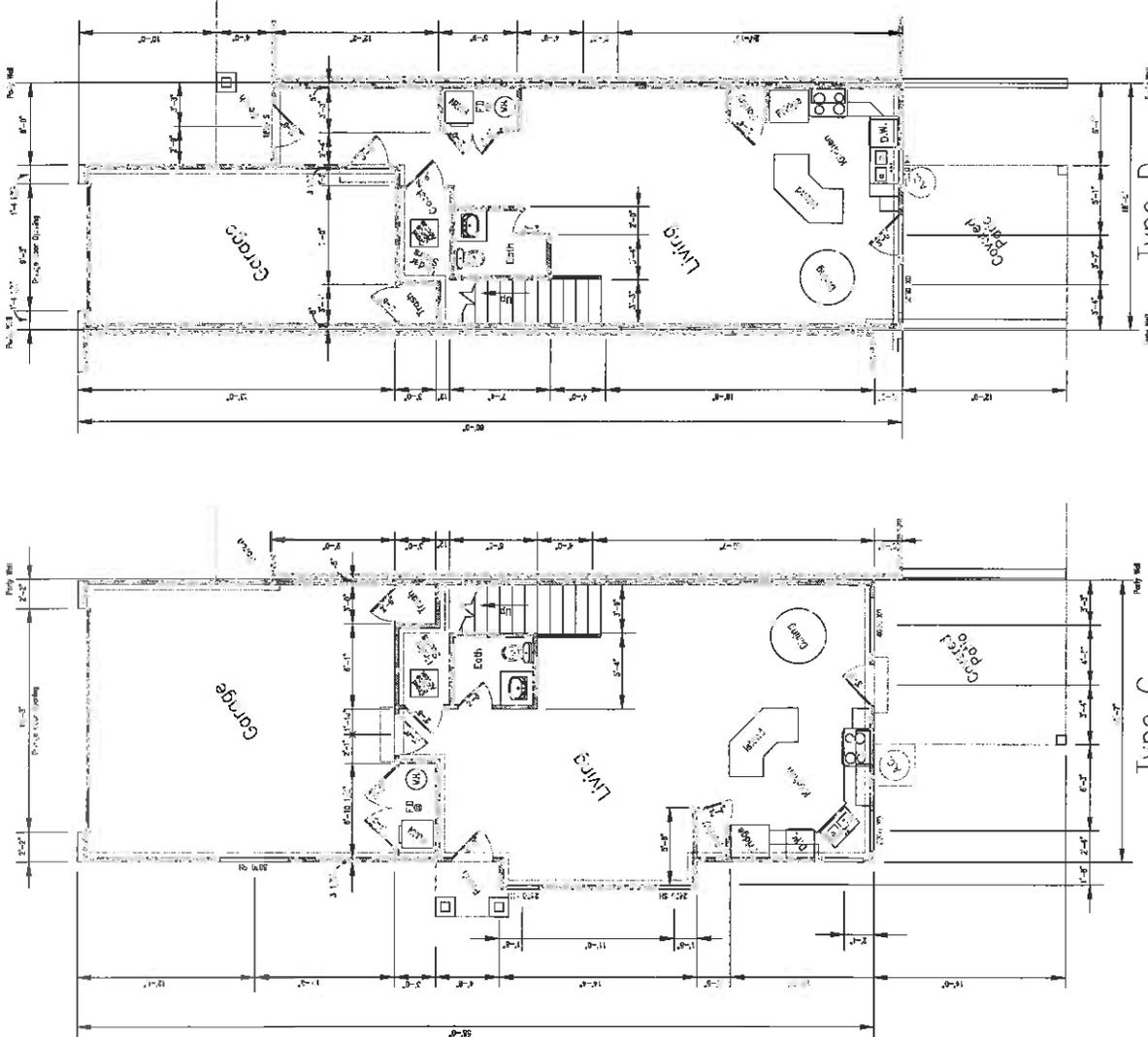
**Kestrel Bay Townhomes**  
 6-Plex Main Floor Plan  
 For Scott and David Balling  
 (801) 588-7305

REVISIONS	
No.	Description

File Number: 7-31-12  
 Submitted Date: 7-31-12  
 Checked By: J. S. Balling  
 Drafting: J. S. Balling  
 Date Surveyed: 7-28-12  
 Surveyor: J. S. Balling

**A202**

Sheet 17 of 30



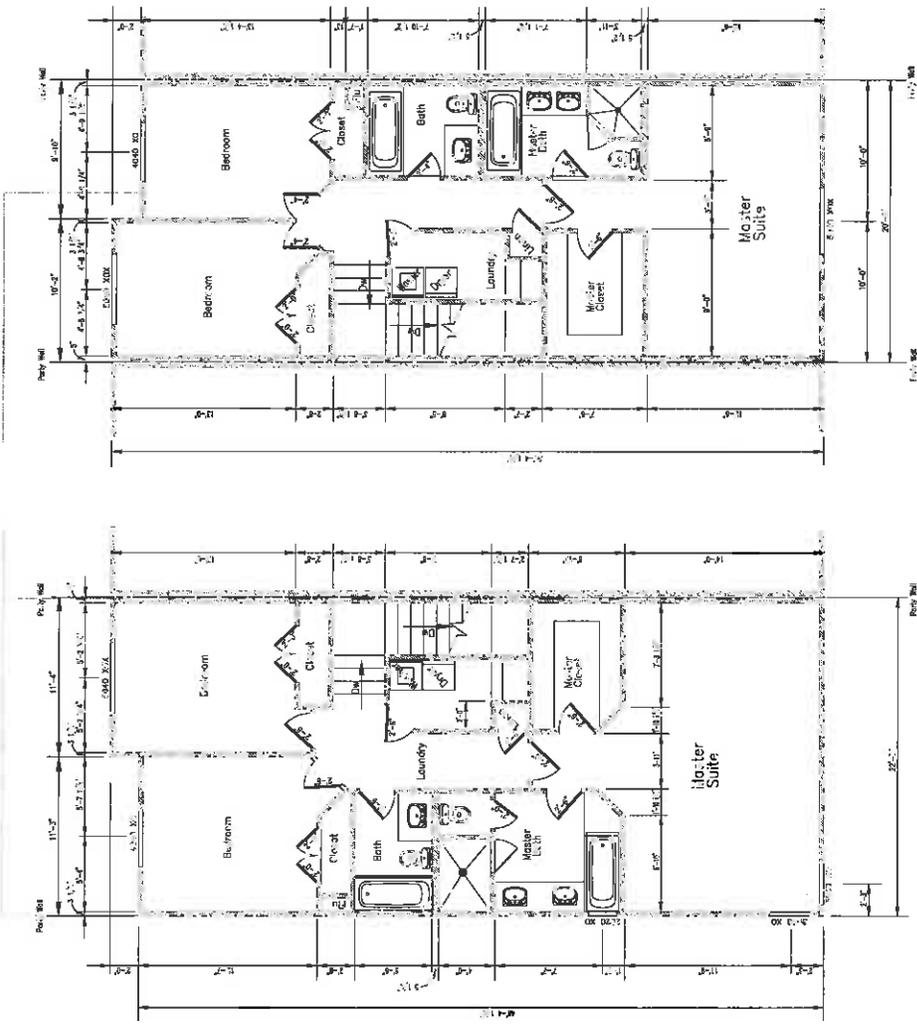
**Type D**  
 6 Plex Main Floor Plan  
 Units 5 and 10  
 Scale: 1/4" = 1'-0"

Units 7 and 9 Mirrored

**Type C**  
 Unit 6  
 Unit 11 Mirrored



Revisions	
No.	Description



**Type B**  
 Unit 2 and 4  
 Unit 3 Mirrored

**Type A**  
 Unit 1  
 Unit 5 Mirrored

**Second Floor Plan**  
 Scale: 1/4" = 1'-0"

Design Criteria:  
 Live Load: 40 psf  
 Floor Finish: 10 psf  
 Live Load: 40 psf  
 Concrete Slab: 4" thick  
 Reinforcing: Steel Grade 60

Existing Excavation shall be excavated to undisturbed material. They are to be backfilled to be free from any voids. The network will be installed and compacted with laboratory machine.

All walls in Great Room areas shall include 4" thick rigid 24 to 1 inch cfm-16. Insulated with 2" R-19 moisture barrier sheathing, walls and ceiling shall be constructed of 2" gypsum board. All walls shall be constructed in six inch lifts to 300 weight per cubic foot. All walls shall be constructed with each lift to 300 weight per cubic foot. All walls shall be constructed with each lift to 300 weight per cubic foot. All walls shall be constructed with each lift to 300 weight per cubic foot.

1. 1-1 Indicate the finishing type. (See Sheet A-01 For Finishing Details)

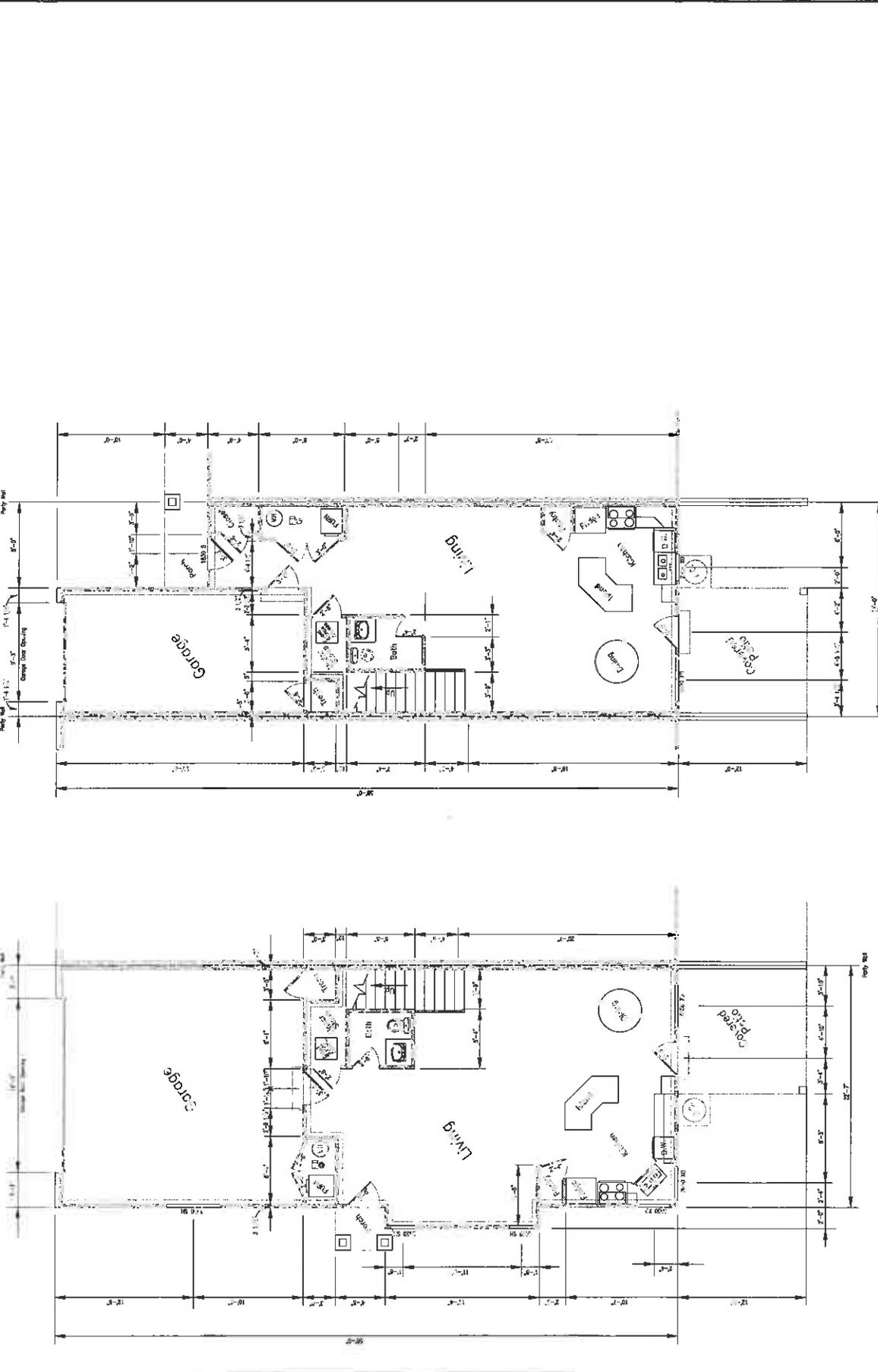
Balling Engineering  
 Civil Engineering \* Surveying \* Planning  
 P.O. Box 805  
 525 East Pogues Lane  
 Centerville, Utah 84014  
 Phone: (801) 285-7237  
 Fax: (801) 224-0419  
 Email: scott@ballingeng.com

**KEB**  
 For Scott and David Balling  
 (801) 589-7305

**Kestrel Bay Townhomes**  
 5-Plex Main Floor Plan

REVISIONS	
No.	Description

**A201**  
 Sheet No. of 31



**Main Floor Plan**  
 Scale: 1/4" = 1'-0"  
 Type A  
 Unit 1  
 Unit 5 Mirrored  
 Type B  
 Unit 2 and 4  
 Unit 3 Mirrored

**Zimbra****calexander@farmington.utah.gov**

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**RE: Kestrel Bay Traffic Study**

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**From :** Tim Taylor <ttaylor@wcecengineers.com>  
**Subject :** RE: Kestrel Bay Traffic Study  
**To :** 'Christy Alexander'  
<calexander@farmington.utah.gov>,  
dpetersen@farmington.utah.gov

Tue, Aug 28, 2012 01:56 PM

 1 attachment

Hi Christy & Dave,

I've reviewed Mr. Balling's letter and associated attachments and believe that the modifications he's made adequately & reasonably address my previous traffic safety concerns/issues.

Do you want me to respond to him directly or will you?

Thanks,  
Tim

**Timothy J. Taylor, P.E., PTOE | WCEC Engineers, Inc.**  
9980 South 300 West, Ste 200, Sandy, UT 84070  
Email: [ttaylor@wcecengineers.com](mailto:ttaylor@wcecengineers.com)  
Tel: 801.456.3847  
Fax: 801.618.4157  
Cell: 801.884.9166

**From:** Scott Balling [mailto:scott@ballinginc.com]  
**Sent:** Tuesday, August 28, 2012 10:26 AM  
**To:** ttaylor@wcecengineers.com; Christy Alexander; dpetersen@farmington.utah.gov  
**Subject:** Kestrel Bay Traffic Study

Tim Taylor:

Attached is a letter and exhibits concerning the Kestrel Bay Townhomes. Could you please review this and let me know if you have additional concerns. Please feel free to call me.

Thanks  
Scott Balling.

--

**Zimbra****calexander@farmington.utah.gov**

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**RE: Site Plan Question**

---

**From :** Tim Taylor <ttaylor@wcecengineers.com>

Tue, Aug 21, 2012 01:57 PM

**Subject :** RE: Site Plan Question**To :** 'Christy Alexander'  
<calexander@farmington.utah.gov>

Hi Christy,

I left you a voice mail earlier. I've reviewed the planning commission staff report and the associated site plan as it relates to the proposed driveway spacing, potential conflicts (w/ bikes, pedestrians & vehicles), sight obstructions, etc.

Generally this is a land use issue rather than a vehicle/ped conflict/safety issue. For local residential streets, a driveway density of about 40 feet per residential unit driveway is about the maximum you'll see before you go to some sort of alley or off-street parking accommodations. Otherwise, the driveway takes up a significant portion (>25%) of the front yard with densities greater than that. With the proposed Kestrel Bay Townhomes, the driveways will take up over 50% of the available front yard areas. This type of configuration is much better suited for an alley or off-street parking facility.

In terms of safety, the following items are of concern:

- 1) The short spacing between the frontage road intersection and the proposed driveways of Units 1-5. Backing out of these driveways will be problematic during the morning and evening peak hours due to the traffic on 620 S. and the limited sight lines that will exist when cars are parked in adjacent driveways.
- 2) Although pedestrian/bicycle volumes along 620 S. are low, the number of potential conflict points is between 2-4 times higher than what you would normally see along a single family residential street (approx. 20' per driveway versus 40' – 80' per driveway). Within Farmington, most of our single family subdivisions have a driveway density of 70-100' per driveway.
- 3) 620 S. is an important local residential street and functions more like a collector than a traditional local residential street. 620 S. is the only east/west connection from 200 East and the Frontage Road between Glovers Lane and 200 South and accommodates a higher volume of traffic. Increasing the driveway density near the Frontage Road intersection (as proposed) will degrade the function of 620 S. during peak periods.

Inasmuch as it is feasible, I recommend that parking be moved to the rear of the development and serviced by a single driveway along the east side of the property. This will reduce the number of development conflict points on 620 S to one and maximize the spacing between the single driveway and the Frontage Road intersection.

9/12/12

Zimbra

One last item: The east side of Spring Pond Dr. and south side of Willow Green Way has a high driveway density (about 30' per driveway). Other higher driveway density streets in Farmington include:

- S. Rice Rd – 36' per driveway
- North side of Waterside Dr. – 45' per driveway
- 150 East north of 200 South – 45-50' per driveway
- 760 W and 1275 N (north of Shepard Lane) – 40' per driveway
- Shetland Ln (Kings Crossing Dr)
- Eliason Dr – 50' per driveway
- St. Andrews Dr., Pinehurst Ln. – 50' per driveway

Alley Accessed Driveway Density

- Mare Dr. – 37' per driveway
- West side of Stillwater Dr – 22' per driveway

Let me know if you have any questions.

Thanks,  
Tim

**Timothy J. Taylor, P.E., PTOE | WCEC Engineers, Inc.**  
9980 South 300 West, Ste 200, Sandy, UT 84070  
Email: [ttaylor@wcecengineers.com](mailto:ttaylor@wcecengineers.com)  
Tel: 801.456.3847  
Fax: 801.618.4157  
Cell: 801.884.9166

---

**FROM:** Mark Morris  
**TO:** Christy Alexander  
**RE:** Kestrel Bay Townhomes Landscape Plan  
**DATE:** 11 Sept 2012  
**MEETING:**

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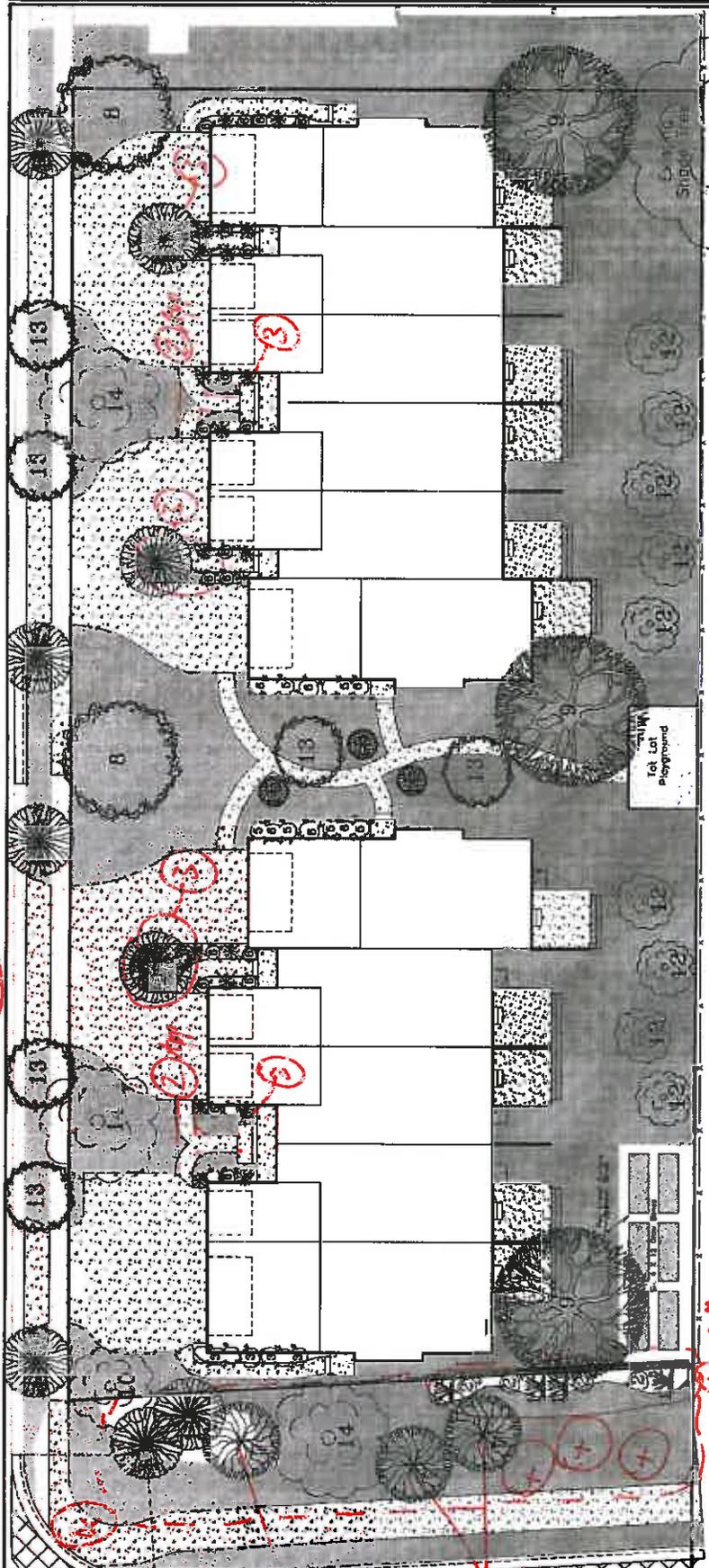


After reviewing the landscape plan submitted for the Kestrel Bay Townhomes, I have the following comments:

1. "Buffer" planted area to the west of the concrete wall on the Frontage Road should be increased in size/depth. Only 8 plants are currently shown, which will result in a rather thin "buffer" if that is the goal. Should be increased in depth, with taller plants, including some evergreen shrubs
2. Approach sidewalks at the front of the townhomes (north side) are curved, resulting in sharp angles. This will make the areas in these angles difficult to irrigate and maintain. A simpler, straighter line should be used.
3. Several small, irregular spaces are designated as "grass sod areas." Lawn should only be used in larger, more useful spaces. Lower maintenance, lower water use plants should be used instead.
4. Buffer of plants/trees along the frontage road should include more evergreen trees, providing a more "year round" buffer between the townhomes and the traffic on the Frontage Road and I-15.
5. Hostas are typically a very high water use plant. They will do fine in the shade of the north side of these town homes, but they are paired on this plan with an Oregon Grape, which is a very low water use plant. Compatible plants as far as sun requirements and water needs should be selected.
6. Sumac can spread and become invasive in this area. An appropriate plant selection should replace sumac on this plan.
7. Rocky Mountain Juniper is a very very low water use tree. Currently, it is being used in the buffer zone on the west side of the plan, in a large turf grass area. The water requirements for the RM Juniper and turf grass are not compatible. An appropriate evergreen should replace the Juniper, or placed in a non-turf grass area.
8. Street trees are most effective at giving character to a street when they are consistent along a street face. The street trees on this plan should be a single tree type. If there are overhead power lines, the Spring Snow Crab or a Wireless Zelkova are a good option.

STREET TREES

18



**Shrubs**

Item Description	Scientific Name	Quantity
1 Feathered Reed Grass	Calamagrostis - Karl Foerster	2
2 Flame Leaf Sumac	Rhus Copallina	6
3 Day Lilly	Hemerocallis	1
4 Oregon Grape	Mahonia Repens	9
5 Alpine Currant	Ribes-Alpinum	9
6 Hosta	Funkia	6
<b>Trees</b>		
7 Rocky Mountain Juniper	Juniperus Scopulorum	7
8 Japanese Zelkova (Village Green)	Zelkova Serrata	2
9 Shademaster Honeylocust	Gleditsia Triacanthos Inermis	3
10 Flame Maple	Acer Ginnala	1
11 Springsnow Crabapple	Malus Springsnow	9
12 Elberta Peach	Rosaraae	9
13 Kwansan Cherry (Cultivar)	Prunus Sp.	6
14 Crimson King Norway Maple	Acer Platanoides "Crimson King"	2
15 Blue Totem Spruce	Picea Pungens Fastigiata Welis	3

1 Buffer +

2

**Balling Engineering**  
 Civil Engineering \* Surveying \* Planning  
 223 East Puffer Lane  
 P.O. Box 806  
 Centerville, Utah 84304  
 Phone: (801) 298-4418  
 Fax: (801) 298-4419  
 Email: info@ballingeng.com

**Kestrel Bay Townhomes (P.U.)**  
 Landscaping Plan  
 For Scott and David Balling  
 (801) 888-7906

**Revisions**

No.	Date	Description
01	7-28-12	
02	8-1-12	
03	8-1-12	
04	8-1-12	
05	8-1-12	
06	8-1-12	
07	8-1-12	
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13	8-1-12	
14	8-1-12	
15	8-1-12	
16	8-1-12	
17	8-1-12	
18	8-1-12	

File Number: \_\_\_\_\_  
 Checked By: L. S. Balling  
 Drawing: L. S. Balling  
 Date Surveyed: 7-28-12  
 Surveyor: D. L. Balling

**L101**

CITY COUNCIL AGENDA

For Council Meeting:  
October 2, 2012

**S U B J E C T:** Consideration of Ordinance amending the Zoning Ordinance and the Scenic By-way Overlay Zone regarding Electronic Message Signs

**ACTION TO BE CONSIDERED:**

See staff report for recommendation and findings.

**GENERAL INFORMATION:**

See enclosed staff report prepared by David Petersen.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



# FARMINGTON CITY

SCOTT C. HARBERTSON  
MAYOR

JOHN BILTON  
NELSEN MICHAELSON  
CORY R. RITZ  
JIM TALBOT  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: David E. Petersen, Community Development Director

Date: September 25, 2012

SUBJECT: **ELECTRONIC MESSAGE SIGN ORDINANCE**

### RECOMMENDATION

Adopt the enclosed ordinance and findings below, as recommended by the Planning Commission, to amend the Sign Ordinance, and Chapter 41 of the Zoning Ordinance (Scenic Byway Overlay).

#### Findings

1. Although illumination from electronic message signs often negatively impacts surrounding properties, certain areas in the community are appropriate for such signs subject to the standards set forth in the ordinance.
2. Levels of illumination can be measured and the City is able to enforce inconsistent use of electronic message signs which violate the proposed changes to the ordinance.
3. The ordinance provides standards which minimize the sudden movements of electronic message signs, and brightness and duration, which distract motorists and are harmful to public safety.
4. The ordinance enables the passerby to more easily read electronic message signs reducing distractions and thereby increasing safety where possible regarding such signs.
5. Animated signs, which are similar to electronic message signs in that movement and change of lighting are often used to attract attention, are prohibited. However, the ordinance changes seek to remove "animated" type characteristics associated with electronic message signs.

### BACKGROUND

The Mayor and City Council reviewed the proposed changes to the City's Sign Ordinance and Scenic By-way Overlay zone as a study session item on September 4, 2012. Previously, the Planning Commission considered changes to these two documents at public hearings on May 10, 2012 and June 28, 2012. The Commission tabled action and established a sub-committee to further prepare changes as per the direction received by the Commission and comments from

the public. John Bilton and Nelsen Michaelson represent the City Council on that committee. The Electronic Sign Committee met four times and some members also attended a workshop by a local sign company. The Planning Commission again reviewed the changes as a discussion item on August 16, 2012. Finally, the Commission considered and recommended approval of final drafts of both documents at their September 13, 2012, meeting.

Enclosed is enabling legislation and the draft changes for your review and critique, which changes also include input from the September 16<sup>th</sup> Planning Commission public hearing. Even though the changes only affect certain portions of the Sign Ordinance and Scenic By-way Overlay zone, the Committee wanted each document presented in its entirety to allow the Mayor and Council to see the changes in their full context in relation to the text of the overall ordinance or chapter.

Respectfully Submitted



David Petersen  
Community Development Director

Review and Concur



Dave Millheim  
City Manager

**FARMINGTON, UTAH**

**ORDINANCE NO. 2012 -**

**AN ORDINANCE AMENDING THE SIGN ORDINANCE  
(TITLE 15 OF THE FARMINGTON CITY CODE) AND  
CHAPTER 41 SCENIC BY-WAY OVERLAY OF THE  
FARMINGTON CITY ZONING ORDINANCE REGARDING  
ELECTRONIC MESSAGE SIGNS.**

**WHEREAS**, the Planning Commission has held a public hearings regarding the text changes related to electronic message signs and recommended that this ordinance be approved by the City Council; and

**WHEREAS**, the Farmington City Council has held a public meeting pursuant to notice and as required by law and deems it to be in the best interest of the health, safety, and general welfare of the citizens of Farmington to make the changes proposed;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:**

**Section 1. Amendment.** The Sign Ordinance, Title 15 of the Farmington City Code, is hereby amended to read in its entirety as set forth in Exhibit "A" attached hereto and by this reference made part hereof.

**Section 2. Amendment.** Chapter 41 Scenic By-way Overlay, Title 15 of the Farmington City Code, is hereby amended to read in its entirety as set forth in Exhibit "B" attached hereto and by this reference made part hereof

**Section 3. Severability.** If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 4. Effective Date.** This ordinance shall take effect immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

**PASSED AND ADOPTED** by the City Council of Farmington City, State of Utah, on this 2nd day of October, 2012.

**FARMINGTON CITY**

---

Scott C. Harbertson  
Mayor

**ATTEST:**

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Holly Gadd  
City Recorder

**EXHIBIT "A"**

## TITLE 15

### SIGN REGULATIONS

<b>Chapter 1</b>	<b>General Provisions</b>
<b>Chapter 2</b>	<b>Administration of Regulations</b>
<b>Chapter 3</b>	<b>General Sign Requirements</b>
<b>Chapter 4</b>	<b>Standards for Specific Signs</b>
<b>Chapter 5</b>	<b>Zoning Standards for Signs</b>
<b>Chapter 6</b>	<b>Nonconforming Signs</b>
<b>Chapter 7</b>	<b>Violations and Enforcement</b>

## CHAPTER 1

### GENERAL PROVISIONS

<b>15-1-101</b>	<b>Short Title</b>
<b>15-1-102</b>	<b>Purpose and Intent</b>
<b>15-1-103</b>	<b>Scope of Provisions</b>
<b>15-1-104</b>	<b>Definitions</b>
<b>15-1-105</b>	<b>Variances</b>
<b>15-1-101</b>	<b>Short Title</b>

This Title shall be known as the "Farmington City Sign Ordinance". This Title may also be known as "Title 15, Farmington City Code". It may be cited and pleaded under either designation.

#### **15-1-102 Purpose and Intent**

The purpose of this ordinance is to provide minimum standards to safeguard property, public health, safety, and general welfare and to preserve the unique character of Farmington through the establishment of guidelines governing the size, height, design, location, and maintenance of signs. It is not the intent of this ordinance to regulate the message content of signs or to regulate any signs which are not intended to be viewed by the general public from outside the property line. The following goals have been established to help achieve such purpose and intent:

(1) To encourage signs which help to visually organize the activities of the City, lend order and meaning to business identification, and make it easier for the public and service delivery systems to locate and identify their destinations;

(2) To assure that all signs, in terms of size, scale, height, and location, are

compatible with adjacent land uses and with the size of the development which they serve;

(3) To implement principles established in the Farmington City General Plan which recognize that the special character of the City rests largely in the quality of its appearance;

(4) To minimize unnecessary distractions to motorists, protect pedestrians, and provide safe working conditions for those persons who are required to install, maintain, repair, and remove signs; and

(5) To be fair to each property owner by providing that equal and adequate exposure to the public is made available and that no signs are allowed to visually dominate neighboring signs.

### **15-1-103 Scope of Provisions**

In interpreting the provisions of this Title, the requirements contained herein are declared to be the minimum standards necessary to accomplish the purposes set forth. The types of signs allowed by this Title are fully described. Signs not specifically described herein shall be prohibited. Where the provisions of this Title impose greater restrictions than any other statute, regulation, ordinance, or covenant, these provisions shall prevail. Where the provisions of any statute, regulation, ordinance, or covenant impose greater restrictions than the provisions of this Title, the provisions of such statute, regulation, ordinance, or covenant shall prevail.

### **15-1-104 Definitions**

Whenever any words or phrases used in this Title are not defined herein, but are defined in related sections of the Farmington City Code or Uniform Building Code, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Words not defined in any Code shall have their ordinarily accepted meanings within the context in which they appear. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is always mandatory, and the term "may" is permissive. The following terms as used in this Title shall have the meanings respectively ascribed to them.

(1) **Abandoned Sign** means a sign which displays evidence of neglect, no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or a sign for which no legal owner can be found.

(2) **Alteration** means a change or rearrangement in the structural parts of a sign causing an increase in the height, width, or area, or moving the sign from one location to another.

(3) **Animated Sign** means any sign which uses movement of all or part of the sign or a rapid or intermittent change of lighting to attract attention, depict action, or to create a special effect or scene. This includes sign spinners.

(4) **Architectural Detail** means any projection, relief, cornice, column, change of building material, window, or door opening on any building.

(5) **Architectural, Scenic, or Historic Area** means an area that contains unique visual or historic characteristics or whose natural beauty requires special sign regulations to ensure that all signs displayed within the area are compatible with the area.

(6) **Awning Sign** means a sign attached to a building which consists of a fireproof space-frame structure with sign copy imprinted on a translucent flexible reinforced vinyl covering designed in awning form. Such signs may, or may not, be internally illuminated by fluorescent or other light sources in fixtures approved under the Uniform Electrical Code.

(7) **Barber Pole** means a traditional pole or symbol used to identify the place of business of a barber, containing no advertising. Barber poles are classified as Projecting signs. For the purpose of this ordinance, barber poles are not considered to be animated signs.

(8) **Banner or Pennant** means any cloth, bunting, plastic, paper, or similar material used for temporary commercial or home sale advertising purposes attached to, or appended on or from, any structure, staff, pole, line, framing, or vehicle.

(9) **Billboard** means an off-premise ground sign.

(10) **Building Face** means all window and wall area of a building in one plane, from ground level to the peak of the roof and/or top of parapet wall.

(11) **Changeable Copy Sign** means a sign on which the characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign regardless of method of attachment. Any type or classification of sign may contain changeable copy.

(12) **Commercial Complex** means a group of two or more commercial uses, whether on one lot under one ownership or on several adjacent lots under separate ownership, which are dependent on one another to meet minimum standards for parking, vehicular circulation, and/or landscaping or are approved as elements in an overall site plan under a conditional use or subdivision application.

(13) **Copy** means any words, letters, numbers, figures, designs, or other symbolic representations on the display surface of a sign.

(14) **Corporate flag** means a flag with a corporate name or logo flown in front of a corporate office or facility for the purpose of identifying the company located within. Corporate flag does not include flags or banners with a company name or logo used to advertise products or homes for sale.

(15) **Directory Sign** means a common sign identifying two or more persons, businesses, or establishments.

(16) **Display Surface** means the surface available on the sign structure for the mounting of material to advertise or promote a product, event, person, or subject.

(17) **Electronic Message Sign** means a changeable copy sign that uses lights to form a sign message wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time and/or temperature shall not be considered an electronic message sign. For the purposes of this ordinance, electronic message these-signs are not considered to be animated signs.

(18) **Frontage** means a lineal measurement along the property line of a lot or parcel of property which fronts on a public street. Frontage is used as the basis for determining, in part, the maximum sign area and number of signs allowed for individual activities.

(19) **Ground Sign** means a sign which is three or more feet above the ground and is supported by one or more uprights, poles, posts or braces placed in or upon the ground which are not a part of, or attached to, a building. The definition includes "pylon signs", "freestanding signs", and "pole signs".

(20) **Height (of a Sign)** means the greatest distance measured from the top of the nearest curb or sidewalk to the top of the sign including any protruding architectural features.

(21) **Identification Sign** means a sign which serves to identify only the name and address of the building, institution, person, and/or lawful use which occupies the premises.

(22) **Illegal Sign** means a sign which does not meet the requirements of this ordinance and which has not received legal nonconforming status.

(23) **Illuminated Sign** means a sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes. This definition shall also include reflectorized, glowing or radiating signs.

(24) **Logo** means a symbol, design, or graphic representation, which may include text that identifies a business, activity, or company.

(25) **Maintenance** means the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

(26) **Model Home Sign** means an off-premise sign designed solely to provide direction or guidance for vehicular traffic to a model home.

(27) **Monument Sign** means an on-premise sign, the entire bottom of which is in full contact with, or closer than three feet to, the ground.

(28) **Name Plate** means a non-illuminated identification sign, attached to the main building on a lot, which gives only the name, address, and/or occupation of the occupant or occupants of a dwelling.

(29) **Neon Sign** means a sign which incorporates into its design neon or gaseous light tubing that is uncovered, or covered by a transparent cover, allowing the tubing to be visible.

(30) **Nonconforming Sign** means a sign which was legally installed under laws or ordinances in effect prior to the effective date of this Title or subsequent revisions, but which is in conflict with the provisions of this Title.

(31) **Off-premise Sign** means a sign which directs attention to a use, product, commodity, event, or service not related to the property on which the sign is located. This definition includes billboards.

(32) **On-premise Sign** means a sign which directs attention to a use, product, commodity, event, or service which exists or is available on the property on which the sign is located.

(33) **Open House** means a home for sale, lease or rent that is open for inspection on a specific day and is occupied by at least one person present to show the house. The open house need not be occupied if the seller has a model home in the same subdivision which is occupied by a person present to show the open house.

(34) **Open House Sign** means an off-premise sign designed solely to provide direction or guidance for vehicular traffic to real estate that is for sale, lease or rent.

(35) **Owner** means a person, corporation, organization or agency having a legal or equitable interest in property and includes successors-in-interest, assigns, or the agent of any of the aforesaid.

(36) **Permanent Sign** means a sign intended to exist for the duration of time that the use or occupant is located on the premises and which is designed to be permanently attached to the ground or to a building. The sign shall be constructed entirely of durable materials.

(37) **Political Sign** means a sign limited to issues, ballot measures, ballot propositions, candidates, or groups of candidates in any district, municipality, community, state, or federal election.

(38) **Portable Sign** means any sign that is not permanently attached to the ground or a building, signs designed to be transported by wheels or other means, "A" or "T"-frame signs

unless specifically allowed by this Title, or signs attached to, painted on, or supported by stationary vehicles or trailers, which are visible from a public street and have the express purpose of advertising a business, product, service, or event.

(39) **Premises** means a lot or a building site, combination of lots or building sites, or a specific portion of a lot or building site, that contains the structures and the open spaces owned in connection with a lot, for the location, maintenance, and operation of the use of the property.

(40) **Project Identification Sign** means a permanent sign identifying an area of distinct character under multiple ownerships such as a residential neighborhood, historic district, shopping center, or industrial park.

(41) **Projecting Sign** means a sign other than a wall sign suspended from, or supported by, a building or structure and projecting outward more than twelve (12) inches.

(42) **Property Sign** means a sign related to the property on which it is located and offering such property for sale or lease, advertising contemplated improvements, announcing the name of the builder, designer, owner, or developer of a project, or warning against trespass. Similar signs not related to the property on which they are located are considered off-premise signs, not temporary signs.

(43) **Roof Sign** means a sign displayed on or above the roof, peak or parapet of a building and attached to the building.

(44) **Service Sign** means an on-premise sign erected for the purpose of facilitating, directing, or controlling the efficient or safe movement of pedestrians or vehicles on or into private property and which conveys information such as "rest rooms", "no parking", "entrance", "exit", or other messages of information, direction, or warning, but does not contain brand, trade or business identification.

(45) **Sign** means and includes every advertising message, announcement, declaration, demonstration, merchandise display, illustration, insignia, surface, or space erected or maintained in view of a public street for identification, advertisement, or promotion of the interests of any person, entity, event, product, or service. This definition shall also include the sign structure, supports, lighting system and any attachments, ornaments, or other features designed to attract the attention of observers.

(46) **Sign Area** means the area of a sign that is used for display purposes, excluding the minimum frame and support structure. In computing sign area, only one side of a double faced sign covering the same subject shall be computed when the two faces are parallel or diverge from a common edge at an angle of 45 degrees or less. When a sign has more than two faces, the area of the third face, and all additional faces, shall be included in determining the area of the sign. For signs that don't have a frame or integral background, sign area shall be computed based on the area of the smallest square, rectangle, or triangle which will completely frame the

display.

(47) **Temporary Sign** means any sign, balloon, banner, valance, or advertising display constructed of paper, cloth, canvas fabric, cardboard, wallboard, wood, or other light material, with or without a frame, intended to be displayed out of doors for a short period of time.

(48) **Wall Sign** means a sign attached to and parallel with the exterior wall or windows of a building, extending not more than 12 inches from such wall, and having messages or copy on the front side only. This definition includes painted, individual letter, and cabinet signs.

#### **15-1-105 Variances**

The Board of Adjustment may authorize a variance from this Title 15 in accordance with the provisions of Section 11-5-108 of the Farmington City Code.

Amended 7/15/98 Ord. 98-23 & 11/5/03 Ord. 03-51

Amended 4/19/06, Ord. 2006-28

## **CHAPTER 2**

### **ADMINISTRATION OF REGULATIONS**

- 15-2-101 Conformity of Signs**
- 15-2-102 Construction Standards**
- 15-2-103 Maintenance**
- 15-2-104 Sign Permits**
- 15-2-105 Application Requirements**
- 15-2-106 Sign Permit Fees**
- 15-2-107 Approval**
- 15-2-108 Improper Issuance**
- 15-2-109 Permit Not Required**
- 15-2-110 Exempt Signs**
- 15-2-111 Prohibited Signs**

#### **15-2-101 Conformity of Signs**

Except as provided in this Title, no sign shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the zoning district in which it is located.

#### **15-2-102 Construction Standards**

All signs erected in the City shall comply with the current standards of the Uniform

Electrical Code, the Uniform Building Code, and all provisions of this Title and the Farmington City Zoning Ordinance.

**15-2-103 Maintenance**

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The ground space within a radius of ten feet (10') from the base of any ground sign shall be kept free and clear of all weeds, rubbish, and flammable material. The Zoning Administrator is empowered to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated as more particularly specified in Chapter 7 of this Title.

**15-2-104 Sign Permits**

It shall be unlawful for any person, whether acting as owner, occupant, contractor, or otherwise, to erect, construct, reconstruct, enlarge, locate, or alter any sign within the City without first obtaining a Sign Permit from the City. The Zoning Administrator shall be empowered to:

- (1) Issue permits to erect, construct, reconstruct, enlarge, locate, or alter signs which conform to the provisions of this Title; and
- (2) Ascertain, in conjunction with the Building Official, that all sign construction, reconstruction, or modifications of existing signs is done in conformance with the Zoning Ordinance and Building Codes of the City.

**15-2-105 Application Requirements**

Sign Permit applications shall be made to the Building Official and shall include the following:

- (1) A completed application form; and
- (2) Three sets of plans, drawn approximately to scale, but with accurate dimensions, which include the following information:
  - (a) Sign elevations which indicate sign area, sign height, dimensions, colors, materials, letter height, structural supports, and/or method of illumination;
  - (b) A site plan which indicates the length of street frontage, setbacks from property lines, location of existing and proposed buildings, curb cuts, parking lots, and the location and size of all existing signs; and
  - (c) If wall signs are proposed, building elevation with proposed signs

depicted.

**15-2-106 Sign Permit Fees**

A fee shall accompany all Sign Permit applications. The amount of the Sign Permit fee shall be based upon the fee schedule contained in Table 3A of the Uniform Building Code as adopted by the City. For the purpose of determining the fee, the valuation of the sign shall be the total value of all construction work for which the Sign Permit is issued.

**15-2-107 Approval**

A permit for the erection, construction, reconstruction, enlargement, alteration, or relocation of a sign shall be issued within a reasonable time after a valid application is submitted, provided that the sign complies with all applicable laws and regulations of the City and meets all of the conditions set forth in this Title.

**15-2-108 Improper Issuance**

The Zoning Administrator, or his or her designee, shall comply with the provisions of this Title in issuing sign permits. A permit shall be null and void if its issuance is based on false or misleading information provided by an applicant for such permit.

**15-2-109 Permit Not Required**

The following types of signs shall be exempt from the permit requirements of this Title but shall be in conformance with all other provisions:

- (1) Nameplates;
- (2) Property signs;
- (3) Service signs; and
- (4) Temporary signs.

**15-2-110 Exempt Signs**

The following types of signs are exempt from the requirements of this Title:

(1) Direction, warning or information signs or structures required or authorized by law or by Federal, State, County or City authority;

(2) Signs identifying a public building, giving directions to or identifying offices or departments within a public building, or to other signs placed by a public agency or by its authority within the building it occupies;

- (3) Tombstones;
- (4) Memorial tablets and plaques installed by a recognized governmental historical agency;
- (5) Official and legal notices issued by any court, public body, person or officer in performance of a public duty or in giving any legal notice;
- (6) Official flags of the United States of America, the State of Utah, and other states of the United States, counties, municipalities, official flags of foreign countries, and flags of internationally and nationally recognized organizations;
- (7) Religious symbols and identification emblems of religious orders, affixed to religious buildings, which do not exceed four square feet in size;
- (8) Signs located further than twenty five feet (25') from a public street or within malls, courts, arcades, porches, patios, parking lots, or other similar areas where such signs are not intended to be viewed or read from public streets immediately adjacent to the property;
- (9) Signs located inside buildings which may or may not be visible from outside, except animated signs;
- (10) Logos on licensed commercial vehicles provided that such vehicles shall not be used as parked or stationary outdoor display signs;
- (11) Signs on vehicles, regulated by the City, that provide public transportation;
- (12) Art or art forms which do not contain or imply any advertising message;
- (13) Searchlights for temporary advertising purposes;
- (14) Corporate flags mounted on approved posts, poles or standards; and
- (15) Vending machines, gasoline pumps, telephone booths, newspaper racks, "take-out" or "pick-up" windows, or menus posted for reading in drive-in restaurant parking lots.
- (16) Signs advertising public and quasi public events such as public concerts, school plays, etc.
- (17) Signs for a short term event shall be exempt from the provisions of this chapter. Such signs may include notices for garage sales, lost and found notices, etc. Such signs shall not be placed more than 24 hours before the event, shall be removed immediately following the event, and shall be limited to not more than four (4) signs per event.

**15-2-111 Prohibited Signs**

The following signs are expressly prohibited by this Title:

- (1) Animated signs;
- (2) Off-premise signs except for temporary home occupations, model home signs and open house signs as provided herein;
- (3) Billboards, and other off premise outdoor advertising signs;
- (4) Portable signs, except as provided herein;
- (5) Light bulb strings and any exposed lamp in excess of 40 watts which consist of unshielded light bulbs, festoons, and/or strings of open light bulbs, other than temporary decorative holiday lighting or holiday displays;
- (6) Roof signs;
- (7) Any display of merchandise within ten feet (10') of a public road; and
- (8) Signs within public street rights-of-way.
- ~~(9) Flashing Signs~~

**CHAPTER 3**

**GENERAL SIGN REQUIREMENTS**

- 15-3-101 Signs not to Cause a Traffic Hazard**
- 15-3-102 Signs on Public Property**
- 15-3-103 Maintenance of Clear View at Intersections**
- 15-3-104 Signs on Utility Poles and Street Trees**
- 15-3-105 Signs in Proximity to Utility Lines**
- 15-3-106 Signs on Doors, Windows or Fire Escapes**
- 15-3-107 Transition Zoning**
- 15-3-108 Minimum Clearance of Signs**
- 15-3-109 Anchoring**
- 15-3-110 Wind Loads**
- 15-3-111 Illumination of Signs**
- 15-3-112 Street Addresses**
- 15-3-113 Repair of Building Facade**
- 15-3-114 Signs in Conjunction with a Conditional Use**

**15-3-101 Signs not to Cause a Traffic Hazard**

No person shall install or maintain or cause to be installed or maintained any sign which will cause a roadway safety distraction such as glare from internal or external illumination. No sign shall simulate or imitate in size, color, lettering, or design any traffic sign or signal, or which makes use of the words "STOP", "YIELD", "DANGER", or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.

**15-3-102 Signs on Public Property**

No signs shall be located on public property except for signs rented, owned, or erected by express permission of the City as provided herein.

**15-3-103 Maintenance of Clearview at Intersections**

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

**15-3-104 Signs on Utility Poles and Street Trees**

To insure safe access for maintenance and emergency services by the various companies using utility poles, signs may be affixed to utility poles only after receiving express permission from the utility companies involved. Signs on street trees, traffic regulatory sign poles, and street name poles are prohibited.

**15-3-105 Signs in Proximity to Utility Lines**

No permit shall be issued for any sign, and no sign shall be constructed or maintained, which has less horizontal or vertical clearance from authorized communication or energized electrical power lines than that prescribed by the laws of the State of Utah, or rules and regulations duly promulgated by agencies thereof.

**15-3-106 Signs on Doors, Windows or Fire Escapes**

No sign shall be installed, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape, except those signs as required by other codes or ordinances.

**15-3-107 Transition Zoning**

Where the frontage on one side of a street between two intersecting streets is zoned partly

residential and partly office, commercial, or industrial, a minimum front yard setback for any sign shall be equal to the most restrictive front yard setback required on any portion of the block. Signs shall not be located so as to project into a required side yard resulting from an office, commercial, or industrial zone or use abutting a residential zone or use.

**15-3-108 Minimum Clearance of Signs**

Where pedestrian traffic is anticipated near a sign, minimum clearance of ten feet (10') shall be maintained from the bottom edge of a projecting sign or ground sign to the final grade beneath such sign(s). The minimum clearance for projecting signs or ground signs located near driveways or parking areas shall be fourteen feet (14').

**15-3-109 Anchoring**

No sign shall be suspended by non-rigid attachments that will allow the sign to swing in a wind. All ground signs shall have self-supporting structures erected on and permanently attached to concrete foundations.

**15-3-110 Wind Loads**

All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows:

(1) Solid signs thirty-five feet (35') in height or above, other than wall signs, shall be designed to withstand a wind load of 25 pounds per square foot on any face. Solid signs, less than thirty-five feet (35') in height, shall be designed to withstand a wind load of 20 pounds per square foot on any face.

(2) Signs, other than wall signs, with an open framework shall be designed to withstand a wind load of 36 pounds per square foot of the total face area of the letters and other sign surfaces, or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

**15-3-111 Illumination of Signs**

All signs may be illuminated, except where specifically limited by this Title or by the Planning Commission as a requirement related to a conditional use approval.

**15-3-112 Street Addresses**

All business and residential locations shall be identified by a street address number, affixed to the main building, which is clearly visible from the public street.

**15-3-113 Repair of Building Facade**

A building facade, damaged as a result of the removal, repair, replacement, or installation of any sign, shall be repaired by the property owner within thirty (30) calendar days from the date of such damage.

**15-3-114 Signs in Conjunction with a Conditional Use**

If signs are proposed in conjunction with a conditional use, a master plan for signs shall be included with the initial application.

**CHAPTER 4**

**STANDARDS FOR SPECIFIC SIGNS**

- 15-4-101 Awning Signs**
- 15-4-102 Directory Signs**
- 15-4-103 Electronic Message Signs**
- 15-4-1034 Identification Signs**
- 15-4-1045 Monument Signs**
- 15-4-1056 Nameplate Sign**
- 15-4-1067 Open House and Model Home Signs**
- 15-4-1078 Political Signs**
- 15-4-1089 Project Identification Signs**
- 15-4-1109 Property Signs**
- 15-4-1110 Service Signs**
- 15-4-1121 Temporary Signs**
- 15-4-1132 Wall Signs**

**15-4-101 Awning Signs**

The following standards shall govern the use of awning signs:

- (1) Awning signs shall be classified as projecting signs;
- (2) Such signs shall not extend more than three feet (3') from the face of the building to which they are attached;
- (3) Minimum clearance of ten feet (10') shall be maintained above sidewalks;
- (4) The awning shall comply with the same setback established for all other signs in the zone in which it is located; and
- (5) The copy on an awning sign shall not exceed fifty percent (50%) of the sign's total

area.

**15-4-102 Directory Signs**

The following standards shall govern the use of directory signs:

- (1) Directory signs may be ground, monument, or wall signs;
- (2) One directory sign for each separate frontage on a public street may be allowed for a commercial complex;
- (3) The area of a monument directory sign or wall directory sign shall not exceed four square feet for each business located on the site; and
- (4) The area of a directory ground sign shall not exceed the maximum allowed in the zone in which the sign is located.

**15-4-103 Electronic Message Signs**

The following standards shall govern the use of electronic message signs:

(1) The night-time and day-time illumination of an electronic message sign shall conform with the criteria set forth in this Section:

(a) Illumination Measurement Criteria. The illuminance of an electronic message sign shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the electronic message sign off, and again with the electronic message sign displaying a white image for a full-color capable electronic message sign, or a solid message for a single-color electronic message sign. All measurements shall be taken perpendicular to the face of the electronic message sign at the distance determined by the total square footage of the electronic message sign as set forth in the Sign Area Versus Measurement Distance table:

<u>Sign Area Versus Measurement Distance</u>	
<u>Area of Sign</u> <u>sq. ft.</u>	<u>Measurement</u> <u>Distance (ft.)</u>
<u>10</u>	<u>32</u>
<u>50</u>	<u>71</u>
<u>100</u>	<u>100</u>
<u>200</u>	<u>141</u>

\* For signs with an area in square feet other than those specifically listed in the table, the measurement distance may be calculated with the following formula: The square root of the product of the sign area and one-hundred.

(b) The difference between the off and solid-message measurements using the electronic message sign measurement criteria shall not exceed 0.3 foot-candles at night.

(c) Electronic message signs shall come equipped with automatic dimming technology that must automatically adjust the sign's brightness in direct correlation with ambient light conditions not to exceed 15% of full brightness at night and 85% of full brightness at day.

(d) The minimum hold time between messages, including videos, for an electronic message sign shall be no less than 3 seconds. Any such sign with a hold time less than 3 seconds shall be considered an animated sign and shall be prohibited.

(e) Videos may be considered appropriate for electronic message signs so long as the duration thereof shall not exceed 8 seconds in length but not less than 4 seconds.

(ef) Fading, transitioning, or dissolving of images may shall occur on an electronic message sign of no less than 1 second, but not to exceed 1.5 seconds, to reduce the abrupt "flashing" effect as the message on the sign changes from one image to another.

(fg) All images on electronic message signs shall be full color RGB LED (Light-emitting Diode). [Note: the RGB color model is an additive color model in which red, green, and blue light are added together in various ways to reproduce a broad array of colors. The name of the model comes from the initials of the three additive primary colors, red, green, and blue].

(gh) Traveling messages are prohibited.

(hi) Electronic message signs located on parcels or lots next to, across the street from, or containing residential uses or zoned residential must be turned off between the hours of 11:00 pm and 6:00 am. Electronic message signs outside of the above-described areas must be turned off between the hours of 11:00 pm and 6:00 am unless it is determined that illumination is appropriate between these hours pursuant to the conditional use permit.

#### **15-4-1034 Identification Signs**

The following standards shall govern the use of identification signs:

- (1) Identification signs are classified as wall signs;
- (2) One identification sign is permitted for each business at a commercial location;
- (3) Area of an identification sign shall be not more than 16 square feet.

**15-4-1045 Monument Signs**

The following standards shall govern the use of monument signs:

- (1) Monument signs shall be designed as an integral part of a landscaped area and/or raised planter. If berms are a part of the landscaped area they shall have a slope no greater than 1 foot of vertical distance to 4 feet of horizontal distance and/or shall be not more than 3 feet in height above the elevation of the top of the nearest curb. Raised planters which contain monument signs shall be not more than three feet (3') in height;
- (2) Monument signs shall be not more than six feet (6') in height above final grade;
- (3) The area of a monument sign shall not exceed 50 square feet.

**15-4-1056 Nameplate Sign**

The following standards shall govern the use of Nameplate signs:

- (1) Nameplate signs are classified as wall signs; and
- (2) The area of a nameplate sign shall not exceed one square foot.

**15-4-1067 Open House and Model Home Signs**

- (1) Open house and model home signs are classified as portable signs.
- (2) Such signs may advertise homes for sale which are open for inspection on a specific day and may also indicate the hours of the open house or model home and the real estate firm sponsoring it. Signs may be displayed only during those hours which a home will be open.
- (3) Open house and model home signs shall conform to the setback requirements of the zone in which they are located and must have the consent of the owners, lessee, or occupant of the property on which they are located prior to placement.
- (4) Not more than four (4) off-premise open house or model home signs shall be allowed for each house advertised. Not more than ten (10) off-premise open house or model home signs shall be posted by any single seller/agent/developer/builder. Only one open house or model home sign may be placed on any off-premise parcel of land.

- (5) The area of open house and model home signs shall not exceed 6 square feet.

**15-4-1078 Political Signs**

Political signs are classified as temporary signs and are governed by standards set forth in Section 15-4-111 of this Chapter.

**15-4-1089 Project Identification Signs**

Project Identification signs may be monument, wall, or ground signs. Height, size, and number of signs shall be determined according to the standards for the zone in which the sign is located.

**15-4-1109 Property Signs**

- (1) Property signs may include wall signs.
- (2) One on-site sign, not exceeding 64 square feet, may be erected in conjunction with a construction project in a commercial or industrial zone. Such signs shall not exceed twelve feet (12') in height. All signs shall be removed within thirty (30) days after final inspection of the last building in the project. Such signs shall not be illuminated.
- (3) One sign, advertising property for sale, lease, or rent may be placed on a lot. On a corner lot, one sign may be placed on each street frontage. Such signs shall refer only to the lot on which they are located and shall be removed within ten (10) days following the sale, rental, or leasing of the property. In residential zones the area of such signs shall not exceed six (6) square feet on parcels which are less than one acre or are within a platted subdivision, and sixteen (16) square feet on parcels which are one acre or greater in size and not in a platted subdivision. In addition, one open house or model home sign may be placed on the lot to which it refers during the hours which it is open. In commercial zones, the area of such signs shall not exceed sixteen (16) square feet.
- (4) The following signs may also be used to promote the sale of homes in new subdivisions until the last lot is sold:
  - (a) For subdivisions that contain five (5) or more lots, two (2) major promotional signs on separate entrances to the subdivision, not to exceed 64 square feet, may be used. Individual phases of a subdivision shall not be considered separate subdivisions.
  - (b) Subdivisions which include five (5) or more lots may attach one wall sign to each model home in the subdivision. This sign shall not exceed 32 square feet.

(c) One monument sign may be used to identify a model home. The area of this sign shall not exceed 16 square feet.

(5) In subdivisions or planned unit developments consisting of more than 100 units, one (1) on-site property sign for any I-15 or Highway 89 frontage on the development may be erected and each sign may have a size up to 128 square feet, a height up to 12 feet, shall be set back 100 feet from the public right-of-way, and may be illuminated with a spotlight to be extinguished at or before 11:00 p.m. Lighting shall be designed, located and directed so as to eliminate glare and minimize reflection of light into neighboring properties. The sign shall be removed within ten (10) days of when the last unit in the project or the last lot in the subdivision is sold by the developer; and

(6) The following may be changed by the City's Conditional Use permit process:

(a) Additional on-site property and directional signage as may be reasonably required to create a sense of community including the final size, character, location, and design of the signage.

(b) Adjustments to the signage requirements.

(7) In large commercial or mixed use projects of 10 acres or more, one (1) sign may be allowed for each three hundred (300) feet of major street frontage of the development area on which the signs are located, not to exceed 3 signs per frontage. The area of such signs shall consist of one (1) square foot for each two (2) feet of street frontage, but shall not exceed two hundred (200) square feet per sign. The height of the sign shall not exceed thirteen (13) feet above finished grade next to the sign. The sign shall not be illuminated or animated. Once installed these signs shall be valid for a period of not more than eighteen (18) calendar months and shall thereafter be removed from the property.

#### **15-4-1110 Service Signs**

(1) Service signs are classified as on-site monument signs or ground signs.

(2) Ground signs, under this heading, shall not exceed five feet (5') in height unless a greater height is necessary, as determined by the Zoning Administrator, to provide adequate traffic control.

(3) The area of a service sign shall not exceed 16 square feet.

(4) The number of service signs shall be limited to the minimum number necessary to adequately and safely direct and inform the public.

#### **15-4-1121 Temporary Signs**

- (1) **Duration.** A temporary sign may be displayed for a maximum period of eighty (80) days during a calendar year, after which it must be removed or replaced by a new temporary sign that meets the other requirements of this Chapter.
- (2) **Durability.** All temporary signs shall be securely attached to stakes or posts embedded in the ground or shall be securely attached to a permanent structure. Signs shall be made of durable materials such as will withstand the elements for the period of duration.
- (3) **Size and Setback.** The size, setback and location of all temporary signs shall conform to the specifications that pertain to the zone in which the temporary sign is located.
- (4) **Owner Consent.** Any person wishing to display a sign must have the consent of the owner, lessee, or occupant of the property on which the sign will be located, prior to placement.
- (5) **Illumination.** Temporary signs shall not be illuminated.
- (6) **Spacing.** No temporary sign shall be within three (3) feet of any other temporary sign.
- (7) **Public Right-of-way.** No sign shall be posted in the public right-of-way, or on any traffic regulatory sign pole or tree within any public street right-of-way, or on any utility pole.
- (8) **Clearview at Intersections.** All signs placed near intersections shall comply with the Clearview standards set forth in Section 15-3-103 of this Chapter.

**15-4-1132 Wall Signs**

Wall signs shall not extend above the building face upon which they are affixed.

15-4-100(6) Enacted 8/21/07, Ord. 2007-39

**CHAPTER 5**

**ZONING STANDARDS FOR SIGNS**

**15-5-101 Agricultural and Residential Zones**

- 15-5-102 Business and Special Use Zones**
- 15-5-103 Business Park Zone**
- 15-5-104 Commercial Zones**
- 15-5-105 Manufacturing Zone**
- 15-5-106 Electronic Message Sign Overlay Zone**

**15-5-101 Agricultural and Residential Zones**

Signs in Agricultural Districts A, AA and AE, and Residential Districts LR, LS, R, S, R-2, R-4, and R-8 are subject to all standards set forth in this Title and to the following additional standards.

(1) Except as otherwise provided in Subsection (9) only the following signs are permitted in Agricultural and Residential Districts:

- (a) Monument signs as provided in this section;
- (b) Nameplate signs;
- (c) Open House signs;
- (d) Project Identification signs;
- (e) Property signs; and
- (f) Temporary signs.

(2) Apartment developments, condominium projects, and residential subdivisions may have one Project Identification sign indicating only the name of the development. Such signs shall be either wall or Monument signs and shall be not more than 32 square feet in size.

(3) One nameplate sign may be permitted for each dwelling unit. No permanent signs other than nameplates are permitted on individual lots.

(4) One monument or wall sign, not to exceed 32 square feet, may be permitted in conjunction with a public use, quasi-public use, or public utility installation.

(5) One monument or wall sign, not to exceed 32 square feet, may be permitted for a day-care center or professional office in an R-4 or R-8 zone.

(6) Temporary signs shall not exceed sixteen (16) square feet in size.

(7) No sign shall be located within one (1) foot of any property line.

(8) Additional signs for office and commercial uses in the R-4 and R-8 Districts shall be permitted in accordance with Section 15-5-102(2).

**15-5-102 Business and Special Use Zones**

The Business District B-R and Special Use Districts B and S-R are considered to be unique districts in the City and, as such, allow a mix of residential, office, and low intensity commercial uses. Signs in these districts are subject to all standards set forth in this Title and to the following additional standards:

(1) Signs for residential uses and developments in these Districts shall be limited to those types listed in Section 15-5-101.

(2) For office and commercial uses in these Districts, only the following additional signs are permitted:

- (a) Awning signs;
- (b) Changeable copy signs;
- (c) Directory signs;
- (d) Identification signs;
- (e) Monument signs;
- (g) Project identification signs;
- (h) Projecting signs;
- (h) Temporary signs;
- (i) Service signs; and
- (j) Wall signs.

(3) Ground signs, as defined herein, are not permitted.

(4) The minimum setback from front property lines shall be ten feet (10'). If widening of public streets is planned or projected, this setback shall be measured from the future right-of-way line.

(5) Temporary signs shall not exceed sixteen (16) square feet in size.

(6) The maximum area of wall signs shall not exceed ten percent (10%) of the front building face of a main building and five percent (5%) of not more than one additional building face. For the purpose of this Title, canopies over gasoline islands shall be considered accessory structures and may have wall signs incorporated into them which cover not more than twenty percent (20%) of the fascia of the roof portion of such structures.

(7) Each business or commercial complex may have one monument sign for each separate public street frontage. Such signs shall be set back a minimum of twenty-five feet (25') from side property lines.

(8) When site plan review is required for a proposed development, a master plan for signs shall be included with the application.

(9) Exceptions to the provisions of this Section may be made for signs for office and commercial uses within the Business Residential (B-R) Zone. Such exceptions shall be requested and reviewed in accordance with the conditional use permit process set forth in Chapter 8 of the City Zoning Ordinance. This exception is founded upon the provisions of the Downtown Master Plan for Farmington City. As noted in the Downtown Master Plan, the downtown area of the City contains mixed and diverse uses necessitating and requiring flexibility and discretion in implementing and allowing special deviations from standard requirements of the Zoning Ordinance and other regulations in this area.

### **15-5-103 Business Park Zone**

Signs in the Business Park (B-P) District are subject to all standards set forth in this Title and to the following additional standards.

(1) Signs for residential uses and developments in the B-P District shall be limited to those types listed in Section 15-5-101.

(2) For office and commercial uses in the B-P District, the following additional signs are permitted:

(a) All signs listed in Section 15-5-102;

~~(b) Electronic message signs; and~~

~~(c) Neon signs.~~

(3) All signs shall be set back ten feet (10') from existing or future public street right-of-way lines. Setback shall be measured from the right-of-way line to the nearest part of the sign extending toward such line.

(4) No projection of any sign shall be allowed into the required side yard where the B-P District abuts any residential zone or residential use.

(5) The maximum area of wall signs on main buildings shall not exceed ten percent (10%) of the front face and five percent (5%) of any other building face. For the purpose of this Title, canopies over gasoline islands shall be considered accessory structures and may have wall signs incorporated into them which cover not more than twenty percent (20%) of the fascia of the roof portion of such structures.

### **15-5-104 Commercial Zones**

For the purpose of this Section, the Commercial Districts C, C-H, and C-R are considered to be Commercial Zones. Signs in these districts are subject to all standards set forth in this Title and to the following additional standards:

(1) The following signs are permitted in Commercial Zones:

(a) All signs listed in Section 15-5-102;

~~(b) Electronic Message signs;~~

(c) Ground signs; and

(d) Neon signs.

(2) All signs shall be set back ten feet (10') from existing or future public street right-of-way lines. Setback shall be measured from the right-of-way line to the nearest part of the sign extending toward such line.

(3) Temporary signs shall not exceed sixteen (16) square feet in size.

(4) No projection of any sign shall be allowed into the required side yard where a Commercial Zone abuts any Residential Zone or residential use.

(5) The maximum area of wall signs on main buildings shall not exceed ten percent (10%) of the front face and five percent (5%) of any other building face. If no ground signs are proposed, the coverage of the front face of a building may be increased to fifteen percent (15%). For the purpose of this Title, canopies over gasoline islands shall be considered accessory structures and may have wall signs incorporated into them which cover not more than twenty percent (20%) of the fascia of the roof portion of such structures.

(6) The following provisions shall apply to ground signs:

(a) Lot frontage of at least 100 feet is required before a ground sign will be permitted;

(b) For each commercial lot or commercial complex with between 100 feet and 300 feet of frontage on a public street, one ground sign may be allowed for each separate street frontage. For each additional 300 feet of separate street frontage, one additional ground sign may be permitted;

(c) Ground signs on individual lots, or commercial complexes, shall be separated by at least 100 feet from signs on adjacent lots. Where there are multiple signs on one lot or commercial complex such signs shall be separated by at least 200 feet;

(d) The area of a ground sign shall not exceed one square foot of area for each lineal foot of street frontage, or 200 square feet, whichever is less. This standard may be reviewed by the Planning Commission in conjunction with a Conditional Use Application and may be adjusted either up or down;

(e) The maximum height of ground signs at the minimum setback shall be twenty feet (20') above the elevation of the top of curb nearest to the sign. This height may be increased to a maximum of forty feet (40') if the sign is set back an additional 1.5 feet for each foot of height over twenty feet (20'). These standards may be reviewed by the Planning Commission in conjunction with a Conditional Use Application and may be adjusted either up or down; and

(f) On corner lots, ground signs shall be set back thirty feet (30') from the intersection of property lines.

(7) One Monument sign may be allowed for each business on a lot, or in a commercial complex, provided that a minimum separation of fifty feet (50') is maintained between such signs and they are set back a minimum of twenty-five feet (25') from side property lines.

#### **15-5-105 Light Manufacturing and Business Zone**

Signs and sign standards for the Light Manufacturing and Business (LM&B) Zone shall be as specified in Section 15-5-104 above, except neon signs are not permitted in the LM&B Zone.

#### **15-5-106 Electronic Message Sign Overlay Zone**

Electronic message signs shall only be allowed in the Electronic Message Sign Overlay Zone as illustrated on Exhibit A attached hereto and by this reference made a part hereof. All electronic message signs in the electronic message sign overlay shall be subject to all standards set forth in this Title and to the following additional standards.

(1) Electronic message signs shall be subject to the sign standards specific to the underlying zone.

(2) Electronic message signs shall be a permanent on-premise sign and shall be limited only to ground signs and monument signs. Electronic message signs shall not include directory signs, identification signs, project identification signs, property signs, or service signs.

(3) Electronic message signs shall be a conditional use subject to all provisions of Chapter 8 of the Zoning Ordinance.

## CHAPTER 6

### NONCONFORMING SIGNS

- 15-6-101 Purpose and Intent**
- 15-6-102 General Requirements**
- 15-6-103 Signs on Nonconforming Buildings**

#### **15-6-101 Purpose and Intent**

It is the intent of this Chapter to recognize that the eventual elimination of existing signs that are not in conformity with the provisions of this Ordinance is as important as the prohibition of new signs that would violate these regulations. It is also the intent of this Chapter that any elimination of nonconforming signs shall be effected so as to avoid any unreasonable invasion of established property rights.

#### **15-6-102 General Requirements**

A nonconforming sign shall be properly maintained in accordance with provisions of this Title. A sign shall not be modified in any way except to bring it into conformity with all provisions of this Title. For the purpose of this Title, modification includes:

- (1) A change to another nonconforming sign;
- (2) Any modification resulting in an increase in height or a change to the outside dimensions of the sign cabinet;
- (3) Reestablishment of a nonconforming sign after having been abandoned for ninety (90) days or more;
- (4) Reestablishment of a nonconforming sign after damage or destruction of more than fifty percent (50%) of its replacement value, regardless of the cause. In making a determination, the City shall require a detailed estimate of the cost to repair and restore the damaged sign to its previous condition as well as an estimate of the cost to totally replace the sign; and
- (5) Moving, replacing at the same location, or relocating a nonconforming sign.

#### **15-6-103 Signs on Nonconforming Buildings**

Nonconforming buildings closer than ten feet (10') to a public street right-of-way shall only be allowed to have wall signs or awning signs.

## CHAPTER 7

### VIOLETIONS AND ENFORCEMENT

**15-7-101      Legal Action**

**15-7-102      Violations**

**15-7-103      Penalties**

**15-7-104      Appeals**

**15-7-101      Legal Action**

The Zoning Administrator, or his designee, shall be empowered to institute any appropriate action or proceeding in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted, maintained, or used in violation of this Title or the City Building Regulations or Zoning Ordinance. The purpose of such action shall be to prevent such unlawful uses and restrain, correct, or abate the violations. Legal actions may include:

- (1) Issuing a notice of violation to the person having charge, control, or benefit of any sign found to be unsafe, dangerous, or in any violation of a City Ordinance;
- (2) Issuing of citations and/or swearing out complaints against violators of this Title or causing such citations or complaints to be issued; or
- (3) Impounding illegal signs and assessing an impound fee for their return.

**15-7-102      Violations**

(1) If it is determined that a violation of this Title exists, the Zoning Administrator shall issue a written order to the alleged violator. The order shall specify those sections of the City Ordinances of which the individual may be in violation and shall state that the individual has fifteen (15) days from the date of the order in which to correct the alleged violation or to appeal to the Board of Adjustment.

(2) The following provisions shall govern the treatment of abandoned signs:

- (a) If, upon inspection, it is found that a sign is abandoned or structurally, materially, electrically, or otherwise defective, in such a way as to endanger the public, the Zoning Administrator shall issue a written order to the owner of the sign, and/or the occupant of the premises, stating the nature of the violation and requiring the repair or removal of the sign within fifteen (15) days of the date of the order.

(b) signs shall be considered abandoned and subject to removal pursuant to the procedures of this Section under any of the following circumstances:

i. Where a sign is not kept in good condition, adequately repaired and maintained at all times; the standard for adequate repairs is that the repairs shall be at least equal to the quality and design of the original work in manufacturing and installing the sign, reasonable wear and tear excepted;

ii. Where a sign pertains to activities or occupants that are no longer using the premises on which it is located, and it has not been removed or the sign copy changed within thirty (30) days after the associated enterprise or occupant has vacated the premises; or

iii. Where the sign concerns a specific event and five (5) days have elapsed since the occurrence of that event.

(3) In cases of emergency, or an identified hazard, the Zoning Administrator may cause the immediate removal of a dangerous or defective sign, which presents a hazard to the public safety, without notice.

(4) Signs located in, or within ten feet (10') of, any public street right-of-way, and determined to be in violation of the provisions of this Title, may be impounded at any time.

#### **15-7-103 Penalties**

Any person, firm or corporation, association, partnership, or governmental instrumentality, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this Ordinance, or failing or refusing to do some act required under this Ordinance, shall be guilty of a Class B misdemeanor. A separate offense shall be deemed to have been committed for each day that the violation occurs or continues.

#### **15-7-104 Appeals**

Appeals to the Board of Adjustment, as provided for in the Zoning Ordinance, may be made by any person aggrieved by an officer, department, or board of the City in making application for a Sign Permit.

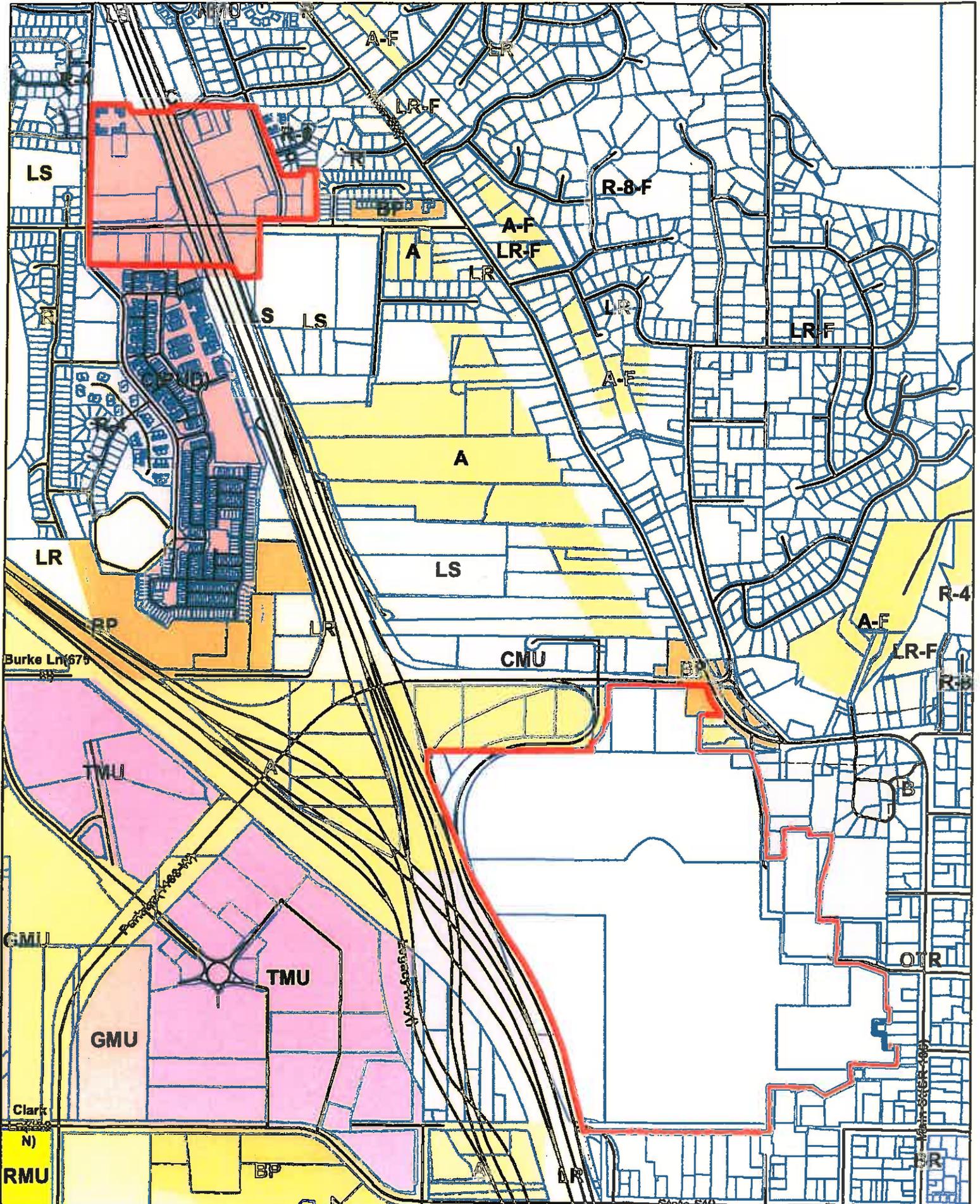
Amended 7/17/98 - Ordinance 1998-23  
Amended 11/5/03 - Ordinance 2003-51  
Amended 4/19/06 - Ordinance 2006-28  
Amended 4/21/09 – Ordinance 2009-17  
Amended 8/20/09 – Ordinance 2009-45  
Amended 08/16/2011 – Ordinance 2011-18A1



# Proposed Electronic Message Sign Overlay

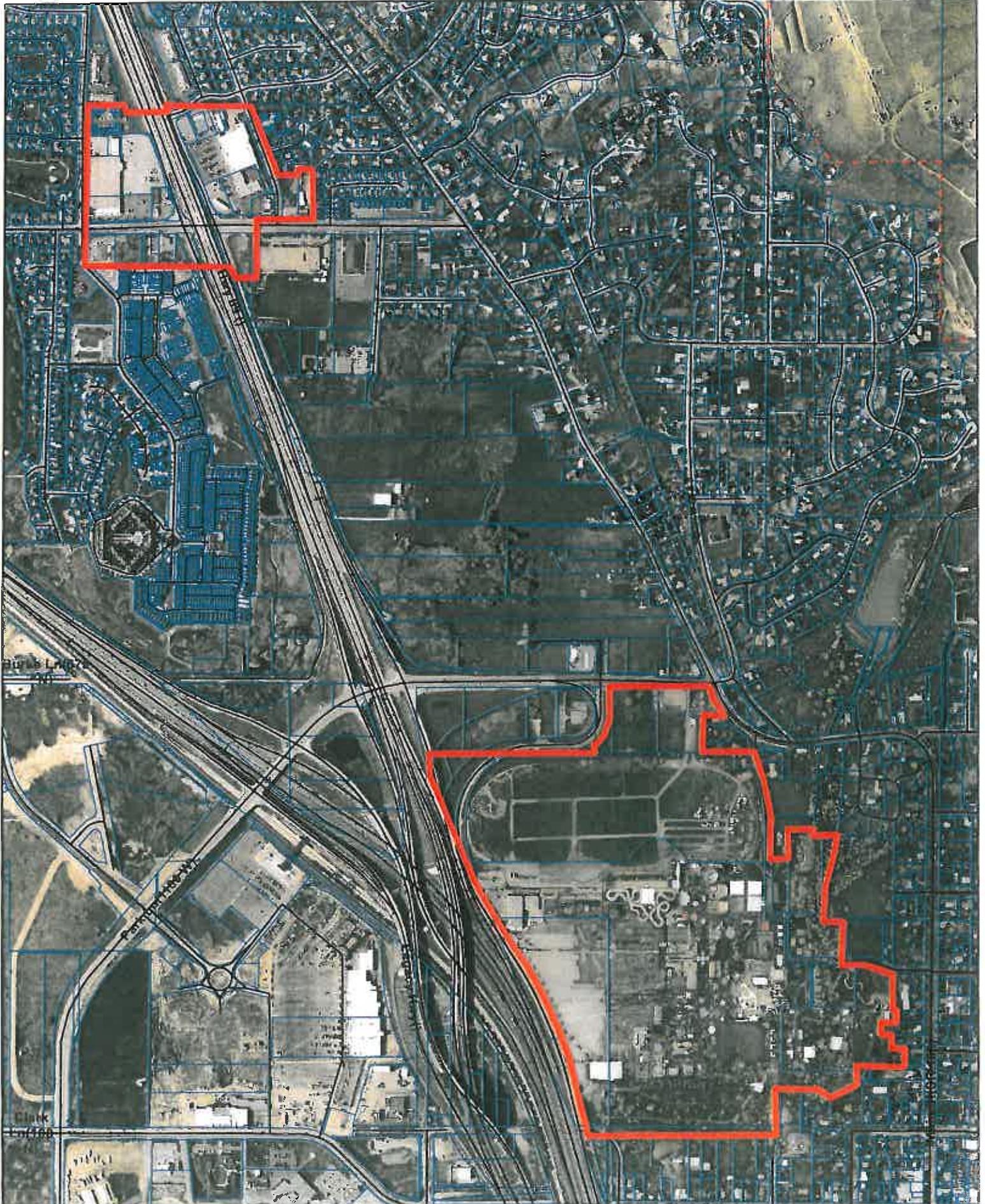


Date: 9/7/2012





# Proposed Electronic Message Sign Overlay



**EXHIBIT "B"**

**CHAPTER 41**  
**SCENIC BYWAY OVERLAY**

<b>11-41-101</b>	<b>Purpose</b>
<b>11-41-102</b>	<b>Scope</b>
<b>11-41-103</b>	<b>Rules of Interpretation</b>
<b>11-41-104</b>	<b>Development Project Evaluation</b>
<b>11-41-105</b>	<b>Development Design Pattern Book</b>
<b>11-41-106</b>	<b>Design Theme</b>
<b>11-41-107</b>	<b>Design Standards</b>
<b>11-41-108</b>	<b>Design Guidelines</b>

**11-41-101 Purpose**

The purpose of these design standards and regulations is to enhance the economic viability and aesthetic value of the Scenic Byway (SBW) Overlay Zone as an important icon area for the City and for the surrounding South Davis Communities. The SBW Overlay Zone is to function as an iconic place where the urbanized environment begins to interface with the natural shore land environment that is located between Legacy Parkway and Great Salt Lake located further West.

**11-41-102 Scope**

Any lot or parcel located within the SBW Overlay Zone, as shown on the Official Zoning Map, depicted within the Legacy Parkway Scenic Byways Master Plan Corridor Map #2, or adjacent to and, if deemed applicable, is substantially visible from view of Legacy Parkway, shall be subject to the standards and regulations of this Chapter. The SBW is in an overlay zone. Such standards and regulations are intended to be in addition to the existing standards and regulations of the underlying zone of the property and other applicable regulations of this Zoning Ordinance.

Design Standards and Guidelines - This Chapter establishes three (3) kinds of design criteria: Design Theme, Design Standards and Design Guidelines.

(a) "Design Theme" establishes the expected shore land motif or contextual relationship of the built environment to the natural shore land environment through the use of principles. These principles are not prioritized, but all are to be reinforced through the implementation of design standards and guidelines that are to be applied in planning the site layout and buildings of all developments in the SBW Overlay Zone.

(b) "Design Standards" are required in addition to other standards set forth in this Zoning Ordinance and are indicated by the verb "shall." In the event of conflict between the standards of this Chapter and other applicable provisions of this Zoning Ordinance, the interpretation and provisions of this Chapter shall govern.

(c) "Design Guidelines" indicate additional actions that are to be taken to enhance the development design and achieve greater compatibility of development in the SBW Overlay Zone. Guidelines thus use the verb "should" signifying that the guidelines are desirable objectives to be achieved but may not be mandatory or possible for every given development situation.

#### **11-41-103 Rules of Interpretation**

(a) **General.** All provisions, terms, phrases and expressions contained in this Chapter shall be liberally construed to accomplish the purposes of this Chapter.

(b) **Conjunctions.** Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows.

- (1) "And" indicates that all connected items, conditions, provisions or events shall apply.
- (2) "Or" indicates that one (1) or more of the connected items, conditions, provisions or events shall apply.

(c) **Mandatory and Discretionary Terms.** The word "shall" is always mandatory. The word "should" means the matter described ought to be accomplished if reasonable and possible under the circumstances. The word "may" is permissive.

(d) **Non-Technical and Technical Words.** Words and phrases shall be construed according to the common use and understanding of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

#### **11-41-104 Development Project Evaluation**

(a) **Development Characteristics.** Development within the SBW Overlay Zone shall exhibit design components and characteristics, such as those set forth below, which set the development apart from a standard subdivision and/or traditional site plan approval accomplished under this Title.

- (1) Human-scaled Building Architecture;
- (2) Use of Shore Land Style Landscaping;
- (3) Viewshed Protection for the Legacy Parkway and the Legacy Preserve;
- (4) Appropriate Use of Open Space and Critical Lands;

(5) Use of Public and Private Amenities.

(b) Evaluation Criteria. Each development proposal for development within the SBW Overlay Zone shall be evaluated based on its compatibility with:

- (1) The City's General Plan and any other applicable Master Plan;
- (2) The purpose and development standards of the SBW Overlay Zone as set forth in this Chapter;
- (3) The purpose and design of the Legacy Parkway Scenic Master Plan; and
- (4) Any other City-approved study applicable to the subject property.

(c) Burden of Persuasion. An applicant shall have the burden of showing that the proposed uses, project design, and location of utilities and facilities meet the requirements of this Chapter.

#### **11-41-105 Development Design Pattern Book**

(a) Development Design Pattern Book Required. In addition to applicable requirements of this Title and other provisions of the Zoning Ordinance, all applications for the development of property to the SBW Overlay Zone shall include a development design pattern book.

(b) Development Design Pattern Book Approval. The development design pattern book shall be reviewed and approved by the City in conjunction with an application for conceptual site plan and/or schematic subdivision application.

(c) Development Design Pattern Book Submittal Requirements. The development design pattern book shall provide and address the following:

- (1) Written descriptions and graphic illustrations explaining how the development compliments the physical form of the property and how the theme, standards, and guidelines found in this Chapter are to be integrated into the design of the development;
- (2) Written descriptions and graphic illustrations explaining the proposed conceptual architectural design, building elevations, and other such related design schemes; and

- (3) Written descriptions and graphic illustrations that clearly describe proposed open spaces, landscaping ideas, pedestrian pathways, and related entry way features and/or amenities.

(d) **Effect of Development Plan Approvals.** Upon acceptance of a conceptual plan and the associated development design pattern book by the City, further development applications such as subdivision plat and site plan approval for development within the SBW Overlay Zone shall comply substantially with the conceptual plan approval and the development design pattern book.

#### **11-41-106 Design Theme**

- (a) **Principle #1 - Topography and Landscape – the topography and landscape of the Scenic Byway theme can be briefly described as:**
  1. Broad open spaces and skies with expansive vistas
  2. Slow undulating lines
  3. Sense of openness or breeziness
  4. Low, native, grassy meadow and upland vegetation
  5. Natural materials and textures
  
- (b) **Principle #2 - Simplicity – the natural appearance of the Scenic Byway theme can be described as:**
  1. Clean, simple lines
  2. Bold gestures that recall organic forms
  3. Limited color palette
  4. Low contrast
  5. Uncluttered
  6. Serene
  
- (c) **Principle #3 - Natural or Natural Appearing Materials – the natural or natural appearing materials of the Scenic Byway theme are:**
  1. Stacked stone or cultured stacked stone
  2. Natural or stained wood, wood siding, and cement fiberboard with suitable textures and colors
  3. Decorative concrete or block, with suitable textures and colors
  4. Stucco accenting, with suitable textures and colors
  5. Colored concrete with suitable textures and colors, and crushed gravel surfaces
  6. Subtle, non-reflective colors and stains
  
- (d) **Principle #4 - Natural Vegetation - The natural vegetation and patterns of the Scenic Byway theme are:**
  1. Informal placement of plantings
  2. A wide variety of species, mixed together, and no invasive plantings

3. Subtle flowers and colors
4. Grassland or meadow appearance
5. Multiple-season interest
6. Predominance of annual and perennial grasses
7. Occasional shrubs and trees
8. Drought-tolerant and low-resource consumption plantings

(e) Principle #5 - Accents – The natural and man-made accents allowed in the Scenic Byway theme are:

1. Use of landscape boulders
2. Grassy swales and berms
3. Open fencing styles
4. Natural and soft surface trails
5. Terraced walls with limited heights
6. Natural-appearing water features
7. Shore land style art and features

(f) Principle #6 - Human-Scaled – the built setting is to reflect the human experience in the Scenic Byway environment through:

1. Structures proportioned to people instead of vehicles
2. Comfortably scaled spaces
3. Low-profile forms hugging the horizon
4. Pedestrian-friendly amenities
5. Interesting details and textures
6. Slow-paced, with places to pause
7. Appealing to the senses

#### **11-41-107 Design Standards**

The Design Standards set forth are intended to create a sense of place and a common design theme within the commercial, industrial, and institutional sites located within the SBW Overlay Zone and are designed to create a transition between the natural shore land environment and the urbanized environment.

(a) Architecture – Buildings and structures are to enhance the visual environment of the SBW Overlay Zone by blending into the overall appearance of the shore land environment.

- (1) The architectural building design shall consider the visual orientation to the Legacy Parkway, the local street accesses and pedestrian pathways within the Byway Corridor, or, where deemed applicable the Legacy Preserve, to create an attractive appearance when viewed from these areas.

- (2) The apparent mass of buildings or structures shall be minimized through articulation and use of materials. A variety of vertical and horizontal planes, roof pitches, roof lines, windows, reveals, and alcoves shall be used to create facade variation, shadows, corners, and architectural interest.
- (3) Where multiple story or multiple story appearing buildings are constructed, the building design shall incorporate single-story heights for entryways, office space, and other such usable spaces to create a tier effect to the building. Areas of the building above the single-story, or twenty (20) feet if no multiple story is proposed, shall be set behind the single-story areas as viewed from the Legacy Parkway, the local street accesses, and pedestrian pathways within the Byway Corridor or, where deemed applicable the Legacy Preserve.
- (4) All buildings and structures shall appear to be proportional or in scale with other buildings within the immediate vicinity, specifically with regards to bulk, height, and appearance.
- (5) When facades face the Legacy Parkway, a local street, or any pedestrian pathway within the Byway Corridor or, where deemed applicable the Legacy Preserve, the architectural design shall incorporate windows, entryways, canopies, pillars, and other such features to accent the building or structure. For multiple story or multiple-story appearing buildings or structures, additional elements such as windows, balconies, overhangs, and canopies shall also be incorporated in upper levels to frame and provide a human scale appearance to such buildings.
- (6) Natural or natural-appearing materials, such as stone, cultured stone, and wood, shall be the bold gestures used in the architectural design of all buildings. Decorative concrete or block, tile, cement fiberboard, and other similar appearing materials shall be the other main materials used in the building design. Substantial or prominent use of unnatural appearing materials, such as metal, glass, vinyl, and plastics is prohibited.
- (7) Colors and finishes shall complement the shore land environment. Stains, flat paints, and matte finishes are required. Reflective or glossy or shiny paints and finishes are prohibited.

(b) Grading and Drainage – The relatively flat, slow draining, shore land environment of the area often produces wetland areas and presents a challenge for proper drainage if the land is to be developed. Every effort is to be made to work within the natural drainage patterns of the land and minimize grading that would disrupt the natural system and appearance of the area.

- (1) Minimize the amount of grading of the land to avoid excess erosion, visual scarring, and other similar impacts.
  - (i) Blend structures and exterior spaces into the natural contours of the site.
  - (ii) Balance cut and fill on sites to the greatest degree possible
  - (iii) Manmade contouring shall mimic natural contouring and shall not begin or end with severe or abrupt edges
- (2) Minimize the use and heights of retaining walls and, where utilized, terrace and incorporate or blend them into the design of the building or parking areas and return to the natural grades in the wetland and landscaping areas.
- (3) Utilize natural drainage ways and/or patterns. Direct storm water and other runoff into swales, retention areas, and other systems to maximize infiltrations and improve water quality before such water meets up with other water resources.
- (4) Grading and drainage plans shall also implement erosion control measures to ensure that construction activities do not compromise the overall natural drainage patterns and system of the area.

(c) Landscaping – Landscaping is to be used to enhance the SBW Overlay Zone environment and soften the transitions between the built and natural areas.

- (1) At least 20% of all development sites within one thousand (1,000) feet to the west of the Legacy Parkway right-of-way shall be used for landscaping and open space areas. For areas farther west than one thousand (1,000) feet from the Legacy Parkway right-of-way, at least 10% of all development sites shall be used for landscaping and open space areas. At least 50% of the required landscaped/open space area shall consist of native, informal or natural appearing plantings.
- (2) All impervious surface areas shall include landscaping. Dedicated walkways, plazas, and other pedestrian oriented hardscape areas may be included as landscaping, provided that they do not exceed twenty (25) percent of the required minimum landscaping requirement. As used herein, hardscape means sidewalks, concrete or asphalt trails, plazas, and other non-vegetative construction located in areas designated as landscaping.

- (3) The landscaping plan of each site shall be unified both internally and externally, and relate to the larger context of the surrounding community. All landscape plans shall consider the context of the Byway Corridor environment and its unique contribution to the character of the community.
- (4) The landscaping plan shall include a pedestrian circulation element that shows interconnectivity with surrounding sidewalks, trails, and access to open space areas. Each development is to provide appropriate pedestrian connections to usable open space and trail amenities to create various connections to the Legacy Parkway Trail System.
- (5) Developed area landscaping shall utilize a mixture of ornamental and native or local climate plantings. Plantings shall include the predominate use of ornamental grasses, shrubs, and wildflowers that compliment the Byway Corridor environment, with no invasive plantings. Large areas of annuals and/or bright colors shall be avoided.
- (6) Trees and evergreens shall be used sparingly to ensure that the open, grassy character of the shore land area is maintained. However, trees and evergreens shall be used for areas needing shading, screening, and privacy, such as, but not limited to, outside storage, mechanical, utility, and other similar areas.
- (7) Natural areas shall primarily consist of or be enhanced with native or local climate shrubs, perennials, and ornamental grasses. Plants with potential to become invasive weeds in natural areas shall be prohibited.
- (8) Non-linear transition areas between the developed and natural areas shall be created and intermingled with the various styles and plant species to soften the appearance of any transition line. An appropriate barrier element, such as a colored concrete mow strip, shall be used to prevent undesirable encroachment or overgrowth to be intermingled between such natural and formal plantings.
- (9) The landscape design shall be coordinated with the placement of utility elements to mitigate their impact and reduce the potential for conflicts. Proper landscape design shall be utilized to mitigate the visual impact of all site utility elements such as overhead power lines, transformers, meter boxes, fire protection devices, etc.
- (10) Landscaped areas shall be prepared with soils and slopes suitable with their natural surroundings to encourage healthy plant growth and proper drainage. The landscape design plan shall address the measures to be taken to properly care for and maintain the landscaping areas.

- (11) Water elements, walls, landscape boulders, and other landscaping features shall be used in a natural looking manner to complement the appearance of the surrounding environment.

(d) **Off-Street Parking** – Parking is a necessity for the varied uses and amenities in the SBW Overlay Zone, however, it is to be designed in such a manner to enhance the visual appeal and experience of working, playing, or living in the shore land environment.

- (1) Parking areas shall be segmented or spatially separated and may be connected together by access lanes, green space, stream corridors, or pedestrian pathways. Large, single-standing, or expansive parking or pavement areas are prohibited.
- (2) Parking areas should be buffered from adjacent residential property and screened from streets so automobiles are not visible below the average headlight height. Screening methods shall include undulating landscaped berms, low walls, and plantings.
- (3) Access drives, internal circulation drives, parking areas, and pedestrian walkways shall be designed to provide safety and convenience for both motorists and pedestrians and to ensure access for the physically disabled. Areas where pedestrian walkways cross driveways shall be constructed of colored stamped and/or raised concrete, or of other material and design so as to differentiate the area as a pedestrian/vehicle interface.
- (4) Parking areas shall incorporate use of colors and textures to define landscaped islands, pedestrian pathways, loading/unloading areas, and other such amenities to soften and improve the visual appeal of impervious surfaces.
- (5) Ornamental entryway plantings shall be placed on both sides of every drive accessing a public street to create a unified Byway Corridor image. The ornamental entryway for this area may consist of artistic sculptures, landscaping and planting features, monument signs, or other elements designated by the City.
- (6) Direct access to individual parking lots or pavement areas onto major arterial accesses shall be minimized. Parking lot design and placement shall consider future development on adjacent sites and the need for interconnections when deemed appropriate.

- (7) Traffic circulation patterns should direct commercial, industrial, and institutional traffic onto arterial and collector streets and not local residential streets. Multiple-family residential traffic should be directed onto collector or local streets.
- (8) Multiple-use or sharing of parking and parking areas is encouraged, provided that any needed parking requirement modifications are approved, as allowed by the Zoning Ordinance.

(e) **Fences and Walls** – The use of fences and walls are to be minimized in the SBW Overlay Zone.

- (1) Berms or landscape plantings shall be the primary means for screening or for establishing needed spatial separation.
- (2) Where security and access controls are needed, an open style fence or semi-private designs shall be utilized. Under limited or intermittent circumstances or as otherwise required in the Zoning Ordinance, a six (6) foot solid fence or wall may be used for security or screening purposes.
- (3) Walls and fences, if constructed, shall use materials and styles to complement the architectural style of the buildings or the Byway Corridor environment. Retaining walls shall be minimal in height, or shall be terraced, if used for significant retaining needs.
- (4) Open access to the pedestrian pathway or trail systems shall be provided and shall not be impeded by the use of fencing or walls.
- (5) The use of sound walls is strictly prohibited and shall not be used to separate Byway Corridor development from Legacy Parkway or the Legacy Preserve.

(f) **Outdoor Lighting** – The dark skies of the various area of the SBW Overlay Zone are an important part of the character and natural intrinsic quality of the area. Lighting is to be minimized within the Byway Corridor area and may transition up in intensity as one enters into the others areas of the City.

- (1) Lighting shall generally be used only where it is needed for safety and visibility. Lighting levels shall be scaled back to the minimal levels needed to achieve its purpose. Excessive or over lighting is prohibited.
- (2) Fixtures or elements producing light shall select the correct bulb type to achieve the lowest wattage necessary. Lighting elements shall be hidden or utilize full-cut-off shields to eliminate shining or reflecting up into the night

sky and to minimize glare and light trespass beyond area where lighting is needed or onto adjacent properties.

- (3) Self-regulating on and off controls shall be used where lighting is needed periodically, but not continuously and shall be set to their proper operation times.
- (4) Up-lighting shall be used sparingly for accenting architecture, landscaping, and signing. Where up-lighting is used, a narrow angle focused fixture with low wattage lamp shall be used.
- (5) Lighting shall be arranged or directed so as to reflect the light away from adjacent properties and to prevent glare for street traffic. The intensity of light at adjoining residential property shall not exceed 0.1 foot candles and/or adjacent to other zones shall not exceed 0.5 foot candles.
- (6) A Lighting plan shall be submitted for review and shall include:
  - (i) The location and height of all light poles, which shall not exceed 20 feet in height unless the Planning Commission determines that a use allowed in the underlying zone requires an increase in lighting height; and
  - (ii) The predicted illumination levels based on maintained illumination levels just prior to lamp replacement and luminary cleaning, within, at, and beyond property lines.
- (7) Designers of lighting plans shall consider shadow effects of trees, signs, buildings, screen walls or other fixed objects.

(g) **Signing** – Signing is to enhance the scenic qualities of the Byway Corridor environment and shall compliment the signing style used for Legacy Parkway.

- (1) Business signing shall be simple and scaled to allow for sufficient identification of the operation or facility. The style, colors, and materials shall compliment the architecture and design of buildings associated with the sign.
- (2) Sign and sign placement shall not exceed fifteen 15 feet in height for Wall Signs shall not exceed six (6) feet for Monument and/or Low Profile Signs.
- (3) Sign copy shall consist of individual lettering and logos. Sign copy shall not be internally illuminated or animated. No aluminum box or cabinet signs

shall be permitted unless associated with a logo and may only be permitted for use as a Wall Sign in conjunction with individual lettering.

- (4) ~~Electronic or changeable copy signs are prohibited on all signs within one thousand (1,000) feet to the west of the Legacy Parkway right-of-way. Electronic or changeable copy Monument and/or Low Profile Signs may be used in areas farther west than one thousand (1,000) feet from the Legacy Parkway right-of-way. The signable area used for electronic or changeable copy shall not exceed thirty-six (36) square feet.~~
- (5) Informational or business location markers may be allowed as part of the public signing program for streets and highways. Such signs shall be clustered together on a single sign element and shall conform to the design and styles depicted in the Legacy Parkway Scenic Byway Master Plan (Chapter 5-Parkway Style, page 13).
- (6) The following signs and devices are prohibited within the SBW Overlay Zone:
  - (i) Animated, Electronic Message, Roof, Graffiti, Billboards, Off-Premise, and Pole Signs
  - (ii) Spotlights, Corporate or Promotional Flags, Streamers, Pennants, Banners and other decorative device for commercial advertising purposes
  - (iii) Balloons, including cold air, helium, and other balloons
- (7) Interpretive signs shall be designed to tell important stories or messages related to the Byway Corridor experience. These signs shall utilize a design and materials scheme that is consistent and compatible with the theme of the SBW Overlay District.

(h) Scenic Byway Viewshed Corridor – To protect the viewshed of the Scenic Byway Corridor east of Legacy Parkway, the following signs and devices are prohibited in the Scenic Byway Viewshed Corridor as delineated on the Official Zoning Map:

- (1) Animated, Electronic Message, Roof, Graffiti, Billboards, Off-Premise and Pole Signs
- (2) Spotlights, Corporate or Promotional Flags, Streamers, Pennants, Banners and other decorative devices for commercial advertising purposes

- (3) Balloons, including cold air, helium, and other balloons

(i) Planning Commission Special Exception – The Planning Commission may grant a Special Exception, as set forth in Chapter 3 of this Title, to any of the Design Standards set forth in the SBW Overlay Zone if it can demonstrated that the enforcement of the Design Standards would create a substantial conflict with the requirements of the underlying zone or that an alternative plan is more effective in meeting the intent of the Design Principles for the SBW Overlay Zone.

**11-41-108 Design Guidelines**

(a) Residential Development – Residential style and design should enhance the SBW Overlay Zone by blending into the overall appearance of the byway Corridor environment and should to be unique and different in its design and layout as compared to standard elements and materials used in current home construction schemes.

- (1) Residential developers are encouraged to establish subdivision designs that include the Design Principles of the SBW Overlay Zone.
- (2) Residential developers creating subdivisions of five (5) or more lots should develop design standards for the subdivision incorporating the following elements from the SBW Overlay Zone Design Standards:
  - (i) Subdivision layout and architectural designs that consider the visual orientation to Legacy Parkway, the local street accesses, pedestrian pathways and open spaces within the Byway Corridor to create an attractive appearance when viewed from these areas.
  - (ii) A minimization of the apparent mass of residential buildings through the use of a variety of vertical and horizontal planes, roof pitches, roof lines, windows, reveals and alcoves.
  - (iii) When building facades face Legacy Parkway, a local street or any pedestrian pathway within the Byway Corridor, the design should incorporate porches, entryways, window boxes, and other such features to accent the building. Additional elements such as balconies and other such overhangs should also be incorporated to encourage a human scale to the building and minimize blank walls and facades.
  - (iv) Residential buildings are encouraged to have natural or natural appearing materials and should minimize the use of unnatural appearing materials such as metal, glass, vinyl, and plastics.

- (v) Colors and finishes should complement the Byway Corridor environment. Stains, flat paints, and matte finishes should be incorporated while reflective or shiny paints and finishes shall be avoided.
- (vi) Grading and drainage for the subdivision shall minimize the amount of grading of the land to avoid excessive erosion, visual scarring and other similar impacts and should utilize natural drainage ways and/or patterns.
- (vii) Drainage systems should direct storm water and other runoff into swales, retention areas and other systems to maximize infiltration and improve water quality before such water is introduced into other water sources.
- (viii) Landscaped and open space areas should be consolidated and oriented toward Legacy Parkway and pedestrian pathways located within the Byway Corridor.
- (ix) Common landscaping and open space areas should incorporate a mixture of ornamental and native grasses or local climate planting. Plantings should include the predominant use of ornamental grasses, shrubs, and wildflowers that compliment the Byway Corridor environment.
- (x) Trees and evergreens in common open space areas should be used sparingly to promote the grassy character of the shore land area. Trees may be used in common open space for areas needing shading, screening, and privacy.
- (xi) Non-linear transition areas between the manicured and natural areas should be created to soften the appearance of any transition line. An appropriate barrier element, such as a colored concrete mow strip, shall be used to prevent undesirable encroachment or overgrowth to be intermingled between the natural and manicured areas.
- (xii) Fencing and walls should be used sparingly, especially in landscape and open space areas, and should use materials and styles to complement the architectural style of the buildings and the Byway Corridor environment. White vinyl and other bright reflective fence and wall materials should not be used in the SBW Overlay Zone.

**(b) Viewshed Protection – Buildings and similar structures should be designed and placed where their visual impact is minimized to the greatest extent possible, as viewed from the Legacy Parkway and other public spaces within the Byway Corridor area.**

- (1) Buildings should be setback a minimum of 200 feet from the Legacy Parkway right-of-way or to the maximum extent possible if less than 200 feet of space is available.**
- (2) All main buildings and associated site landscaping and open space areas within 250 feet of Legacy Parkway should be visually oriented towards the parkway.**
- (3) View corridors should be created to allow visual connections easterly towards the Wasatch Mountains and westerly towards the shore lands of the Great Salt Lake. Buildings should not be massed in a manner that creates a complete visual fortress, specifically as viewed from the Legacy Parkway or any other major arterial road within the Byway Corridor area.**
- (4) All service areas and back lot uses, such as loading docks, dumpsters, storage areas, etc., should be located behind the main buildings or properly screened or visually buffered from view from the Legacy Parkway, a local street, or any pedestrian pathway within the Byway Corridor or, where deemed applicable the Legacy Preserve.**
- (5) Where allowed by the Zoning Ordinance, areas for storage, equipment parking, or other such activities, should be screened and segmented into smaller spatial areas and may be connected together by access lanes, green space, and other buildings.**

**(c) Open Space and Critical Lands – Open spaces are to be provided to protect and buffer critical natural areas and to enhance or create desirable view corridors eastwardly towards the Wasatch Mountains and westerly towards the Legacy Preserve and the shore lands of the Great Salt Lake.**

- (1) Development proposals should identify critical lands, such as wetland areas, stream corridors, canals, and other such sensitive lands. The design and development layout should protect and/or incorporate these features as buffers, open spaces, trail and passive recreation amenities, drainage corridors, and transition areas.**
- (2) Create or locate open space areas adjacent to or oriented towards the Legacy Parkway, the Legacy Preserve, or towards natural areas such as wetlands.**

- (3) Incorporate open space areas into the development pattern that creates visual and/or physical connections to the Legacy Parkway and the Legacy Preserve.
- (4) Develop trailheads and trail connections as part of the open space development pattern that provides access to the public trails systems in the area.
- (5) Use critical land areas to manage drainage and storm water retention needs of development.

(d) **Public Right-of-Way, Roadway and Parking Lot Surfacing Design** – Properly designed roadway and parking lot placement can create opportunities for decentralizing storm water management for the SBW Overlay District and allow effective infiltration water runoff in a more natural manner. Basic strategies include low-impact roadway layouts, narrower road surface widths, shared accesses and driveways, and open-section roadways. Additionally, streetscape elements are important contributors to creating a sense of place that can add to the experience of working, living, and playing within the Byway corridor.

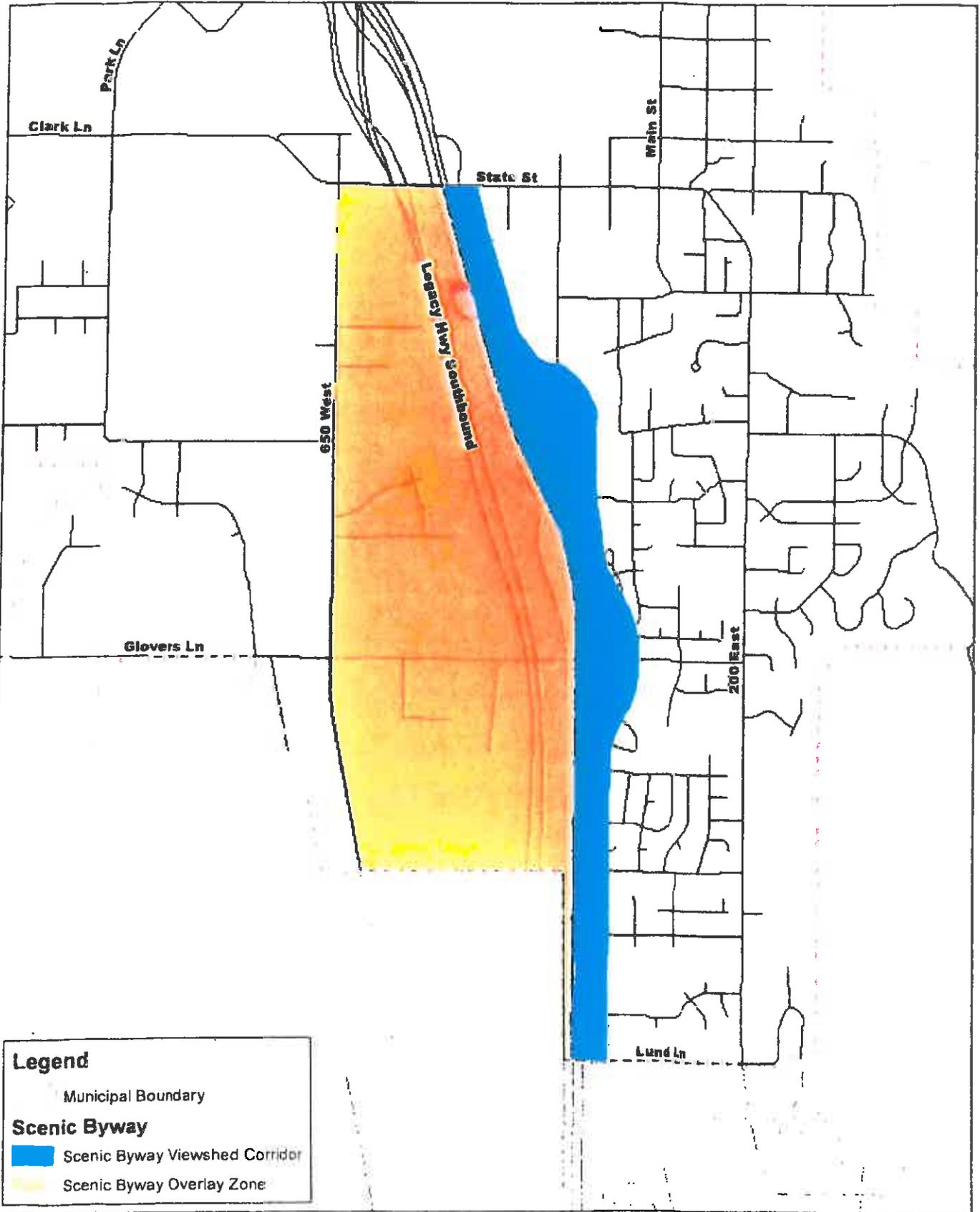
- (1) Roadways and parking lot areas should be placed to avoid crossing slopes where significant cut and fill will be required. Roadways and parking lots should run parallel to the natural contours of the site and perpendicular to any significant slope areas. Design of the roadway network and parking lot areas may involve some give and take in achieving layouts compatible with the existing topography.
- (2) Shared driveway use should be incorporated into the site and building layout, including consideration of development on adjacent sites. Driveways should be limited to 25 feet (residential) and 35 feet (commercial, industrial, and institutional) in width. All driveway surfaces should be sloped or crowned in a manner to evenly drain (not erode) on to adjacent vegetative areas (not onto public streets) where the runoff will infiltrate or travel via sheet flow.
- (3) The primary roadway and parking lot design style should be open-section or “country drainage” flanked by filter strips and swales instead of curb and gutter. If curbs are deemed necessary to stabilize the roadway or lot edges, the design should primarily consist of invisible curbs (same level as the surface); other design strategies may include periodic curb cuts, or perforated curbs.
- (4) Clear zone and shoulder grading should properly accommodate the use of filter strips and swales to direct water on to adjacent vegetative areas (not onto public streets) where the runoff will infiltrate or travel via sheet flow.

- (5) Public street design and development within the Byway corridor should reflect the proper design theme motif and be unified across the corridor. The streetscape design should include the use of, but not limited to, the following types of elements:
- (i) Interpretive signs and kiosks
  - (ii) Street trees with decorative planting beds or decorative grating
  - (iii) Decorative light fixtures and street signs
  - (iv) Benches or places to rest
  - (v) Bike lanes and bike racks
  - (vi) Decorative waste cans and drinking fountains
  - (vii) Trailhead and spur connections to the area's trail systems.

Adopted 06/02/09, Ordinance 2009-27



# Scenic Byway Corridor



**Legend**

- Municipal Boundary
- Scenic Byway**
  - Scenic Byway Viewshed Corridor
  - Scenic Byway Overlay Zone

## CITY COUNCIL AGENDA

For Council Meeting:  
October 2, 2012

### **SUBJECT: Minute Motion Approving Summary Action List**

1. Approval of Minutes from September 18, 2012
2. Ratification of Approvals of Storm Water Bond Logs
3. Ordinance Amending, Renumbering and Recodifying Title 5 of the Municipal Code
4. Century Link Easement Request

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

**FARMINGTON CITY COUNCIL MEETING**  
September 18, 2012

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**WORK SESSION**

*Present: Mayor Pro Tem John Bilton, Council Members Nelsen Michaelson, Cory Ritz, Jim Talbot, and Jim Young, City Manager Dave Millheim, Finance Director Keith Johnson, Community Development Director David Petersen, Assistant City Planner Christy Alexander, Building Official Eric Miller, City GIS Specialist Matt McCullough City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Mayor Scott Harbertson was excused.*

The following City employees attended the FEMA Emergency Management Institute (EMI) training in Maryland: City Manager **Dave Millheim**, Finance Director **Keith Johnson**, Community Development Director **David Petersen**, Building Official **Eric Miller**, GIS Specialist **Matt McCullough**, City Councilman **Nelsen Michaelson**. The City's Emergency Preparedness Officer, **Paul White**, and **Royd Waters** also attended, and the following comments were shared:

**Matt McCullough** said they learned about roles, responsibilities, the planning process, legal requirements, providing public information, critical decision making skills, staff support, demobilization planning, etc. He was a situational unit leader, and part of his responsibility was to display the locations and details of the emergency. A minimal amount of technology was used because there may not be full access to technology during an emergency.

**Eric Miller** learned the importance of team work during an emergency situation. He was the Public Works Director during the training, and because there were so many different issues coming from every direction, it was overwhelming at times and showed him the importance of preparation and follow through.

**Keith Johnson** explained that they were divided into three groups: the Emergency Operations Center (EOC), the policy group, and the incident command group. They practiced using a scenario of a city of 100,000 residents. An additional 100,000 people were in the city for a festival/fair, and a train derailment sent a toxic cloud into the air. It was helpful to see a large-scale operation in action and think about how to scale it down for Farmington City. Team work and communication are vital when dealing with an emergency.

**David Petersen** said that about two-thirds of the training was listening to presenters give their perspective on emergency situations. He learned that the Community Development Director is an integral part of the EOC and that his role could change frequently as the need arises.

**Paul White** said it was a hands-on, physical training, and his role was Public Information Operator (PIO). He would like to set up a training session for the City Council, Police and Fire Chiefs because it is important to practice the principles they learned. He thinks it is vital that the City establish roles and back-up roles and practice using them.

**Nelsen Michaelson** pointed out that this training was related to the structure and organization which needs to be in place prior to an emergency. Because there are so many

specialized areas, people need to know their roles and be able to trust the other people who are working alongside them.

**Dave Millheim** said role delineation is vital. Emergencies are never convenient—they will happen on holidays, weekends, or at night. He would like to have more of the City’s department heads attend the official training. One thing he is most concerned about is that the City Council understands the various roles.

**City Manager – Dave Millheim**

- ***Bridge in Farmington Ranches*** – He complimented the Public Works Department for their efforts in building a bridge on one of the City’s trails in west Farmington.
- ***Excess Water Rights Issue*** – The Boyer Company has almost 400 acre feet of excess water rights that they purchased when they developed the Ranches, and they asked if the City is interested in owning the rights. He asked City Engineer **Paul Hirst** to provide additional information, and the topic will be discussed at a future work session.

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**REGULAR SESSION**

*Present: Mayor Pro Tem John Bilton, Council Members, Nelsen Michaelson, Cory Ritz, Jim Talbot, and Jim Young, City Manager Dave Millheim, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Youth City Council Members Olivia Oldroyd and Jace Riley were also in attendance. Mayor Scott Harbertson was excused.*

**CALL TO ORDER**

**Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

The meeting began at 7:05 p.m. The invocation was offered by **Jim Talbot**, and the Pledge was led by **Nelsen Michaelson**.

**PRESENTATION OF PETITIONS AND REQUESTS**

**“Thank You” from Tolman Family**

**Jeff** and **Beryl Tolman** expressed gratitude to the City for their efforts in striping and placing flags at the crosswalk where their son, **Andrew Tolman**, was hit by a car and killed earlier in the year. The idea began as an Eagle Scout Project, but then the City took the initiative and made the changes. They believe it has made a difference and offered to “adopt a crosswalk” if appropriate. **Dave Millheim** gave credit to the Public Works Department.

**Security Camera**

Public Works Director, **Walt Hokanson**, obtained bids for a video camera security system. After reviewing various systems and receiving bids, he recommended that the bid be awarded to 3-C Business Solutions for three reasons: quality, cost, and customer service. This is a one-time purchase, there is no service fee, and the system will be under warranty for one year. Funds will be taken from the Council Contingency Fund.

***Motion:***

**Jim Talbot** made a motion to approve the purchase of a new security system for the Public Works yard from 3-C Business Solutions in the amount of \$10,500 to be paid from #10-670-560. The motion was seconded by **Nelsen Michaelson** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

**SUMMARY ACTION**

**Minute Motion Approving Summary Action List**

***Motion:***

**Nelsen Michaelson** made a motion to approve the items on the Summary Action List. The motion was seconded by **Jim Young** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

**GOVERNING BODY REPORTS**

**City Manager – Dave Millheim**

1. ***Upcoming Agenda Items*** (included in the staff report)
2. ***To Do Lists*** (included in the staff report)
3. ***Bridge in Farmington Ranches*** (presented during the work session)
4. ***Excess Water Rights Issue*** (presented during the work session)
5. ***Craig Holmes Letter*** – The City Council denied his request for a zone text amendment to allow small neighborhood truck and trailer rental dealers as a conditional use in the BR zone. **Mr. Holmes** filed an appeal of the decision with the District Court.
6. ***Road Design*** – The City received property in the Station Parkway/Burke Lane area from THC (The Haws Companies) through the “Road to the North Agreement” several years ago. Station Parkway was built to its full width at the Park Lane intersection but then tapers down to a two-lane road, and the remainder of the road was to be completed as driven by development. THC is in the process of obtaining tenants and asked the City to begin building its portion of the road. City Engineer **Paul Hirst** is working on the numbers and facts which will be reviewed by the Council.
7. ***Century Link*** is installing upgrades and has asked for permission to build a control box/access point (7' x 14' concrete pad) in the Moon Park area of the City. Because they are a “for profit” company they were told they could not have free use of the easement; however, a \$1000 easement fee to the City’s Park fund was suggested which they will pay. The documents will be on the Summary Action List at the next meeting. **Jim Talbot** said his only issue with utility companies in general is that they typically do a poor job in restoring the damage. **Dave Millheim** suggested approving the easement subject to the restoration being done properly.

8. **Justice Court** – Davis County and the City signed an Agreement in 1996 in which the County agreed to provide prosecution services. Several months ago, the City asked for monthly reports detailing the cost of these services, and that request, along with the fact that expenses have risen 33% in the past 5 years, forced the County to look more closely at the numbers. During the last cycle, the County received \$821,000 in revenues—\$300,000 was for state mandated surcharges, and \$521,000 was split 50-50 between the City and the County. The County decided to contract out for prosecution services and asked the City to pay its proportionate share of the costs and draft a new agreement. However, the County is obligated to provide services through at least the end of 2013, because of the termination clause in the Agreement which states that written notice must be given 6 months prior to the end of the County’s fiscal year (January 1). The County sent a request to the Utah Judicial Council on June 26, 2012 asking for a shortened term for the dissolution of the 1996 Agreement, but their request was denied. Now the question is whether or not they have met the notice for the City/County Agreement—the City Attorney does not think they have. **John Bilton** believes the terms of the agreement should be met and said the City needs time and space to research its options, and **Nelsen Michaelson** agreed. **Jim Talbot** also agreed and said he recently observed a Justice Court session. He was appalled at the system and the fact that when people tried to discuss their situation, they were shot down. There were 7-8 cases ranging from people who needed a stiffer sentence to those who were scared and/or intimidated and were given no assistance. **Jim Young** supports following the terms of the contract. **Cory Ritz** agreed with the comments of the other Council members and said he was disturbed to hear that the Justice Court was not willing to listen. There was discussion about the possibility of using another city’s court system and lowering costs. The Council directed the City Manager to draft a letter informing the County that the City is not interested in paying for prosecution services beyond the scope of the Agreement.
9. **Retreat** – He asked the Council to be thinking about topics to discuss at the retreat in October. **Nelsen Michaelson** said he would like an updated aerial photo of Farmington.

## City Council

### *Jim Talbot*

- He asked for an update on the car repair shop at a home on Walker Lane, and the City Manager said he would ask the Police Chief to prepare a historical report of the issue.
- He asked for an update on the Villa Susana project, and the City Manager said **Frank McCullough** was working with an interested individual. The City earmarked \$100,000 in RDA funds to assist with the project based on blight and possible affordable housing. Because the City’s RDA fund was established prior to 1993, it does not have a housing restriction on it. **Jim Talbot** said he would like the City to demolish the church in the near future, and **Dave Millheim** recommended letting the approvals run their course at which time the Council could modify their earlier approvals and use the funds for demolition.
- He asked if Verizon has started construction on their cell tower, and **Dave Millheim** said payments were brought current, and they have pulled a building permit.

***Cory Ritz***

- He complimented the Public Works Department for their efforts on crosswalks in the City, for the temporary pathway on the north side of Burke Lane in the Station Park area, and for the paving of various streets throughout the City.

***John Bilton***

- He explained that his role as a liaison for the National Guard is not a program but rather an avenue for communication. He receives numerous emails and will forward the important ones to staff so they can be placed in the newsletter.

***Jim Young***

- He asked about the City's contract for restroom services, and the City Manager said it would be on an upcoming work session.

**ADJOURNMENT**

***Motion:***

**Nelsen Michaelson** made a motion to adjourn the meeting. The motion was seconded by **Jim Young** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**. The meeting was adjourned at 8:20 p.m.

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**Holly Gadd, City Recorder**  
Farmington City Corporation

	A	B	C	D	E
1	<b>STORM WATER &amp; CONSTRUCTION BOND LOG</b>				
3	<b>DATE</b>	<b>NAME</b>	<b>PERMIT</b>	<b>STORM WATER BOND</b>	<b>CONSTRUCTION BOND</b>
6	8/3	HENRY WALKER	10438	\$1,000.00	
7	8/7	GARBETT HOMES	10486	\$1,000.00	
8	8/7	GARBETT HOMES	10485	\$1,000.00	
9	8/7	GARBETT HOMES	10484	\$1,000.00	
10	8/7	GARBETT HOMES	10482	\$1,000.00	
11	8/7	GARBETT HOMES	10481	\$1,000.00	
12	8/7	GARBETT HOMES	10480	\$1,000.00	
13	8/7	GARBETT HOMES	10479	\$1,000.00	
14	8/7	GARBETT HOMES	10478	\$1,000.00	
15	8/7	GARBETT HOMES	10477	\$1,000.00	
16	8/13	SOUTH POINT BLDRS.	10495	\$1,000.00	
17	8/16	GARBETT HOMES	10466	\$1,000.00	
18	8/16	GARBETT HOMES	10467	\$1,000.00	
19	8/16	GARBETT HOMES	10468	\$1,000.00	
20	8/16	GARBETT HOMES	10469	\$1,000.00	
21	8/16	GARBETT HOMES	10470	\$1,000.00	
22	8/16	GARBETT HOMES	10471	\$1,000.00	
23	8/16	GARBETT HOMES	10472	\$1,000.00	
24	8/16	GARBETT HOMES	10473	\$1,000.00	
25	8/16	GARBETT HOMES	10474	\$1,000.00	
26	8/16	COMPREHENSIVE BLDR	10498	\$1,000.00	
27	8/17	WESTATES CONST.	10516	\$1,000.00	
28	8/17	DESTINATION HOMES	10492	\$1,000.00	
29	8/20	ED MCDONALD	10517	\$1,000.00	
30	8/21	MARTINEAU HMS.	10488	\$1,000.00	
31	8/22	HOME ENERGY SOL.	10465	\$1,000.00	

32	8/24	GARBETT HOMES	10515	\$1,000.00	
33	8/24	GARBETT HOMES	10514	\$1,000.00	
34	8/24	GARBETT HOMES	10513	\$1,000.00	
35	8/24	GARBETT HOMES	10512	\$1,000.00	
36	8/24	GARBETT HOMES	10511	\$1,000.00	
37	8/24	GARBETT HOMES	10510	\$1,000.00	
38	8/24	GARBETT HOMES	10509	\$1,000.00	
39	8/24	GARBETT HOMES	10507	\$1,000.00	
40	8/24	GARBETT HOMES	10506	\$1,000.00	
41	8/24	GARBETT HOMES	10505	\$1,000.00	
42	8/24	HENRY WALKER	10504	\$1,000.00	
43	8/24	VERIZON WIRELESS	10522	\$1,000.00	
44	8/29	VALENCIA HOMES	10537	\$1,000.00	
45	8/29	OUTBACK HOUSING	10538	\$1,000.00	
46	8/30	JOEL HALE CONST.	10533	\$1,000.00	
47	9/4	DALTON CONST.	10539	\$1,000.00	
48	9/7	GARBETT HOMES	10559	\$1,000.00	
49	9/7	GARBETT HOMES	10558	\$1,000.00	
50	9/7	GARBETT HOMES	10557	\$1,000.00	
51	9/7	GARBETT HOMES	10556	\$1,000.00	
52	9/7	GARBETT HOMES	10555	\$1,000.00	
53	9/7	GARBETT HOMES	10554	\$1,000.00	
54	9/7	GARBETT HOMES	10553	\$1,000.00	
55	9/7	GARBETT HOMES	10552	\$1,000.00	
56	9/7	GARBETT HOMES	10551	\$1,000.00	
57	9/7	GARBETT HOMES	10550	\$1,000.00	
58	9/13	DESTINATION HOMES	10531	\$1,000.00	
59	9/13	GARBETT HOMES	10521	\$1,000.00	
60	9/13	GARBETT HOMES	10523	\$1,000.00	
61	9/13	GARBETT HOMES	10524	\$1,000.00	
62	9/13	GARBETT HOMES	10525	\$1,000.00	

63	9/13	GARBETT HOMES	10526	\$1,000.00	
64	9/13	GARBETT HOMES	10527	\$1,000.00	
65	9/13	GARBETT HOMES	10546	\$1,000.00	
66	9/13	GARBETT HOMES	10547	\$1,000.00	
67	9/13	GARBETT HOMES	10548	\$1,000.00	
68	9/13	GARBETT HOMES	10549	\$1,000.00	
69	9/14	GARBETT HOMES	10572	\$1,000.00	
70	9/26	GARBETT HOMES	10594	\$1,000.00	



# FARMINGTON CITY

SCOTT C. HARBERTSON  
MAYOR

JOHN BILTON  
NELSEN MICHAELSON  
CORY R. RITZ  
JIM TALBOT  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Staff Report

To: Mayor and City Council

From: Holly Gadd

Date: September 25, 2012

SUBJECT: **ORDINANCE AMENDING, RENUMBERING AND  
RECODIFYING TITLE 5 OF THE MUNICIPAL CODE**

### RECOMMENDATION

Approve the attached Ordinance amending, renumbering and recodifying Title 5 of the Farmington City Municipal Code.

### BACKGROUND

Staff is in the process of updating the City's code books. There have been a number of State statutory changes to general municipal provisions which the City's code books do not reflect. In light of these changes, we will be working with Todd Godfrey to review each title and make the necessary revisions along with minor updates, such as renumbering so all of the titles are consistent.

Respectfully Submitted

Holly Gadd  
City Recorder

Review & Concur

Dave Millheim  
City Manager

ORDINANCE NO. 2012 \_\_\_\_\_

**AN ORDINANCE AMENDING AND RECODIFYING TITLE 5 OF THE FARMINGTON MUNICIPAL CODE REGARDING REVENUE AND FINANCE, ACCOUNTS, BUDGETS, EXPENDITURES AND TAXES**

**WHEREAS**, there have been a number of State statutory changes relating to the Uniform Fiscal Procedures Act and various municipal taxes and taxing authority; and

**WHEREAS**, in light of such State statutory changes and other recommended updates, Staff has evaluated, reviewed and prepared suggested revisions, renumbering and updates to Title 5 of the Farmington Municipal Code regarding Revenue and Finance and recommends adoption of the revisions as more particularly set forth herein; and

**WHEREAS**, the City Council has reviewed the recommended changes to Title 5 of the Farmington Municipal Code and desires to adopt the recommended revisions, renumbering and updates as more particularly set forth herein to comply with the requirements of State law; and

**WHEREAS**, the City Council finds that the proposed revisions, renumbering and updates to Title 5 are in the best interest of the public to ensure that the City's ordinances are up to date and in compliance with applicable provisions of State law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:**

**Section 1.** **Amendment and Recodification.** Title 5 of the Farmington City Municipal Code regarding Revenue and Finance is hereby amended, renumbered and recodified to read in its entirety as set forth in **Exhibit "A,"** attached hereto and incorporated herein by this reference.

**Section 2.** **Repealer.** The amendment, renumbering and recodification of Title 5 of the Farmington Municipal Code shall be a repeal of all ordinances in conflict with the adopted and codified Ordinances, provided however, all ordinances in force prior to the adoption and codification shall continue in force after the adoption and codification for the purpose of all rights acquired, fines, penalties, forfeitures and liabilities incurred and actions therefor.

**Section 3.** **Severability Clause.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

**Section 4. Effective Date.** This Ordinance shall become effective upon publication or posting, or twenty (20) days after adoption, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON, STATE OF UTAH, ON THIS \_\_\_\_ DAY OF SEPTEMBER, 2012.**

**FARMINGTON CITY**

By: \_\_\_\_\_  
Mayor Scott Harbertson

**ATTEST:**

\_\_\_\_\_  
Holly Gadd, City Recorder

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Bilton	_____	_____
Councilmember Michaelson	_____	_____
Councilmember Ritz	_____	_____
Councilmember Talbot	_____	_____
Councilmember Young	_____	_____

**EXHIBIT "A"**

**TITLE 5      REVENUE AND FINANCE**

**TITLE 5**  
**REVENUE AND FINANCE**

CHAPTER 5-01:	GENERAL PROVISIONS
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**CHAPTER 5-01: GENERAL PROVISIONS**

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**5-01-010. Intent.**

It is the purpose of this ~~Title Chapter~~ to set forth accounting, budgeting and financial reporting requirements and procedures of the City. It is the intent of the City to comply with all applicable provisions of the Uniform Fiscal Procedures Act for Utah Cities, as set forth in *Utah Code Ann.* §§ 10-6-101, *et seq.*, as amended ("Uniform Fiscal Procedures Act"), and the Uniform Accounting Manual for Utah Cities as prescribed by the State Auditor ("Uniform Accounting Manual").

**5-01-020. Definitions.**

To the extent used in this Title, the words and phrases defined in *Utah Code Ann.* § 10-6-106, as amended, shall have the meanings set forth therein.

**5-01-030. Budget Officer.**

The City Manager, ~~as is hereby~~ appointed ~~by the Mayor with the approval of the City Council, is as~~ the Budget Officer of the City and shall perform all duties required of such position as set forth in the Uniform Fiscal Procedures Act and/or the Uniform Accounting Manual.

**5-01-040. Finance Director.**

Pursuant to *Utah Code Ann.* § 10-6-157, as amended, the City has created the position of Finance Director as ~~set forth more particularly described~~ in Title 3. The Finance Director shall perform the financial duties of the City Recorder as set forth in the Uniform Fiscal Procedures Act and the financial administrative duties of the director of finance as prescribed in the Uniform Accounting Manual. The Finance Director shall not assume the duties of the City Treasurer.

**5-01-050. City Treasurer.**

The City Treasurer shall perform such duties regarding revenue and finance matters for the City as set forth in Title 3 and as otherwise set forth herein and in the Uniform Fiscal Procedures Act and/or the Uniform Accounting Manual.

**5-01-060. Unlawful Conduct.**

It shall be unlawful for any person to commingle City funds with his or her own money and whenever it shall appear that the Treasurer or any other officer is making [personal](#) profit out of public money or is using the same for any purpose not authorized by law, such officer shall be suspended from office and subject to disciplinary proceedings up to and including termination in accordance with the City's disciplinary procedures, as applicable.

**CHAPTER 5-02: ACCOUNTS AND ACCOUNTING**

- 5-02-010. Fiscal ~~Period~~Year.**
- 5-02-020. Accounts.**
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- 5-02-040. Financial Reporting.**
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- 5-02-070. Independent Audit.**

**5-02-010. Fiscal ~~Period~~Year.**

The fiscal ~~period~~ is an annual period of accounting for fiscal operations of the City which year-for-the City shall begin July 1 of each year and shall end June 30 of the following year.

**5-02-020. Accounts.**

The City shall maintain, according to its own accounting needs, funds and account groups in its system of accounts as prescribed in the Uniform Accounting Manual.

**5-02-030. Accounting Records.**

Accounting records of the City shall be established and maintained, and financial statements prepared from those records, in accordance with the Uniform Accounting Manual.

**5-02-040. Financial Reporting.**

The City shall comply with annual financial reporting ~~and or~~ independent auditing requirements as set forth in the Uniform Fiscal Procedures Act and the Uniform Accounting Manual.

**5-02-050. Monthly and Quarterly Financial Reports.**

The City Finance Director shall prepare and present to the City Council monthly summary financial reports and quarterly detail financial reports prepared in the manner prescribed in the Uniform Accounting Manual.

**5-02-060. Annual Financial Reports.**

Within 180 days after the close of each fiscal ~~period, year,~~ the City Finance Director shall present to the City Council an annual financial report prepared in the manner prescribed in the Uniform Accounting Manual. Each annual financial report shall contain the information required by Utah Code Ann. S. 10-6-150, as amended. identify impact fee funds by the year in which they were received, the project from which the funds were collected, the capital projects for which the funds are budgeted, and the projected schedule for expenditure. This ~~The~~ requirement under this Section to present an annual financial report may be satisfied by presentation of the audit report furnished by an independent auditor if the financial statements included are appropriately prepared and reviewed with the City Council. Copies of the annual financial report or audit report furnished by the independent auditor shall be filed with the State Auditor and shall be filed as a public document in the Office of the City Recorder.

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**5-02-070. Independent Audit.**

Independent audits of the City are required to be performed in conformity with Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act, of the Utah Code Annotated, as amended. Within ten (10) days following the receipt of the audit report furnished by the independent auditor, the City Recorder shall prepare and publish at least twice in a newspaper of general circulation published within Davis County, and published in accordance with Utah Code Ann. § 45-1-101, as amended, a notice to the public that the audit of the City has been completed.

The City Recorder shall make a copy of the notice available for public inspection and a copy thereof may be inspected at the office of the City Recorder and on the City's website.

CHAPTER 5-03: BUDGETS

- 5-03-010. Budgets.
- 5-03-020. Tentative Budget.
- ~~5-03-030. Tentative Budget Requirements.~~
- ~~5-03-04030. Budget Officer Estimates.~~
- ~~5-03-050. Supporting Data.~~
- ~~5-03-060040. Budget Message.~~
- ~~5-03-070050. Review of Tentative Budget.~~
- ~~5-03-080060. Public Inspection.~~
- ~~5-03-090070. Notice and Public Hearing.~~
- ~~5-03-10008. Continuing Review.~~
- ~~5-03-110090. Final Budget.~~
- ~~5-03-120100. Filing and Public Inspection.~~
- ~~5-03-130110. Amendments to Individual Budgets.~~
- ~~5-03-140120. Operating and Capital Budgets.~~
- ~~5-03-150130. Tentative Operating and Capital Budget.~~
- ~~5-03-160140. Budget Officer Estimates.~~
- ~~5-03-170. Supporting Data.~~
- ~~5-03-180. Review of Tentative Operating and Capital Budget.~~
- ~~5-03-190. Final Operating and Capital Budget.~~
- ~~5-03-200. Filing and Public Inspection.~~
- ~~5-03-210. Amendments to Operating and Capital Budgets.~~
- ~~5-03-220. Expenditures.~~
- ~~5-03-230150. Appropriations.~~
- ~~5-03-240160. Fund Balances.~~

5-03-010. Budgets.

~~The Budget Officer, assisted by the Finance Director, shall prepare for each budget year-period a budget for all required funds in accordance with applicable provisions of the Uniform Fiscal Procedures Act and the Uniform Accounting Manual. a budget for the General Fund, including the Class C and collector-road funds, special revenue funds, debt service funds, and capital improvement funds. Major capital improvements financed by general obligation bonds, capital grants, or interfund transfer, shall use a capital projects fund budget in accordance with Utah Code Ann. § 10-6-100, as amended. The budget for each fund shall provide a complete financial plan for the budget year and shall specify in tabular form the following: estimates of all anticipated revenues, classified by the account titles prescribed in the Uniform Accounting Manual; and all appropriations for expenditures, classified by the account titles prescribed in the Uniform Accounting Manual for Utah Cities. The total of the anticipated revenues shall equal the total of appropriated expenditures.~~

5-03-020. Tentative Budget.

The Budget Officer, assisted by the Finance Director, shall prepare for the ensuing fiscal period, on forms provided or approved by the State Auditor, and file with the City Council on or before the first regularly scheduled meeting of the City Council in May of each year, a tentative budget for each fund for which a budget is required in accordance with applicable provisions of the Uniform Fiscal Procedures Act and the Uniform Accounting Manual.

~~5-03-030. Tentative Budget Requirements.~~

~~The tentative budget of each fund shall set forth in tabular form the following:~~

- ~~(a) actual revenues and expenditures in the last completed fiscal year;~~
- ~~(b) budget estimates for the current fiscal year;~~

~~(c) actual revenues and expenditures for a period of six (6) to twenty one (21) months, as appropriate, of the current fiscal year;~~

~~(d) estimated total revenues and expenditures for the current fiscal year;~~

~~(e) the Budget Officer's estimates of revenue and expenditures for the budget year computed in accordance with the provisions set forth in this Chapter; and~~

~~(f) if the City Council elects, actual performance experience pursuant to Utah Code Ann. § 40-6-111, as amended.~~

#### **5-03-040030. Budget Officer Estimates.**

(a) Expenditures. The Budget Officer, assisted by the Finance Director, shall estimate, on the basis of demonstrated need, the expenditures for the budget year after a review of the budget requests and estimates of the department heads. Each department head shall be heard by the Budget Officer prior to making the final estimates, but the officer may revise any department's estimates as the officer deems advisable for the purpose of presenting the budget to the City Council.

(b) Revenue. The Budget Officer, assisted by the Finance Director, shall estimate the amount of revenue available to serve the needs of each fund, estimate the portion to be derived from all sources other than general property taxes, and estimate the portion that must be derived from general property taxes.

#### **5-03-050. Supporting Data.**

~~Each tentative budget filed by the Budget Officer with the City Council shall contain the estimates of expenditures submitted by the department heads, together with specific work programs and such other supporting data as required herein or requested by the City Council. The City Council may require each department head to submit a supplementary estimate of all capital projects which the department head believes should be undertaken within the next three (3) succeeding years.~~

#### **5-03-06040. Budget Message.**

Each tentative budget filed by the Budget Officer with the City Council shall be accompanied by a budget message, which shall explain the budget, contain an outline of the proposed financial policies of the City for the budget period year, and describe the important features of the budgetary plan. The budget message shall also set forth the reasons for salient changes from the previous year in appropriation and revenue items and shall explain any major changes in financial policy.

#### **5-03-070050. Review of Tentative Budget.**

The City Council shall review, consider and adopt the tentative budget at any regular or special meeting called for the purpose. The tentative budget may be amended or revised in such manner as is deemed advisable prior to public hearing, provided that no appropriation required for debt retirement and interest, reduction of any existing deficits, or otherwise required by law or ordinance, may be reduced below the minimum required.

#### **5-03-080060. Public Inspection.**

The tentative budget adopted by the City Council and all supporting schedules and data shall be of public record filed in the office of the City Recorder, available for public inspection during regular business hours for a period of at least ten (10) days prior to the adoption of a final budget.

**5-03-090070. Notice and Public Hearing.**

At the meeting at which the tentative budget is adopted, the City Council shall establish the time and place of a public hearing to consider adoption of the budget and shall order that notice thereof be published at least seven (7) days prior to the hearing in at least one issue of a newspaper of general circulation published in Davis County and on the Utah Public Notice Website created under Utah Code Ann. § 63F-1-701, as amended. The City Council shall hold a public hearing on the tentative budget at the time and place advertised at which all interested persons in attendance shall be given an opportunity to be heard, for or against, the estimates of revenue and expenditures or any item in the tentative budget of any fund.

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**5-03-400080. Continuing Review.**

After the public hearing on the tentative budget, the City Council may continue to review the tentative budget and may insert new items or increase or decrease items of expenditures that were the proper subject of consideration at the public hearing, provided that no appropriation required for debt retirement and interest, reduction of any existing deficits, or otherwise required by law or ordinance, may be reduced below the minimum required. The City Council shall increase or decrease the total anticipated revenue to equal the net change in proposed expenditures in the budget of each fund.

**5-03-440090. Final Budget.**

The City Council shall, by resolution or ordinance, adopt a final budget for the ensuing fiscal period year for each fund for which a budget is required herein before June 22 of each fiscal period year, or August 17 in the case of a property tax increase under Title 59, Chapter 2 of the *Utah Code Annotated*, as amended. Upon final adoption, the budgets shall be in effect for the budget period year, subject to amendment.

**5-03-420100. Filing and Public Inspection.**

A copy of the final budget for each fund shall be certified by the Budget Officer and filed with the State Auditor within thirty (30) days after adoption of the same by the City Council. A certified copy of the final budget shall also be filed with the City Recorder and shall be available to the public for inspection during regular business hours.

**5-03-430110. Amendments to ~~Individual~~ Budgets.**

The City Council may, upon the written request of one of its members or upon its own motion setting forth the reasons therefor, at any time during the budget period, review the individual budgets of the funds of the City for the purpose of determining if the total of any of them should be increased. If the City Council decides that the budget total of one or more of such funds should be increased, it shall follow the public hearing procedures set forth in Section 5-03-090060. After the public hearing, the City Council, by resolution or ordinance, may amend the budgets of the funds proposed to be increased to make the proposed increases or portions thereof which were the proper subject of consideration at the hearing. Final amendments in the current period year to the budgets of any funds shall be adopted by the City Council on or before the last day of the fiscal period year.

**5-03-440120. Operating and Capital Budgets.**

The City Council shall adopt ~~for the ensuing year~~ an "operating and capital budget" for each enterprise fund for the ensuing fiscal period and shall adopt ~~the such~~ type of budget for other special funds as required by the Uniform Accounting Manual ~~and as more particularly provided herein~~. For purposes of this Chapter, "operating and capital budget" means a plan of financial operation for an enterprise or other required special fund, ~~that includes embodying~~ estimates of operating resources, ~~and expenses~~, and other outlays for a fiscal period year. All operating and capital budgets shall be prepared, adopted, administered, and amended in accordance with applicable procedures of the Uniform Fiscal Procedures Act and the Uniform Accounting Manual, including, but not limited to, Utah Code Ann. § 10-6-135, as amended.

**5-03-460130. Tentative Operating and Capital Budget.**

The Budget Officer, with the assistance of the Finance Director, shall prepare a tentative operating and capital budget for each enterprise fund and for other required special funds for the ensuing fiscal ~~period~~year. The Budget Officer shall file such budgets with the City Council on or before the first regularly scheduled meeting of the City Council in May of each year.

**5-03-460140. Budget Officer Estimates.**

The Budget Officer, with the assistance of the Finance Director, shall prepare estimates in cooperation with the appropriate department heads. Each department head shall be heard by the Budget Officer before making final estimates, but the Budget Officer may revise any department's estimates as the officer deems advisable for the purpose of presenting the budget to the City Council. The City Council may require each department head to submit a supplementary estimate of all capital projects which the department head believes should be undertaken within the next three (3) succeeding fiscal years.

~~5-03-170. Supporting Data.~~

~~Each tentative operating and capital budget filed by the Budget Officer with the City Council shall contain the specific work programs as submitted by the department heads and any other supporting data required by the City Council.~~

~~5-03-180. Review of Tentative Operating and Capital Budget.~~

~~The City Council shall review and consider the tentative operating and capital budgets at any regular or special meeting called for that purpose. The City Council may make changes to the tentative budgets as deemed advisable. Operating and capital budgets for enterprise or other required special funds shall comply with the notice and public hearing requirements set forth in Section 5-03-090 and Utah Code Ann. § 10-6-135, as amended.~~

~~5-03-190. Final Operating and Capital Budget.~~

~~The City Council shall, by resolution or ordinance, adopt a final operating and capital budget for the ensuing fiscal year for each fund for which such a budget is required herein before June 30 of each fiscal year, or August 31 in the case of a property tax increase under Title 50, Chapter 2 of the Utah Code Annotated, as amended. Upon final adoption, the operating and capital budgets shall be in effect for the budget year, subject to amendment.~~

~~5-03-200. Filing and Public Inspection.~~

~~A copy of the final operating and capital budget as finally adopted for each fund shall be certified by the Budget Officer and filed with the State Auditor within thirty (30) days after adoption of the same by the City Council. A certified copy of the final budget shall also be filed with the City Recorder and shall be available to the public for inspection during regular business hours.~~

~~5-03-240. Amendments to Operating and Capital Budgets.~~

~~At any time during the budget period, the City Council may, in any regular meeting or special meeting called for that purpose, review any one or more of the operating and capital budgets for the purpose of determining if the total of any of them should be increased. The City Council may increase the total budget appropriation for any such funds by resolution at any regular or special meeting called for that purpose, provided that written notice of the time, place and purpose of the meeting must be mailed or delivered to all members of the City Council at least five (5) days prior to the meeting unless such notice is waived in writing or orally during attendance at the meeting by any member of the City Council.~~

**5-03-220. Expenditures.**

~~Expenditures from operating and capital budgets shall conform to the requirements relating to budgets specified in Chapter 5-04 of this Title.~~

**5-03-230150. Appropriations.**

~~(a) Limitation. The City shall not make any appropriation in the final budget of any fund in excess of the estimated expendable revenue for the budget period year of such fund. All unexpended or unencumbered appropriations except capital projects fund appropriations shall lapse at the end of the budget period in accordance with Utah Code Ann. § 10-6-130, as amended.~~

~~(b) Fund Excess. In determining the estimated expendable revenue of the General Fund for the budget year, there shall be included therein, as an appropriation from the fund balance, that portion of the fund balance at the close of the last completed fiscal year, not previously included in the budget of the current year, that exceeds the amount permitted in Section 5-03-260 regarding fund balances.~~

~~(c) Fund Deficit. There shall be included as an item of appropriation in each fund for any budget year any existing deficit as of the close of the last completed fiscal year, not previously included in the budget of the current year, to the extent of at least five percent (5%) of the total revenue of such fund in its last completed fiscal year. If the total amount of the deficit is less than five percent (5%) of the total revenue in the last completed fiscal year, the entire amount of such deficit shall be included.~~

**5-03-240160. Fund Balances.**

~~(a) All Funds. The City may accumulate retained earnings or fund balances, as appropriate, in any fund as limited herein in accordance with applicable provisions of the Uniform Fiscal Procedures Act and the Uniform Accounting Manual. Any fund balance in excess of five percent (5%) of the total revenues of the General Fund may be utilized for budget purposes. If the fund balance at the close of any fiscal year exceeds the amount permitted herein, the excess shall be appropriated in the manner provided in Utah Code Ann. § 10-6-117, as amended.~~

~~(b) General Fund. Accumulated fund balances in the General Fund are restricted to purposes permitted by law. Any fund balance in excess of five percent (5%) of the total revenues of the General Fund may be utilized for budget purposes. Except as otherwise provided in the Uniform Fiscal Procedures Act or the Uniform Accounting Manual, any accumulated fund balance in the General Fund may not exceed eighteen percent (18%) of the total estimated revenue of the General Fund, and shall be restricted to the following purposes: if the fund balance at the close of any fiscal period exceeds the amount permitted herein, the excess shall be appropriated in the manner provided in Utah Code Ann. § 10-6-117, as amended.~~

~~(1) to provide working capital to finance expenditures from the beginning of the budget year until the general property taxes, sales taxes, or other applicable revenues are collected, thereby reducing the amount which the City must borrow during such period;~~

~~(2) to provide a resource to meet emergency expenditures; and~~

~~(3) to cover a pending year-end excess of expenditures over revenues from an unavoidable shortfall in revenues.~~

~~(c) Capital Improvement Fund. Within a capital improvement fund, the City Council may, in any budget period year, appropriate from estimated revenue or fund balance to a reserve for capital improvements for purposes set forth in the Uniform Fiscal Procedures Act and the Uniform Accounting Manual, the purpose of financing future specific capital improvements, under a formal long range capital plan adopted by the City Council. The reserves may accumulate from year to year until the accumulated total is sufficient to permit economical expenditure for the specified purposes. Disbursements from the reserves shall be made only by transfer to a revenue or transfer account within the capital improvements fund, under a budget appropriation in a budget for the fund adopted in the manner provided herein.~~

~~Expenditures from the above appropriation budget accounts shall conform to all requirements of this Title relating to execution and control of budgets.~~

CHAPTER 5-04: EXPENDITURES AND APPROPRIATIONS

- 5-04-010. Expenditures.
- 5-04-020. Purchasing Procedures.
- 5-04-030. Filing of Bids.
- ~~5-04-030040. Emergency Expenditures.~~
- ~~5-04-040050. Transfer of Appropriations between Accounts.~~
- ~~5-04-060. Transfer of Appropriations between Departments.~~
- ~~5-04-060. Transfer of Special Fund Balances.~~
- ~~5-04-070. Interfund Loans.~~
- ~~5-04-080. Reduction of Budget Appropriations.~~
- ~~5-04-090. Lapse of Appropriations.~~

5-04-010. Expenditures.

All expenditures by any department must conform with the department budget. No appropriation may be encumbered and no expenditure may be made against any department appropriation unless there is sufficient unencumbered balance in the department's appropriation, except in the cases of emergency as provided in this Chapter or the Uniform Fiscal Procedures Act. City officers or employees shall not make or incur expenditures or encumbrances in excess of total appropriations for any department in the budget as adopted or subsequently amended. Any obligation contracted by any such officer or employee shall not be or become valid or enforceable against the City. No check or warrant to cover any claim against any appropriation shall be drawn until the claim has been processed as provided by City Ordinance or policy the Uniform Fiscal Procedures Act.

5-04-020. Purchasing Procedures.

All purchases or encumbrances shall be made in accordance with the purchasing procedures adopted by the City, including, but not limited to the procurement procedures adopted pursuant to set forth in the Title 3 of this Code. All encumbrances reported as outstanding as of the fiscal year-end shall be supported by a purchase order or some form of documentation authorizing expenditures issued on or before the last day of the fiscal period year and approved by the City.

5-04-030. Filing of Bids.

Whenever the City is required by State law to receive bids for purchases, construction, repairs, or any other purpose requiring the expenditure of funds, the City shall keep on file all bids received, together with proof of advertisement by publication or otherwise, for at least three (3) years following the letting of any contract pursuant to those bids or three (3) years following the first advertisement for the bids, if all bids pursuant to that advertisement are rejected pursuant to Utah Code Ann. § 10-6-122, as amended.

5-04-040. Emergency Expenditures.

If the City Council determines that an emergency exists, such as but not limited to widespread damage from fire, wind, flood, or earthquake, and that the emergency necessitates the expenditure of money in excess of the budget of the General Fund, the City Council may by resolution amend the budget and authorize such expenditures and incur such deficits in the fund balance of the General Fund as may be reasonably necessary to meet the emergency. If the City creates a local fund under Except to the extent provided for in Title 53, Chapter 2, Disaster Recovery Funding Act, of the Utah Code Annotated, the City Council may not shall expend monies for applicable emergencies in accordance with the provisions of such Act. in the City's local fund for an emergency, if the City creates a local fund under the Disaster Recovery Funding Act.

**5-04-050. Transfer of Appropriations between Accounts.**

Upon written consent of the Budget Officer, the head of any department may transfer any unencumbered or unexpended appropriation balance or any portion thereof from one expenditure account to another within the department during the budget periodyear; provided, the total of all excess expenditures or encumbrances do not exceed total unused appropriations within the department at the close of the budget periodyear. Upon written consent of the Budget Officer, the head of any department may permit an excess expenditure of one or more line items provided the total of all excess expenditures or encumbrances do not exceed total unused appropriations within the department at the close of the budget year.

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**5-04-060. Transfer of Appropriations between Departments.**

At the request of the Budget Officer, or upon its own initiative, the City Council by resolution may transfer any unencumbered or unexpended appropriation balance or portion thereof from one department fund to the same fund of another department, provided that no appropriation for debt retirement and interest, reduction of deficit, or other appropriation required by law or ordinance shall be reduced below the minimum required.

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**5-04-070. Transfer of Special Fund Balances.**

Whenever the necessity for maintaining any special fund of the City ceases to exist and a balance remains in the fund, the City Council shall authorize the transfer of the balance to the fund balance account in the General Fund of the City except as follows.

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(a) **Special Assessment Fund.** Any balance remaining in a special assessment fund and any unrequired balance in its special improvements guarantee fund shall be treated in the manner provided in *Utah Code Ann.* § 11-42-413 and § 11-42-701, as amended.

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(b) **Capital Fund.** Any balance remaining in a capital improvements or capital projects fund shall be transferred to the appropriate debt service fund or other fund as the bond ordinance may require and otherwise to the fund balance account in the General Fund.

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(c) **Trust Fund.** Whenever any balance held in a trust fund for a specific purpose, other than cemetery perpetual care, is to be transferred because its original purpose or restriction has ceased to exist, a public hearing shall be held in a manner set forth in Section 5-03-090. Published notice of the public hearing shall invite those persons who contributed to the fund to appear at the hearing. If the City Council determines the fund balance amounts are refundable to the original contributors, a thirty (30) day period following the hearing shall be allowed for persons having an interest in the fund to file with the City Council a verified claim for the amount of each claimant's contribution. Any claim not so filed shall be forever barred. Any balance remaining after refunds to eligible contributors shall be transferred to the fund balance account in the General Fund.

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(d) Whenever the City Council determines, in accordance with applicable laws and ordinances, that the need for continued maintenance of its cemetery perpetual care trust fund no longer exists, it may transfer the balance in such fund to the capital improvements fund for expenditure for land, buildings, and major improvements to be used exclusively for cemetery purposes.

**5-04-080. Interfund Loans.**

The City Council may authorize interfund loans from one fund to another at such interest rates and upon such repayment terms and conditions as it may prescribe, and with available cash in any fund, may purchase or otherwise acquire for investment unmatured bonds of the City or of any fund of the City, subject to restrictions imposed by bond ordinance, statute, or other controlling regulations.

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**5-04-090. — Reduction of Budget Appropriations.**

~~The total budget appropriation of any department may be reduced for purposes other than transfers to another department by resolution of the City Council. Notice of the proposed action must be given to all members of the City Council at least five (5) days before such action, unless such notice is waived in writing or orally during attendance at the meeting by any member of the City Council.~~

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**5-04-100. — Lapse of Appropriations.**

~~All unexpended or unencumbered appropriations except capital projects fund appropriations shall lapse at the end of the budget year.~~

**CHAPTER 5-05: PROPERTY TAX**

- 5-05-010. Property Tax Levy.**
- 5-05-020. Computation of Levy.**
- 5-05-030. Basis for Determining Levy.**
- 5-05-030040. Apportionment of Levy.**

**5-05-010. Property Tax Levy.**

The City Council shall by resolution set the real and personal property tax levy for various municipal purposes before June 22 of each year, or August 17 in the case of a property tax rate increase under Title 59 of the *Utah Code Annotated*, as amended, ~~unless; provided, the levy may be set at~~ an appropriate later date ~~has been approved by with approval of~~ the State Tax Commission. The City Recorder shall certify the resolution setting the levy to the county auditor as required by State law.

**5-05-020. Computation of Levy.**

In computing the total levy, the City Council shall determine the requirements of each fund for which property taxes are to be levied and shall specify in its resolution adopting the levy the amount apportioned to each fund. The combined levies for all purposes in any year, excluding the retirement of general obligation bonds and the payment of any interest, and taxes expressly authorized by law to be levied in addition, may not exceed .007 per dollar of taxable value of taxable property.

**5-05-030. Basis for Determining Levy.**

From the effective date of the budget or of any amendment enacted prior to the date on which property taxes are levied, the amount stated therein as the amount of estimated revenue from property taxes shall constitute the basis for determining the property tax levy to be set by the City Council for the corresponding tax year, subject to the applicable limitations imposed by law.

**5-05-030040. Apportionment of Levy.**

The proceeds of the levy apportioned for General Fund purposes shall be credited as revenue in the General Fund. The proceeds of the levy apportioned for special fund purposes shall be credited to the appropriate accounts in the applicable special funds.

**CHAPTER 5-06: SALES AND USE TAX**

- 5-06-010. Purpose.**
- 5-06-020. Sales Tax.**
- 5-06-030. Use Tax.**
- 5-06-040. Exemption from Tax.**
- 5-06-050. Tax Paid.**
- 5-06-060. Reserved. Point of Sale.**
- 5-06-070. State Tax Collection Provisions.**
- 5-06-080. State Tax Commission Contract.**
- 5-06-090. Distribution of Tax Revenue.**
- 5-06-100. Continuation of Previous Ordinances.**

**5-06-010. Purpose.**

It is the purpose of this Chapter to provide the City with an added source of revenue to thereby assist the City in meeting its growing financial needs. ~~It is intended that this added revenue be used to the greatest possible extent by the City to finance its capital outlay requirements and to service its bonded indebtedness.~~ The provisions of this Chapter are intended and shall be interpreted to be in compliance with the Local Sales and Use Tax Act, set forth at *Utah Code Ann.* §§ 59-12-201, *et seq.*, as amended, and other applicable provisions of State law. This Chapter may be referred to as the Sales and Use Tax Ordinance of the City.

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**5-06-020. Sales Tax.**

There is hereby levied and there shall be collected and paid a tax upon every transaction retail sale of items listed in *Utah Code Ann.* § 59-12-103, as amended, made within the City at the rate of one percent (1%) of the purchase price paid or charged.

**5-06-030. Use Tax.**

There is hereby levied and there shall be collected and paid an excise tax on the storage, use, or other consumption within the City of tangible personal property or any items listed in *Utah Code Ann.* § 59-12-103, as amended, made within the City at the rate of one percent (1%) of the purchase price paid or charged.

**5-06-040. Exemption from Tax.**

The City may not impose a tax under this Chapter on sales and uses that are exempt from taxation under *Utah Code Ann.* § 59-12-104, as amended, or *Utah Code Ann.* § 59-12-204, as amended, or any other exempt transactions required by law. ~~The sale, storage, use, or other consumption of tangible personal property, the purchase price or the cost of which has been subject to sales or use tax under a sales and use tax ordinance enacted in accordance with the Local Sales and Use Tax Act, by any county other than Davis County, or city or town in this State, shall be exempt from the tax due under this Ordinance. The City may not impose a tax under this section on any amounts paid or charged by a seller that collects a tax in accordance with *Utah Code Ann.* § 69-12-107(1)(b), unless such a tax is imposed by all of the counties, cities, and towns in the state.~~

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**5-06-050. Tax Paid.**

The amount of any tax paid under the State Sales and Use Tax Act, set forth at *Utah Code Ann.* §§ 59-12-101, *et seq.*, as amended, shall not be included as a part of the purchase price paid or charged for a taxable item.

**5-06-060. Reserved. Point of Sale.**

~~For the purposes of this Chapter, all retail sales shall be presumed to have been consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out of state destination or to a common carrier for delivery to an out of state destination. If a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under the rules and regulations of the Utah State Tax Commission.~~

**5-06-070. State Tax Collection Provisions.**

The tax collection provisions set forth in Title 59, Chapter 12, Part 1, Tax Collection, of the *Utah Code Annotated*, as amended, insofar as they relate to sales and use taxes, are hereby adopted and made a part of this ~~Chapter Title~~ as though fully set forth herein, except ~~the name of the City as the taxing agency shall be substituted for that of the State where necessary for the purposes of the Local Sales and Use Tax, and an additional sales and use tax license is not required if one has been or is issued under Utah Code Ann. § 59-12-106, as amended,~~ these provisions which are inconsistent with the provisions of this Title or the Local Sales and Use Tax Act as set forth in Title 59, Chapter 12, Part 2, of the *Utah Code Annotated*. Whenever the State of Utah is named or referred to as the "taxing agency," the name of Farmington City shall be substituted therefor, provided that such substitution shall not be required when the word "State" is used as part of the title of the State Tax Commission or of the Constitution of Utah, or when the result of the substitution would require action to be taken by or against the City or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this Chapter. Any amendments made to Title 59, Chapter 12, Part 1, Tax Collection, of the *Utah Code Annotated*, which would be applicable to the City as set forth herein are incorporated herein by this reference and shall be effective upon the date they are effective as a Utah statute.

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**5-06-080. State Tax Commission Contract.**

~~Pursuant to Utah Code Ann. § 59-12-202, as amended, the State Tax Commission has been granted the exclusive authority to administer, operate, and enforce the local sales and use tax. The City has previously. The City has~~ entered into an agreement with the State Tax Commission for the Commission to perform all functions incident to the administration, operation and enforcement of the Sales and Use Tax Ordinance of the City without interference from the City, provided that the City may be allowed to intervene in accordance with the provisions and restrictions of *Utah Code Ann. § 59-12-209*, as amended. That agreement is hereby confirmed and the Mayor is hereby authorized to enter into such supplementary agreement(s) with the State Tax Commission which may be necessary for the continued administration, operation and enforcement of the Sales and Use Tax Ordinance of the City.

**5-06-090. Distribution of Tax Revenue.**

~~Sales and use tax revenues collected on transactions within the City shall be collected and distributed by the State Tax Commission in accordance with applicable provisions of State law. The City shall distribute its sales or use tax revenues by means other than point of sale or use in accordance with the procedures set forth in Utah Code Ann. § 59-12-205, as amended.~~

**5-06-100. Continuation of Previous Ordinances.**

~~The provisions of this Chapter which are not in conflict with the former local sales and use tax ordinances of the City shall be deemed to be a continuation thereof and any rights, duties, and obligations arising thereunder shall not in any way be deemed abrogated or terminated.~~

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CHAPTER 5-07: TELECOMMUNICATIONS LICENSE TAX

- 5-07-010. Purpose.
- 5-07-040015. Definitions.
- 5-07-020. Levy of Tax.
- 5-07-030. Rate.
- 5-07-040. Rate Limitation and Exemption
- 5-07-050. Effective Date of Tax Levy.
- 5-07-060. Interlocal Agreement for Collection of the Tax.
- 5-07-070. Taxes Erroneously Recovered.
- 5-07-080. Highway Management Fees.

5-07-010. Purpose.

The Utah legislature adopted the Municipal Telecommunications License Tax Act, as set forth in Utah Code Ann. § 10-1-401, et seq., as amended, authorizing municipalities to levy and cause to be collected from a telecommunications provider a municipal telecommunications license tax on the telecommunications provider's gross receipts from telecommunications service that are attributable to the municipality. It is the City's intent to adopt and levy a Telecommunications License Tax pursuant to and in accordance with applicable provisions of the Municipal Telecommunications License Tax Act.

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5-07-040015. Definitions.

As used in this Chapter, the terms defined in *Utah Code Ann.* § 10-1-402, as amended, shall have the meanings set forth therein.

5-07-020. Levy of Tax.

There is hereby levied on telecommunications providers a municipal telecommunications license tax on the telecommunications provider's gross receipts from telecommunications service attributed to the City.

5-07-030. Rate.

The rate of the municipal telecommunications license tax shall be 3.5% of the telecommunications provider's gross receipts from telecommunications service that are attributed to the City in accordance with and subject to the provisions of *Utah Code Ann.* § 10-1-407, as amended.

5-07-040. Rate Limitation and Exemption.

Pursuant to Section 10-1-404, as amended, of the Utah Telecommunications License Tax Act, as set forth in Utah Code Ann. §§ 10-1-401, et seq., as amended, the City is exempt from the statutory limitation on the municipal telecommunications license tax rate if the exemption from the limitation on the rate that may be imposed is approved by a majority vote of the voters in the City that vote in:

- (a) a municipal general election;
- (b) a regular general election; or
- (c) a local special election.

**5-07-050. Effective Date of Tax Levy.**

The telecommunications license tax imposed by this Chapter shall be levied beginning on July 1, 2007.

**5-07-060. Interlocal Agreement for Collection of the Tax.**

~~On or before the effective date of this Chapter, the~~ The City ~~has previously entered shall enter~~ into ~~the uniform an~~ interlocal agreement with the Utah State Tax Commission as described in *Utah Code Ann.* § 10-1-405, as amended, for the collection, enforcement, and administration of the municipal telecommunications license tax.

**5-07-070. Taxes Erroneously Recovered.**

Pursuant to the provisions of *Utah Code Ann.* § 10-1-408, as amended, a customer may not bring a cause of action against a telecommunications provider on the basis that the telecommunications provider erroneously recovered from the customer the municipal telecommunications license taxes authorized by this Chapter unless the customer meets the same requirements that a purchaser is required to meet to bring a cause of action against a seller for a refund or credit as provided in *Utah Code Ann.* § 59-12-110.1, as amended.

**5-07-080. Highway Management Fees.**

Nothing in this Chapter shall restrict or affect the City's right to recover from a telecommunications provider management costs for the maintenance of public rights-of-way in accordance with the Protection of Highways Act, as set forth in *Utah Code Ann.* §§ 72-7-101, *et seq.*, as amended.

**CHAPTER 5-08: ENERGY SALES AND USE TAX**

- 5-08-010. Purpose.**
- 5-08-020. Definitions.**
- 5-08-030. Energy Sales and Use Tax.**
- 5-08-040. Exemptions from the Energy Sales and Use Tax.**
- 5-08-050. Existing Franchise Agreements Not Affected -- Credit for Franchise Fees.**
- 5-08-060. Collection of Taxes by State Tax Commission.**
- 5-08-070. Incorporation of State Code Tax Collection Provisions.**
- 5-08-080. Additional License for Collection of Tax Not Required.**

**5-08-010. Purpose.**

The Utah legislature adopted the Municipal Energy Sales and Use Tax Act, as set forth in *Utah Code Ann.* §§ 10-1-301, et seq., in part to provide a stable revenue source for municipalities and to create a more competitive environment for the energy industry. It is the City's intent to adopt a Municipal Energy Sales and Use Tax pursuant to, and in conformance with, the Municipal Energy Sales and Use Tax Act.

**5-08-020. Definitions.**

As used in this Chapter, the terms defined in *Utah Code Ann.* § 10-1-303, as amended, shall have the meanings set forth therein.

~~(a) "Commission" means the State Tax Commission.~~

~~(b) "Consumer" means a person who acquires taxable energy for any use that is subject to the energy sales and use tax.~~

~~(c) "Contractual franchise fee" means:~~

~~(1) a fee:~~

~~(i) provided for in a franchise agreement; and~~

~~(ii) that is consideration for the franchise agreement; or~~

~~(2) (i) a fee similar to Subsection (c)(1); or~~

~~(ii) any combination of Subsections (c)(1) and (2).~~

~~(d) (1) "Delivered value" means the fair market value of the taxable energy delivered for sale or use in the municipality and includes:~~

~~(i) the value of the energy itself; and~~

~~(ii) any transportation, freight, customer demand charges, service charges, or other costs typically incurred in providing taxable energy in usable form to each class of customer in the municipality.~~

~~(2) "Delivered value" does not include the amount of a tax paid under:~~

~~(i) Title 59, Chapter 12, Part 1, Tax Collection, of the *Utah Code Annotated*;~~

~~or~~

~~(ii) Title 59, Chapter 12, Part 2, The Local Sales and Use Tax Act, of the *Utah Code Annotated*.~~

of: (e) ~~—"De minimis amount" means an amount of taxable energy that does not exceed the greater~~

~~(1) Five percent (5%) of the energy of supplier's estimated total Utah gross receipts from sales of property or services; or~~

~~(2) \$10,000.~~

~~(f) "Energy supplier" means a person supplying taxable energy, except that the commission may by rule exclude from this definition a person supplying a de minimis amount of taxable energy.~~

~~(g) "Franchise agreement" means a franchise or an ordinance, contract, or agreement granting a franchise.~~

~~(h) "Franchise tax" means:~~

~~(1) a franchise tax;~~

~~(2) a tax similar to a franchise tax; or~~

~~(3) any combination of Subsections (h)(1) and (2).~~

~~(i) "Person" is as defined in *Utah Code Ann.* § 59-4-102, as amended.~~

~~(j) "Taxable energy" means gas and electricity.~~

**5-08-030. Energy Sales and Use Tax.**

There is hereby levied, subject to the provisions of this Chapter, a municipal energy sales and use tax on the sale or use of taxable energy within Farmington City at the rate of six percent (6%) of the delivered value of the taxable energy to the consumer. This tax shall be known as the Energy Sales and Use Tax.

(a) The tax shall be calculated on the delivered value of the taxable energy to the consumer.

(b) The tax shall be in addition to any sales or use tax on taxable energy imposed by Farmington City or by the State of Utah.

**5-08-040. Exemptions from the Energy Sales and Use Tax.**

An exemption from the energy sales and use tax is provided for the sale or use of taxable energy that is specifically exempt under *Utah Code Ann.* § 10-1-304 and § 10-1-305, as amended.

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~~(a) Pursuant to *Utah Code Ann.* § 10-1-304 and § 10-1-305, as amended, the following are exempt from the Energy Sales and Use Tax:~~

~~(1) Sales and use of aviation fuel, motor fuel, or special fuel subject to taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act, of the *Utah Code Annotated*;~~

~~(2) The sales and use of taxable energy that Farmington City is prohibited from taxing under federal law or the Constitution of the United States or the Utah Constitution;~~

~~(3) The sales and use of taxable energy purchased or stored in the State for resale;~~

~~(4) The sales or use of taxable energy to a person if the primary use is for use in compounding or producing taxable energy or a fuel subject to taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act, of the Utah Code Annotated;~~

~~(5) Taxable energy brought into the State by a nonresident for the nonresident's own personal use or enjoyment while within the State, except taxable energy purchased for use in the state by a nonresident living or working in the State at the time of purchase;~~

~~(6) The sales or use of taxable energy for any purpose other than use as a fuel or energy;~~

~~(7) The sale of taxable energy for use outside the corporate limits of Farmington City;~~  
and

~~(8) The sale or use of electricity made under a tariff adopted by the Public Service Commission of Utah only for purchase of electricity produced from a new wind, geothermal, biomass, or solar power energy source in accordance with the provisions of Utah Code Ann. § 10-1-304, as amended.~~

~~(b) The sale, storage, use, or other consumption of taxable energy is exempt from the Energy Sales and Use Tax levied by this Chapter, provided:~~

~~(1) The delivered value of the taxable energy has been subject to a municipal energy sales or use tax levied by another municipality within the state; and~~

~~(2) Farmington City has been paid the difference between the tax paid to the other municipality and the tax that would otherwise be due under this Chapter, if the tax due under this Chapter exceeds the tax paid to the other municipality.~~

~~(c) No exemptions shall be granted from the Energy Sales and Use Tax imposed by this Chapter except those specifically set forth herein.~~

**5-08-050. Existing Franchise Agreements Not Affected -- Credit for Franchise Fees.**

(a) This Chapter shall not alter or affect the validity of any existing or future franchise agreements between the City and energy suppliers. Any such franchise agreements shall be subject to and comply with applicable provisions of *Utah Code Ann.* § 10-1-203, § 10-1-305 and § 10-1-310, as amended.

(b) The City may continue to collect a contractual franchise fee from an energy supplier pursuant to a franchise agreement in effect on July 1, 1997, at the same rate for the remaining term of the franchise agreement; provided, the City shall provide a credit against the Energy Sales and Use Tax in the amount of the contractual franchise fee paid by the energy supplier in accordance with the terms and conditions of *Utah Code Ann.* § 10-1-203, § 10-1-305 and § 10-1-310, as amended.

**5-08-060. Collection of Taxes by State Tax Commission.**

~~(a) On or before the effective date of this Chapter, the City has contracted shall contract with the State Tax Commission to perform all functions incident to the administration and collection of the Energy Sales and Use Tax, in accordance with this Chapter. This Contract may be a supplement to the existing contract with the Commission to administer and collect the Local Sales and Use Tax as provided within this Title. The City may enter into such supplementary agreements with the State Tax Commission as may be necessary and proper for the continued administration and operation of the Energy Sales and Use Tax ordinance enacted by this Chapter.~~

~~(b) An energy supplier shall pay the Energy Sales and Use Tax revenue collected from consumers directly to the City if:~~

~~(1) The City is the energy supplier; or~~

~~(i) the energy supplier estimates that the Municipal Energy Sales and Use Tax collected annually from its Utah customers equals one million dollars or more; and~~

~~(ii) the energy supplier collects the Energy Sales and Use Tax.~~

**5-08-070. Incorporation of State Code Tax Collection Provisions.**

(a) ~~Except for the direct payment provisions of Section 5-08-060(b), the~~ The State Tax Commission shall collect, enforce and administer the Municipal Energy Sales and Use Tax according to the procedures established in Title 59, Chapter 1, General Taxation Policies and Title 59, Chapter 12, Part 1, Tax Collection (excluding 59-12-107.1 and 59-12-123), of the Utah Code Annotated, as amended. Said provisions of Title 59, Chapter 12, Part 1, Tax Collection, and any amendments thereto, are hereby adopted and incorporated by reference as a part of this Title. This adoption and incorporation by reference shall include any amendments to those provisions that relate to the levying or collecting of a Municipal Energy Sales and Use Tax.

(b) The name of Farmington City shall be substituted for all references to the "taxing agency" in Title 59, Chapter 12, Part 1 which are intended to refer to the State of Utah, insofar as it is necessary to carry out the purposes of that Part, as well as provisions of the Municipal Energy Sales and Use Tax Act, as set forth in *Utah Code Ann.* §§ 10-1-301, et seq., as amended. However, nothing in this subsection shall be deemed to require substitution of the name of Farmington City for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of Utah, nor shall the name of Farmington City be substituted for that of the State in any section when the result of such substitution would require action to be taken by or against Farmington City or any agency thereof rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this Chapter.

**5-08-080. Additional License for Collection of Tax Not Required.**

No additional license to collect the Energy Sales and Use Tax levied by this Chapter is required, ~~provided the energy supplier collecting the tax if one~~ has been a license issued under *Utah Code Ann.* § 59-4-106, as amended.

**CHAPTER 5:09: TRANSIENT ROOM TAX**

- 5-09-010. Purpose
- 5-09-020. Definitions
- 5-09-030. Transient Room Tax Imposed
- 5-09-040. Quarterly Tax and Report
- 5-09-050. Collection of Tax by State Tax Commission
- 5-09-060. Effective Date

**5-09-010. Purpose**

The purpose of this Chapter is to enact a municipal transient room tax pursuant to *Utah Code Annotated*, §§ 59-12-352, *et seq.*, as amended.

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**5-09-020. Definitions**

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As used in this Chapter, the terms defined in *Utah Code Ann.* § 59-12-102, as amended, shall have the meanings set forth therein. For purposes of this Chapter:

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(a) "Public Accommodation" means a place providing temporary sleeping accommodations to the public and includes:

- (1) Motel;
- (2) Hotel;
- (3) Motor Court;
- (4) Inn;
- (5) Bed and Breakfast establishment; and
- (6) Condominium.

(b) "Rents" include:

- (1) Rents; and
- (2) Time share fees or dues.

(c) "Transient" means a person who occupies a public accommodation for thirty (30) consecutive days or less.

**5-09-030. Transient Room Tax Imposed.**

Pursuant to authority set forth in *Utah Code Ann.* § 59-12-352, as amended, there is hereby imposed a transient room tax of one percent (1%) on charges for the accommodations and services described in *Utah Code Ann.* § 59-12-103(1)(f), as amended, on the rent charged to transients occupying public accommodations within Farmington City in the amount of one percent (1%) of the rents charged.

**5-09-040. Quarterly Tax and Report.**

The tax imposed by this Chapter shall be due and payable on a quarterly basis on or before the 30<sup>th</sup> day of the month immediately following such calendar quarterly period. Every person or business assessed a tax hereunder shall file, together with the tax required herein, a report of such person's or business's gross revenue for the applicable quarterly period at the time payment of the tax is due.

**5-09-050. Collection of Tax by the State Tax Commission.**

Pursuant to *Utah Code Ann.* § 59-12-354, as amended, the State Tax Commission is authorized to administer, collect and enforce the municipal transient room tax in accordance with procedures set forth in Title 59, Chapter 12, Part 1, Tax Collection, or Title 59, Chapter 12, Part 2, Local Sales and Use Tax Act, and Title 59, Chapter 1, General Taxation Policies, as amended. The State Tax Commission shall distribute the revenues collected from the tax to the municipality within which the revenues were collected.

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~~subject to an administrative charge authorized pursuant to *Utah Code Ann. § 59-1-306*, as amended. The State Tax Commission shall collect all taxes and perform all functions incident to the administration and operation of this Chapter.~~

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**5-09-060. Effective Date.**

This tax shall take effect on the first day of the calendar quarter beginning at least 90 days after the date on which the Tax Commission received notice pursuant to *Utah Code Annotated § 59-12-355* that the City has enacted this ordinance.



# FARMINGTON CITY

SCOTT C. HARBERTSON  
MAYOR

JOHN BILTON  
NELSEN MICHAELSON  
CORY R. RITZ  
JIM TALBOT  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: Dave Millheim, City Manager

Date: September 20, 2012

**SUBJECT: CENTURY LINK EASEMENT REQUEST**

### RECOMMENDATIONS

Authorize the City Manager to sign the attached easement with Century Link once the following conditions have been satisfied: A) Payment of the \$1,000 easement fee, B) Filed application for an excavation permit within the public right of way with a \$1,000 refundable escrow, C) Satisfactory inspection from the Public Works Inspector that all work performed within the public right of way is completed to specifications.

Authorize the City Manager to sign the attached underground right of way easement with Rocky Mountain Power which will service the Century Link equipment.

### BACKGROUND

Under City Manager's reports at the September 20, 2012 Council meeting, it was explained that Century Link is requesting a small easement within Moon Park to place some facility controls consistent with providing high speed internet to certain areas of Farmington. The total easement area would be 142.93 square feet. Century Link has agreed to a \$1,000 charge for the easement right. Neil Miller has also reviewed the easement location and says impacts to the Park area are very minimal.

Respectfully Submitted

Dave Millheim  
City Manager

When Recorded Mail To:  
Qwest Corporation  
1425 West 3100 South  
West Valley City, Utah 84119

R/W # \_\_\_\_\_

### EASEMENT AGREEMENT

The Undersigned Grantor (and each and all of them if more than one) for and in consideration of ONE THOUSAND DOLLARS (\$1,000.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey to Qwest Corporation, a Colorado corporation, hereinafter referred to as "Grantee", whose address is 1425 West 3100 South, West Valley City, Utah 84119, its successors, assigns, lessees, licensees and agents, a perpetual non-exclusive easement to construct, reconstruct, modify, change, add to, operate, maintain and remove such telecommunications facilities and electrical facilities, and appurtenances, from time to time, as Grantee may require upon, over, under and across the following described land situated in the County of Davis, State of Utah, which the Grantor owns or in which the Grantor has any interest, to wit:

**An easement situate in the Southwest Quarter of Section 12, Township 3 North, Range 1 West, Salt Lake Base and Meridian, with said easement being further described and shown on Exhibit "A"(sheets 1 & 2), attached hereto and made a part hereof:**

**Parcel: 08-043-0036**

Grantee shall have the right of ingress and egress over and across the land of the Grantor to and from the above-described property and the right to clear and keep cleared all trees and other obstructions as may be necessary for the Grantee's use and enjoyment of the easement area.

Grantee shall indemnify Grantor for all damage caused to Grantor as a result of Grantee's negligent exercise of the rights and privileges herein granted. Grantee shall have no responsibility for pre-existing environmental contamination or liabilities.

Grantor reserves the right to occupy, use, and cultivate said easement for all purposes not inconsistent with the rights herein granted.



EXHIBIT "A"  
SHEET 1 OF 2

**EASEMENT DESCRIPTION:**

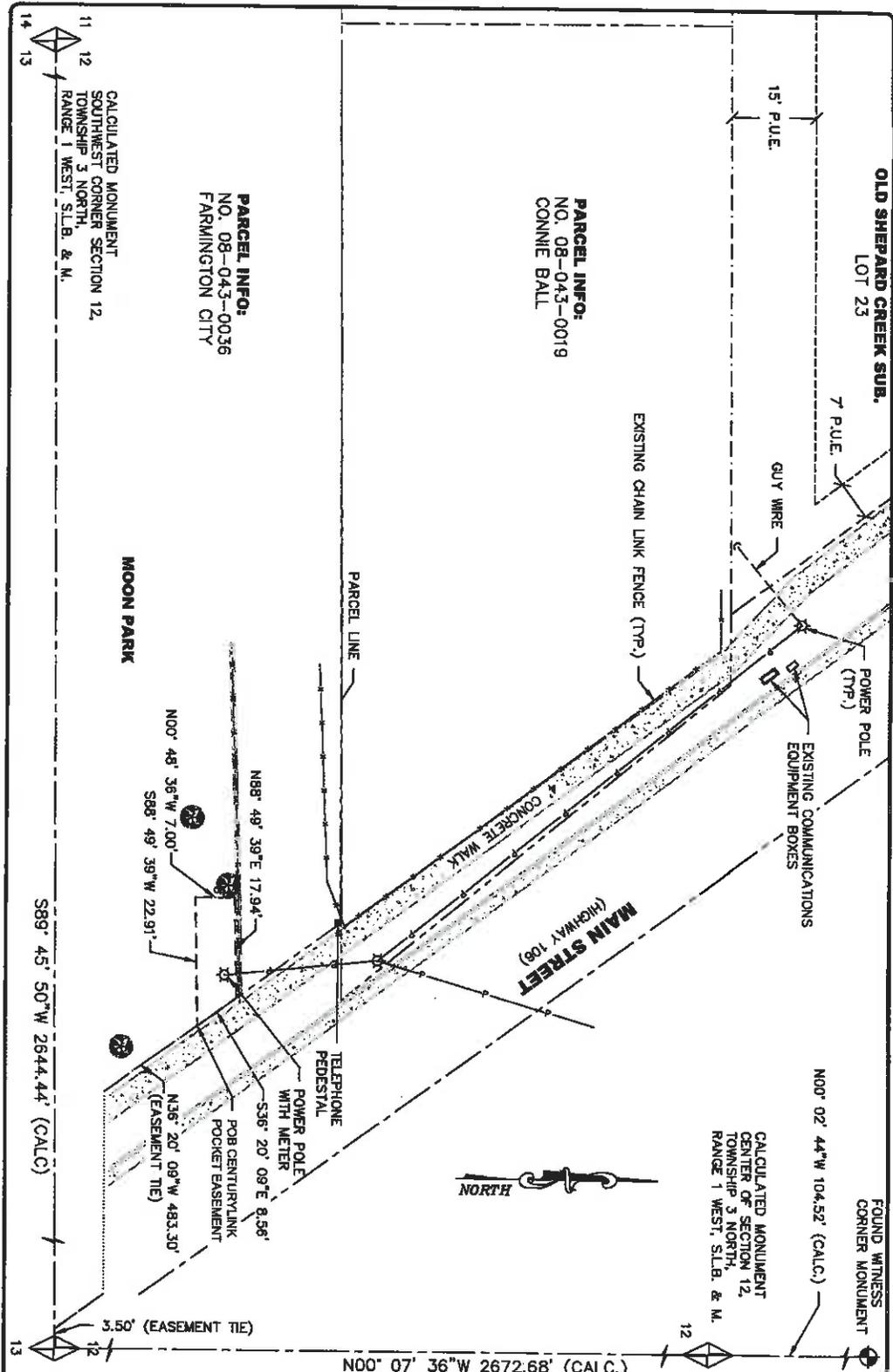
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, STATE OF UTAH, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT WHICH LIES 3.50 FEET SOUTH 89°45'50" WEST ALONG SECTION LINE AND 483.30 FEET NORTH 36°20'09" WEST FROM THE SOUTH QUARTER CORNER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 88°49'39" WEST 22.91 FEET; THENCE NORTH 00°48'36" WEST 7.00 FEET, TO AN EXISTING FENCE LINE WALL; THENCE ALONG SAID EXISTING FENCE LINE WALL NORTH 88°49'39" EAST 17.94 FEET, MORE OR LESS, TO THE WESTERLY LINE OF MAIN STREET (HIGHWAY 106); THENCE ALONG SAID WESTERLY LINE SOUTH 36°20'09" EAST 8.56 FEET TO THE POINT OF BEGINNING.

CONTAINS: 142.93 SQ. FT., 0.003 ACRES, MORE OR LESS, (AS DESCRIBED)

1 OF 2	SHEET	DATE: 08/18/12	REVISIONS:	PREPARED BY:		<b>MILLER ASSOCIATES INC.</b> 3225 WEST CALIFORNIA AVE., SUITE 202 SALT LAKE CITY, UT 84104 PH: (801) 975-1083 FAX: (801) 975-1081	SITE EXHIBIT FOR: <b>Century Link</b> 1391 NORTH MAIN ST FARMINGTON, DAVIS COUNTY, UTAH	JOB NO. 12196	SCALE: N.T.S.

# EXHIBIT "A" SHEET 2 OF 2



PREPARED BY: <b>MILLER ASSOCIATES INC.</b> 3225 WEST CALIFORNIA AVE., SUITE 202 SALT LAKE CITY, UT 84104 PH: (801) 975-1083 FAX: (801) 975-1081	<b>SITE EXHIBIT FOR:</b> <b>Century Link</b> 1391 NORTH MAIN STREET FARMINGTON, DAVIS COUNTY, UTAH
	SHEET 2 OF 2

REV031212

When recorded return to:  
Rocky Mountain Power  
Lisa Louder/  
1407 West North Temple Ste. 110  
Salt Lake City, UT 84116

Project Name: CenturyLink FTTN site: 1391 N. Main St.  
Tract Number:  
WO#:  
RW#:

**UNDERGROUND RIGHT OF WAY EASEMENT**

For value received, **Farmington City** ("Grantor"), hereby grants to PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power its successors and assigns, ("Grantee"), an easement for a right of way **7.00** feet in width and **22.00** feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of underground electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, cabinets, and vaults on, across, or under the surface of the real property of Grantor in **Davis** County, State of **Utah** more particularly described as follows and as more particularly described and/or shown on Exhibit(s) **Exhibit "A"** attached hereto and by this reference made a part hereof:

Legal Description:

**SEE EXHIBIT "A" (sheet 1&2)**

Assessor Parcel No.                    **08-043-0036**

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefor) the future right to keep the right of way clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place or store any flammable materials (other than agricultural crops), or light any fires, on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Grantor: Farmington City

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me, the undersigned Notary Public in and for said State, personally appeared \_\_\_\_\_ (representative's name), known or identified to me to be the person whose name is subscribed as \_\_\_\_\_ (title/capacity in which instrument is executed) of \_\_\_\_\_ and acknowledged to me that (he/she/they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

\_\_\_\_\_  
(notary signature)

NOTARY PUBLIC FOR \_\_\_\_\_ (state)  
Residing at: \_\_\_\_\_ (city, state)  
My Commission Expires: \_\_\_\_\_ (d/m/y)

EXHIBIT "A"  
SHEET 1 OF 2

**EASEMENT DESCRIPTION:**

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, STATE OF UTAH, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT WHICH LIES 3.50 FEET SOUTH 89°45'50" WEST ALONG SECTION LINE AND 483.30 FEET NORTH 36°20'09" WEST FROM THE SOUTH QUARTER CORNER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 88°49'39" WEST 22.91 FEET; THENCE NORTH 00°48'36" WEST 7.00 FEET, TO AN EXISTING FENCE LINE WALL; THENCE ALONG SAID EXISTING FENCE LINE WALL NORTH 88°49'39" EAST 17.94 FEET, MORE OR LESS, TO THE WESTERLY LINE OF MAIN STREET (HIGHWAY 106); THENCE ALONG SAID WESTERLY LINE SOUTH 36°20'09" EAST 8.56 FEET TO THE POINT OF BEGINNING.

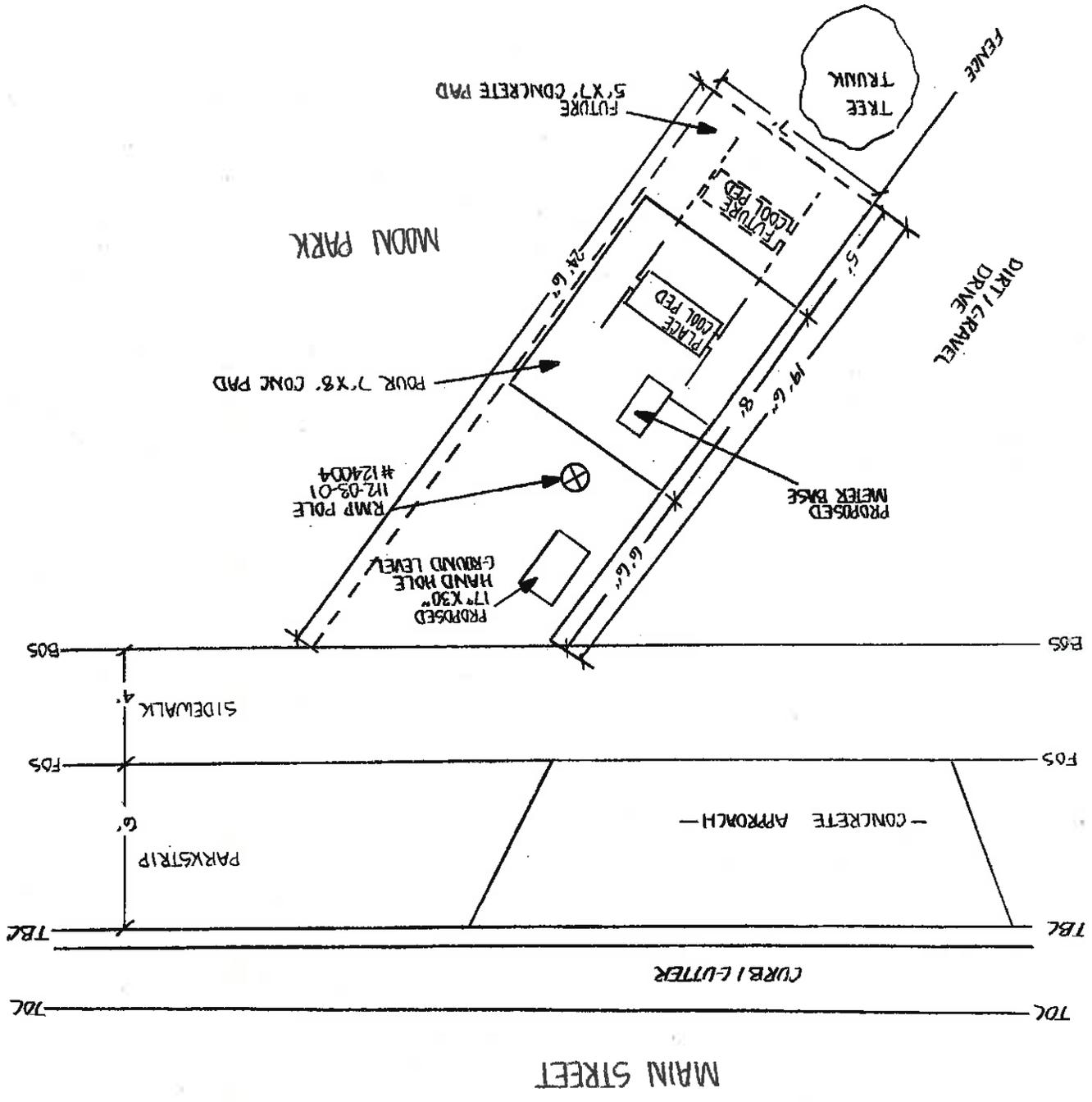
CONTAINS: 142.93 SQ. FT., 0.003 ACRES, MORE OR LESS, (AS DESCRIBED)

DATE: 09/18/12 SCALE: N.T.S.	REVISIONS	PREPARED BY:	 <b>MILLER ASSOCIATES INC.</b> 3225 WEST CALIFORNIA AVE., SUITE 202 SALT LAKE CITY, UT 84104 PH: (801) 975-1083 FAX: (801) 975-1081	 <b>SITE EXHIBIT FOR:</b> <b>Century Link</b> 1301 NORTH MAIN ST FARMINGTON, DAVIS COUNTY, UTAH	JOB NO. 121865 BY: J.A. BOG 12/15/14 CHK: S.L.B. 8/1/15
		1 OF 2 SHEET			

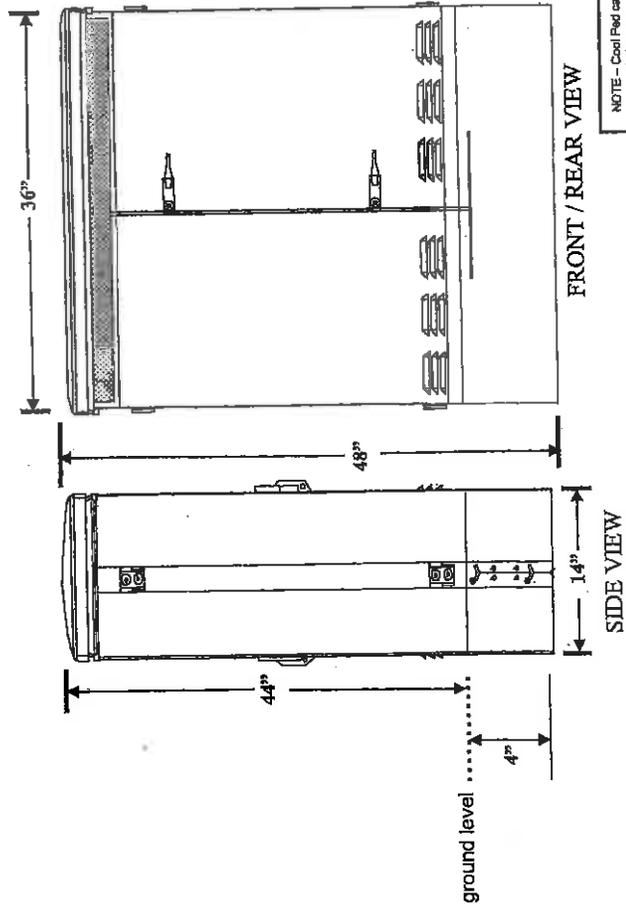




PROPOSED CENTURYLINK EASEMENT  
8.6" EAST  
19.6" NORTH  
7' WEST  
24.6" SOUTH

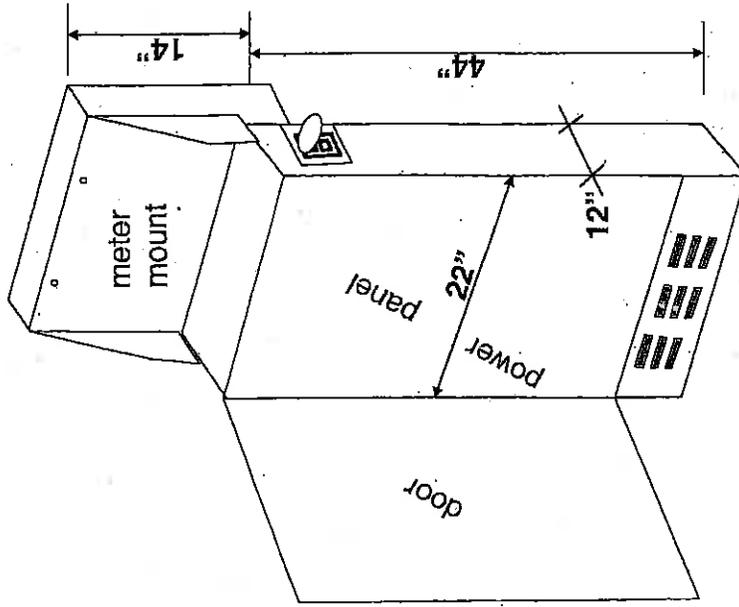


# COOL PED



NOTE - Cool Ped cabinet fitted 2" - 4" inches below ground level. Final height above ground level is 44" - 48" inches.

# Power Ped - 100 AMP



# CenturyLink – Proposed Easement in Moon Park

*Proposed easement location*



CITY COUNCIL AGENDA

For Council Meeting:  
October 2, 2012

**S U B J E C T:** Executive Summary for Planning Commission held September 13, 2012

**ACTION TO BE CONSIDERED:**

None

**GENERAL INFORMATION:**

See enclosed staff report prepared by Christy Alexander.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



# FARMINGTON CITY

SCOTT C. HARBERTSON  
MAYOR

JOHN BILTON  
NELSEN MICHAELSON  
CORY R. RITZ  
JIM TALBOT  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council  
From: Christy Alexander, Associate City Planner  
Date: October 2, 2012  
SUBJECT: EXECUTIVE SUMMARY FOR PLANNING COMMISSION ON  
SEPTEMBER 13, 2012

### RECOMMENDATION

No action required.

### BACKGROUND

The following is a summary of Planning Commission review and action on September 13, 2012 [note: seven commissioners attended the meeting—Michael Nilson, Rick Draper, Kris Kaufman, Brigham Mellor, Brett Anderson, Mack MacDonald and Brad Dutson]:

1. Leavitt Properties LLC – (Public Hearing) - Applicant is requesting a recommendation for Schematic Plan and Preliminary PUD Master Plan approval for the Kestrel Bay Townhomes PUD subdivision encompassing .775 acres and consisting of 11 units located at approximately 123 West and 620 South in an R-8 zone. (S-11-12)  
*Voted to recommend for approval, Vote: 5 – 2*  
(It was interesting to note that the two commissioners who live in Farmington Crossing (similar townhomes) were not in favor of the garages fronting the street and would like to see the garages in the rear of the development, the other five commissioners who live in single-family homes were in favor of garages in the front. The placement of the garages and amount of curb cuts and asphalt in the front were the issues of biggest debate.)
2. Howard Kent/SLI Real Estate – Applicant is requesting a recommendation for Final Plat approval for the Spring Creek Estates Phase 6 subdivision encompassing 3.01 acres and consisting of 8 lots located at approximately 1800 West 575 North in an AE zone. (S-14-11)  
*Voted to recommend for approval, Vote: 7 – 0*
3. Brad Pack – (Public Hearing) – Applicant is requesting Conditional Use and Site Plan approval for construction of Phase 2 of his Farmington Bay Storage Units on property located at 1288 South 650 West in an LM&B zone. (C-20-11)  
*Voted to approve, Vote: 7 – 0*

4. Mikell Webb – (Public Hearing) – Applicant is requesting Conditional Use approval for the operation of a dance studio in her home on property located at 746 South Hollie Avenue in an LR-PUD zone. (C-10-12)  
*Voted to approve, Vote: 7 – 0*
  
5. Farmington City – (Public Hearing) - Applicant is requesting a recommendation to amend the Zoning Ordinance and the Scenic By-way Overlay Zone regarding electronic message signs. (ZT-3-12 & ZT-7-12)  
*Voted to recommend for approval, Vote: 7 – 0*

Respectfully Submitted



Christy Alexander  
Associate City Planner

Review & Concur



Dave Millheim  
City Manager

CITY COUNCIL AGENDA

For Council Meeting:  
October 2, 2012

**S U B J E C T:** Retreat Format and Topics List

**ACTION TO BE CONSIDERED:**

None.

**GENERAL INFORMATION:**

Discussion Only. See enclosed staff report prepared by Dave Millheim.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



# FARMINGTON CITY

**SCOTT C. HARBERTSON**  
MAYOR

**JOHN BILTON**  
**NELSEN MICHAELSON**  
**CORY R. RITZ**  
**JIM TALBOT**  
**JAMES YOUNG**  
CITY COUNCIL

**DAVE MILLHEIM**  
CITY MANAGER

## City Council Staff Report DISCUSSION ONLY

To: Honorable Mayor and City Council

From: Dave Millheim, City Manager

Date: September 25, 2012

SUBJECT: **RETREAT FORMAT and TOPICS LIST**

### RECOMMENDATIONS

Provide input on any suggested topics not listed for the City Council Retreat.

### BACKGROUND

The City Council has set October 26-27 for a Retreat. This will take place at my cabin located in Fruitland, Utah starting at 5PM. If the Council wants to start earlier in the day, we should decide on a time and plan accordingly. Directions are attached. Dinner will be served at 6PM and it is a little less than a two hour drive from Farmington. Friday evening will be social in nature with discussion topics being addressed starting at 9 AM Saturday morning. We will break for lunch at noon resuming discussion at 1PM until no later than 3 PM. You are welcome to stay and fish or ride ATV's or just relax until later that evening. The City will be providing dinner, breakfast and lunch. Spouses are welcome to attend but I need a head count by the Oct. 16<sup>th</sup> Council meeting so we can plan for the food and lodging. Only Keith Johnson and I will attend from the staff. We will be noticing and taping the Saturday discussion as required by State Law.

The primary goal of this retreat is to address those half dozen or so larger projects looming on the horizon and to prioritize them. Staff heard in recent discussions that the City Council is pretty comfortable with day to day operations of the City but not sure how some of these larger projects fit into the planning horizon. The goal of this retreat is neither budget review nor strategic planning. Those topics are covered in a work session format every other February with next year's focus being a dust down of the Strategic Plan since we did the budget update in 2012.

Staff has come up with the attached list of topics which we feel deserve more attention. Some of these also were suggested by Council members. These are prioritized in the order we plan to address them at the Retreat. Please review the topics and let us know if there are any additional items we should add or delete from the list. We will likely be providing some detailed background material for some of these topics in your retreat packet. At the October 2<sup>nd</sup> Council meeting, we will not be going into a detailed discussion of any of these items but just making sure we have a complete list of topics so we can be prepared for a productive discussion. I would also suggest we keep the list of topics to ten or less. Some could take just a few minutes to explain and discuss but others could require a more detailed discussion. Also remember there is a high probability that many of these topics will come back before the City Council in work session formats in the future as the detail is developed and considered.

In preparing for this retreat, I came across a summary memo I prepared for the Council a little over one year ago detailing things I identified as important from discussions with many employees and stakeholders within the Community. Those summary points provide a little historical context of things we identified in the transition of the past almost two years. The summary points from that report are shown in **BOLD** with additional comment added, if needed.

- **There was a great deal of concern with the changes of a new City Manager and Fire Chief.**
- **We have great employees and they are our most important asset. It takes many players working in harmony to keep the City running smoothly.** This is a continuing concern which will be more pressing in the years to come.
- **The City has done many things right.** In terms of living within our means during a tough economic cycle, we have done real well in the past. We have a few big things (i.e. fire department staffing, Regional Park) that will have long lasting ramifications which should be carefully addressed.
- **The “TO DO” list is actually smaller than I expected and not that complicated.** The day to day list stays pretty small but we are not giving enough attention to the long range items which have multiple ripple effects if left unattended.
- **We need to do a better job of tracking projects and consistent application of City rules, procedures and ordinances.** We are about one-third through the codification update and this will take about another year to finish at current rates.
- **We have no forecasting models for revenues and expenditures.** With completion of the Doug MacDonald study last year, we gained a good forecasting tool which we should use in the years ahead, particularly as we address long term staffing or maintenance issues.
- **We need to do a better job at all levels of the organization with communication.** I think we are getting better at this but it takes constant effort. I go out of way to return every media information request and calls or emails from citizens. I also think the staff is more sensitive to the public communication cycle than in the past.

The "Farmington Way" is one of consensus and civility. Different opinions are okay and should be expressed and fostered. Staff's goal for the Retreat is not to achieve unanimous consent of all the suggested topics but to create a forum wherein we start to prioritize the topic list. There will be a tendency at the Retreat to get way down in the weeds and detail of each issue. I would caution against this natural tendency as we are not trying to have everything figured out by Saturday at 3PM. We are trying to make sure that major issues facing the city are listed so we can better allocate time, attention and budgets.

Questions I would ask as we discuss each topic should be:

1. How does this new request fit into the priorities already in place?
2. Will the resources being expended now or in the future further our service mission?
3. Are we assuming an unfunded headache?
4. What is going to slip in priority (if any) with the addition of the new task?
5. Does the new task create an unmanageable pressure on staff?

Thank you for your consideration of these matters.

Respectfully Submitted

A handwritten signature in cursive script, appearing to read "Dave Millheim".

Dave Millheim  
City Manager

## SUGGESTED RETREAT TOPICS

Status of Justice Court

Future Fire Department Staffing

Regional Park and/or Recreation Center game plan

Redo of Capital Improvement Program as related to Impact Fees

Future Business Park planning

Revaluation of open space/density ordinance

Cost benefit studies to evaluate transition full time City Engineer and City Attorney

Lighting on State and Main

Tree Program for Major Streets

Water Projects – Tank and Water Lines

## CITY COUNCIL AGENDA

For Council Meeting:  
October 2, 2012

### **SUBJECT: City Manager Report**

1. Building Activity Report for August
2. Maughan Home Demo Request

**NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.**

Month o August 2012	BUILDING ACTIVITY REPORT - JULY 2012 THRU JUNE 2013				
RESIDENTIAL	PERMITS THIS MONTH	DWELLING UNITS THIS MONTH	VALUATION	PERMITS YEAR TO DATE	DWELLING UNITS YEAR TO DATE
<b>NEW CONSTRUCTION *****</b>					
SINGLE FAMILY	43	43	\$7,332,152.00	61	61
DUPLEX					
MULTIPLE DWELLING					
OTHER RESIDENTIAL	3	3	\$300,000.00		
<b>SUB-TOTAL</b>	<b>46</b>	<b>46</b>	<b>\$7,632,152.00</b>	<b>61</b>	<b>61</b>
<b>REMODELS / ALTERATION / ADDITIONS *****</b>					
BASEMENT FINISH	1		\$8,040.00	1	
CARPORT/GARAGE	1		\$11,624.00	2	
ADDITIONS/REMODELS	2		\$117,712.00	13	
SWIMMING POOLS/SPAS				1	
OTHER (water heater, water meter, furnace)	9		\$49,980.00	10	
<b>SUB-TOTAL</b>	<b>13</b>		<b>\$187,356.00</b>	<b>27</b>	
<b>NON-RESIDENTIAL - NEW CONSTRUCTION *****</b>					
COMMERCIAL (shell only)	2		\$133,853.83	2	
PUBLIC/INSTITUTIONAL					
CHURCHES					
OTHERS				6	
<b>SUB-TOTAL</b>	<b>2</b>		<b>\$133,853.83</b>	<b>8</b>	
<b>REMODELS / ALTERATIONS / ADDITIONS - NON-RESIDENTIAL *****</b>					
COMMERCIAL/INDUSTRIAL	3		\$417,750.00	34	
OFFICE	1		\$10,000.00	1	
PUBLIC/INSTITUTIONAL					
CHURCHES					
OTHER					
<b>SUB-TOTAL</b>	<b>4</b>		<b>\$427,750.00</b>	<b>35</b>	
<b>MISCELLANEOUS - NON-RESIDENTIAL *****</b>					
	4		\$3,829.80	4	
<b>SUB-TOTAL</b>	<b>4</b>		<b>\$3,829.80</b>	<b>4</b>	
<b>TOTALS</b>	<b>69</b>	<b>46</b>	<b>\$8,384,941.63</b>	<b>135</b>	<b>61</b>

\\Farmfs\users\Melissa\BUILDING DEPT\BLDG ACTIVITY REPORTS\Building Activity Report August 2012

CITY COUNCIL AGENDA

For Council Meeting:  
October 2, 2012

**SUBJECT: Mayor Harbertson & City Council Reports**

**NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.**