



Farmington City Planning Commission

August 21, 2014



FARMINGTON CITY

H. JAMES TALBOT
MAYOR

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

DAVE MILLHEIM
CITY MANAGER

AGENDA **PLANNING COMMISSION MEETING** **August 21, 2014**

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

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

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

1. Minutes
2. City Council Report

SUBDIVISION APPLICATIONS

3. Jerod Jeppson/Norm Dahle – Applicant is requesting a recommendation for Final Plat approval for the Silverleaf Subdivision (7 lots) on 5.21 acres located at approximately 1505 North 1500 West in an LR Zone. (S-16-13)
4. Michael Fisher/Brent Stephens (Public Hearing) – Applicant is requesting a recommendation for plat amendment and minor subdivision (lot split) approval for property (.5 acres) located at approximately 515 North Main in an OTR (Original Townsite Residential) Zone. It is proposed that the new, or westerly lot be added to the Grove P.U.D. (S-9-14)

CONDITIONAL USE AND SITE PLAN APPLICATIONS

5. Dave Cowley/Ivy Properties (Public Hearing) – Applicant is requesting conditional use/site plan approval, and metes and bounds subdivision (lot split) related thereto for the Indulgent Foods Office Building on 1.55 acres located at 228 South 200 West in a BP (Business Park) Zone. (S-8-14, SP-2-14)
6. James Larkin (Public Hearing) – Applicant is requesting conditional use permit approval for a wholesale greenhouse garden center and nursery on property (3.68 acres) located at 925 North 1525 West in an A (Agricultural) Zone. (C-16-14)

ZONE TEXT CHANGE

7. Todd Gibbs – Applicant is requesting a recommendation to amend Chapter 15 of the Zoning Ordinance to allow a recreation equipment rental business as a permitted or a conditional use in the BR Zone. (ZT-8-14)
8. Farmington City – Applicant is requesting a recommendation to amend Chapters 10, 11, 12, and 28 of the Zoning Ordinance regarding conventional and conservation subdivision standards, and transfer of development rights (TDR). (ZT-3-14)

OTHER BUSINESS/SPECIAL EXCEPTION

9. Miscellaneous, correspondence, etc.
 - a. Zone Text Change of Permitted and Conditional Uses in BR Zone (Discussion Only)
 - b. Other
10. Motion to Adjourn

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

Posted August 15, 2014



Eric Anderson
Associate City Planner

**FARMINGTON CITY
PLANNING COMMISSION MEETING
August 7, 2014**

STUDY SESSION

***Present:** Commissioners Heather Barnum, Kent Hinckley, Kris Kaufman, Mack McDonald and Rebecca Wayment, Alternate Commissioner Karolyn Lehn, Associate City Planner Eric Anderson and Recording Secretary Heidi Gordon. Chairman Brett Anderson and Alternate Commissioner Michael Nilson were excused.*

The Commissioners did not have any changes to the July 10, 2014 Planning Commission meet minutes.

Item #3. Jared Darger – Requesting Recommendation for Zone Change

Eric Anderson said the applicant is looking to expand the Meadow View Subdivision into Phase II. A few months back, the applicant was ready to submit his application for Phase II, but the LDS Church was looking to build a church on his property. The Church withdrew their request when Church policies changed. As a result, the City Council voted to grandfather the applicant's subdivision request prior to the moratorium that's currently in place. **Eric Anderson** also provided the Commissioners with the concept of Phase II, but clarified that the only thing being voted on for the evening was the zone change from A (Agriculture) to AE (Agriculture Estates), which is consistent with the surrounding area.

Item #4. Phil Holland – Requesting Recommendation for Zone Change

Eric Anderson said this item is similar to item #3. The requested zone change from A (Agriculture) to LR (Large Residential) is consistent with the surrounding area and with the General Plan. The applicant also provided a concept plan, but again, only the zone change is before the Commission for the evening.

Item #5. Farmington City – Requesting Recommendation to Amend Chapter 18 Regarding the Regulating Plan

Eric Anderson said this is an addition to the previous amendment that was approved in the July 10, 2014 Planning Commission meeting. The addition includes Spring Creek and Haight Creek. Staff also said they have not talked with the property owner as was listed as a condition in the previously approved motion. Although this change will not affect the property owner, staff recommended to still include contacting the property owner as part of the motion.

Item #6. Todd Gibbs – Requesting Recommendation to Amend Chapter 15 Regarding Allowed Uses in the BR Zone.

Eric Anderson said this is a request for a zone text change as the applicant wants to rent outdoor recreational vehicles, but the use is not included as a permitted or conditional use for the BR Zone. The applicant is looking to lease the HHI Engineering Building as there is a big yard that was previously used to store construction type vehicles. The applicant may have the option to rent a

piece of the old K-Mart building; however, he would have to make significant renovations to make it fit his needs; the HHI Engineer building would not need any improvements prior to him opening his business.

Item #7. Farmington City – Requesting Recommendation to Amend Chapters 10, 11 and 12 Regarding Conservation Subdivisions

Eric Anderson explained that after two separate work groups, the changes to the ordinance are close. The biggest different between the two work groups was the waiver. Some Commissioners felt the waiver may still serve a purpose. The Commissioners discussed whether keeping the waiver is beneficial. Many Commissioners felt if there is a waiver available, it will be all the developer will request so they feel the waiver should be removed from the ordinance. The Commissioners and staff also discussed the threshold for qualifying for Conservation Subdivisions. Many felt that 5 acres was adequate to require a 1 acre park; others felt 10 acres for a 1 acre park was sufficient.

REGULAR SESSION

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

#1. Minutes

Heather Barnum made a motion to approve the Minutes from the July 10, 2014 Planning Commission meeting. **Karolyn Lehn** seconded the motion which was unanimously approved.

#2. City Council Report

Eric Anderson gave a report from the City Council meeting on August 5, 2014. There was a small piece of property in Kaysville owned by, and a part of the Tanner property. With the development of the Cottages at Farmington Hollow, both cities felt that small piece of property would be best served in Farmington so a boundary adjustment with Kaysville took place. Meadow View Phase II was grandfathered in prior to the moratorium as discussed in the Study Session; the application will now be considered under the old Conservation Subdivision ordinance. **Mack McDonald** asked for more information regarding the Bond that was discussed at the meeting. **Eric Anderson** stated the bond is for a gymnasium that will be built in conjunction with the new elementary school, but will be shared with the Parks department for basketball leagues. The resolution that was approved will now allow for an election to request the bond and RAP tax.

REZONE APPLICATIONS

#3. Jared Darger (Public Hearing) – Applicant is requesting a recommendation for a zone change on property located at 1725 W. 450 N. from A (Agriculture) to AE (Agriculture Estates for 8.89 acres. (Z-1-14)

Eric Anderson said the applicant previously developed Meadow View Phase I and is now ready to move on to Phase II. The application was grandfathered in under the previous Conservation Subdivision ordinance as was discussed during the Study Session. The property is currently zoned A, but the applicant is requesting to rezone the area to AE which is consistent with the surrounding areas.

Micah Peters, 732 E. Northcrest Dr., Salt Lake City, CEO of Clear Water Homes, provided more information on why the application was grandfathered in under the previous Conservation Subdivision ordinance. He explained the LDS Church was wanting to build a stake center on the property which delayed the application. Just before finalization, the Church decided not to build the stake center. They are proposing larger lots and high value homes.

Mack McDonald opened the public hearing at 7:16 p.m.

Garrett Biesinger, 1786 W. Spring Meadow Lane, lives adjacent to the property requesting to be rezoned. He stated he is opposed to the development. He reviewed Farmington City's General Plan which includes the desire to preserve the quality of life, open space and more; he does not feel this is congruent with the goals the City has set forth. Since he has lived in Spring Creek, he has seen many areas that were set aside as open space be rezoned and built on.

Mack McDonald closed the public hearing at 7:18 p.m.

Heather Barnum asked if the Commission is approving the rezone and not the concepts provided by the applicant. **David Petersen** said yes, a rezone does not need to be submitted with the Schematic Plan, although, historically the Commission asks to review the Schematic Plan with the rezone request. He also added the City Council chose to grandfather the applicant in under the previous Conservation Subdivision standards because the applicant was ready to submit the plans months ago; however, the request from the LDS Church halted the application.

Kris Kaufman address Mr. Biesinger's concern regarding the open space. He explained that much of the open land is privately owned and it is a property owner's right to develop as they choose. For the meeting tonight, the applicant is requesting a rezone of the property. The City will send out notices when the actual subdivision Schematic Plan is presented to the Commission. **Kris Kaufman** advised Mr. Biesinger to return to express concerns with the proposed subdivision at that time.

Heather Barnum asked if this subdivision is under an HOA. **David Petersen** said it could be if the applicant chooses to do so.

David Petersen explained a rezone can happen without the Schematic plan, but the Commission typically likes to review both congruently. Applicants often also like the rezone and schematic plan processes to move together because it results in two public hearings instead of four. He recommended tabling the item until the Schematic can be presented together; however, the current concept may provide an adequate case study for later in the meeting when reviewing the proposed changes to the Conservation Subdivision ordinance.

Motion:

Rebecca Wayment made a motion that the Planning Commission table the rezone until it returns with the Schematic Plan which will include the proposed layout of the subdivision and plans for the open space and that when it does return to the Planning Commission, the posting sign for the

public hearing will be placed in a visible, drivable area. **Heather Barnum** seconded the motion which was unanimously approved.

Item #4. Phil Holland (Public Hearing) – Applicant is requesting a recommendation for a zone change on property located at 86 W. 1600 S. from A (Agriculture) to LR (Large Residential) for approximately 5 acres. (Z-2-14)

Eric Anderson said this property is located just east of the Frontage Road, on 1600 South street. He explained the property is currently several parcels owned by the Parker family and is zoned A. Rezoning the property to LR is consistent with the surrounding areas and with the General Plan. The applicant is proposing lot sizes larger than 10,000 sq. ft.

Phil Holland, 579 E. Gentile St., Layton, said the neighboring Tuscany Village PUD and nearby subdivisions in Centerville are all 9,000 sq. ft. and smaller. He has had several requests for new homes on larger lots. He would like to fit a specific market niche with homes on lot sizes ranging from approximately 14,000 sq. ft. to 20,000 sq. ft. He feels this small subdivision will complete the neighborhood.

Mack McDonald opened the public hearing at 7:44 p.m.

David Koerner, 1620 S. 10 W. lives in Lot 1 in the Tuscany Village PUD and is also on the HOA Board for Tuscany Village. He stated the HOA does not have any concerns with what is being proposed and feels it will be an improvement to what is currently on the property. He asked about a neighboring parcel where large amounts of dirt were being moved around and if it is associated with this project. He also asked if there are any plans by the City for a sound wall extension for the area.

David Petersen said the parcel with the large amounts of dirt is not associated with this project, any movement in dirt must be by the property owner. As for the sound wall, **David Petersen** said that is a question for UDOT as it would likely not be funded by the City.

Mack McDonald closed the public hearing at 7:49 p.m.

Rebecca Wayment asked if this applicant is requesting a Conservation Subdivision. **David Petersen** clarified that the application is a rezone request as he cannot submit a subdivision application until after the pending legislation; however, the concept the applicant provided can be as an additional case study when reviewing the proposed changes to the Conservation Subdivision ordinance.

Rebecca Wayment added that she feels the provided concept is what they, as the Planning Commission, are looking for with new subdivisions for the City. She feels that Chapter 12 of the Zoning Ordinance regarding Conservation Subdivisions should direct developers to create similar subdivisions that have larger lots and lower density.

The Commissioners discussed potential motions. If approved, the applicant could change the concept. If the item was tabled, it would allow time for the Commission to come to a final decision on the amendment changes of the ordinance regarding Conservation Subdivisions. **David Petersen** stated historically no area east of I-15 has never not been rezoned LR by the Planning Commission so the request is consistent with the surrounding areas.

Some Commissioners were comfortable with the rezone as it is consistent with the surrounding areas and with the General Plan. Others were uncomfortable with approving the rezone without the Schematic Plan; however, until the Commission amends the zone text change regarding Chapter 12, the applicant cannot return with the Schematic Plans.

Motion:

Kent Hinckley made a motion that the Planning Commission recommend that the City Council rezone the property as requested. **Kris Kaufman** seconded the motion which was approved by Karolyn Lehn, Kent Hinckley, Kris Kaufman and Mack McDonald. Heather Barnum and Rebecca Wayment denied the motion. The motion passed.

Findings:

1. The proposed rezone is consistent with the General Plan.
2. The proposed rezone is consistent with the zoning for the surrounding area.
3. The proposed rezone will better enable other property owners to also rezone their property to LR in the future.

ZONE TEXT CHANGES

Item #5. Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend Chapter 18 of the Zoning Ordinance regarding the Regulating Plan. (ZT-7-14)

Eric Anderson said in the previously approved zone text change for Chapter 18 in the July 10, 2014 meeting, the open space corridors for the Haight Creek and Spring Creek were not included. The plans now incorporate the two open space corridors as well as a few road network designs to accommodate those corridors. It is the same regulating plan that was previously approved except with those minor changes.

Kent Hinckley asked for more information on how the Regulating Plan is used. **Eric Anderson** explained the Regulating Plan shows the road network for the property near Station Park, the Park Lane apartments and the surrounding OMU zone. Although developers are not bound by the Plan, it does provide guidelines for how the City would like the road network to be.

Mack McDonald opened the public hearing at 8:17 p.m.

Garrett Biesinger, 1786 W. Spring Meadow Lane, asked staff where the Regulating Plan can be found. **Eric Anderson** showed Mr. Biesinger where it is located under Chapter 18 on the City's website.

Mack McDonald closed the public hearing at 8:19 p.m.

David Petersen recommended the Commissioners use the same motion and findings that was approved on the July 10, 2014 meeting.

Motion:

Kris Kaufman made a motion that the Planning Commission recommend approval of the attached draft of Chapter 18 of the amended Regulating Plan from Chapter 18 with the condition that the property owner be notified of the proposal prior to it being heard by the City Council. **Rebecca Wayment** seconded the motion which was unanimously approved.

Findings for Approval:

1. This area must be rezoned to accommodate development, which also means updating the Regulating Plan.
2. The block sizes are consistent with the requirements as found in Chapter 18.
3. The layout of the major streets have been reviewed by the traffic engineer and comply with the City's Master Transportation Plan for the area.

Item #6. Todd Gibbs (Public Hearing) – Applicant is requesting a recommendation to amend Chapter 15 of the Zoning Ordinance regarding allowed uses in the BR Zone. (ZT-8-14)

David Petersen showed an aerial map of the building the applicant is looking to lease. The building was occupied by HHI Corporation, which was an engineering and construction company. The back of the building is a large yard where construction equipment was stored. Prior to 1994, the area was zoned C2, which allowed for contractors. After 1994, the area was rezoned to BR. Once the non-conforming business moves, the rights cease after 12 months. The applicant is proposing a recreational vehicle rental and equipment business as shown in the staff report. Staff provided the Commission with the permitted and conditional uses within the BR zone for review.

Kent Hinckley asked for further clarification on what is considered "low impact retail" as listed under permitted use (9). **David Petersen** said there is no definition for low impact retail, but other uses listed as low impact are traditional neighborhood business that you can walk to and could park along the street. **Kent Hinckley** feels the proposed business could arguably be defined as a lower impact retail than others listed like a bakery. **Kris Kaufman** said that although the rental business may have less foot traffic, there will be higher traffic volume as the rental equipment must be picked up and returned.

Kris Kaufman asked staff, in the event the Commission does choose to approve it, should the rental business be listed as a permitted or conditional use. **David Petersen** recommended the recreational vehicle and equipment rental be listed as a conditional use. **Kris Kaufman** added that if approved, it should be listed as recreational vehicle and recreational vehicle equipment rental.

Todd Gibbs, 595 W. 350 S. is a partner of Trax Powersports Rentals. There is currently a rental store in Morgan. He would like to open another store in Farmington and then franchise the business out nationwide. He said currently there is a decline in recreational vehicle purchases as they are too expensive to buy. He plans to store approximately 15 pieces of equipment at any given time. The HHI building has a large lot in the back where equipment can be stored and has a pull through to the lot which would allow for easy pick up and unload.

Karolyn Lehn asked the applicant if he has looked at any other options for his business in Farmington. **Todd Gibbs** said the mayor and staff recommended looking at the old K-Mart building; however, there would be a lot of changes that would need to be made in order to accommodate his business. The HHI building would be ready immediately.

Heather Barnum asked the applicant why he chose Farmington as a place for his location. **Todd Gibbs** said he is a resident of Farmington and would like to support the community by bringing

his business here. He also feels that Farmington is a gateway to many areas that allow for outdoor activities. Also, for boat rentals, all locations are located in UT County and nothing closer.

Rebecca Wayment asked if there is access to the back lot from Main Street or if the only access is from State Street. **Todd Gibbs** said there is a small alley way that would fit a car, but not a trailer for the equipment. Vehicles would have to travel through the Wells Fargo parking lot. **Kent Hinckley** asked if he has obtained access rights to that parking lot. **Todd Gibbs** said yes, the building owner has legal easements to access that parking lot.

Rebecca Wayment also asked if there is enough space to place a recreational vehicle in the front as advertising for the rental business. **Todd Gibbs** said yes, there is a large cement parking strip that can fit a recreational vehicle, and they would like to place one there as advertisement. **Eric Anderson** said the applicant may be permitted to do so.

Mack McDonald opened the public hearing at 8:43 p.m.

No comments were received.

Mack McDonald closed the public hearing at 8:43 p.m.

Mack McDonald asked staff for further information as to if the applicant is permitted to park equipment on the parking strip. **David Petersen** said that although UDOT owns the right of way, many business have and do display items on the parking strip. He added the parking strip is approximately 15' wide, with an additional 5' of side walk and another 5' to the building. If equipment was to be parked there, pedestrians would still have room to walk.

David Petersen also advised the Commission, if approval is considered, to add reasonable conditions for lighting the back yard where the equipment will be stored as there are homes in close proximity.

Kent Hinckley asked staff for clarification on what determines a permitted use verses a conditional use in the BR zone. **David Petersen** said conditional uses are basically permitted uses with conditions placed on them. An example of an appropriate condition would be a condition regarding the lighting as previously discussed. **Kris Kaufman** is concerned with making the recreational vehicle rental a permitted use as it would then apply to all others within the BR zone.

Kris Kaufman likes the business model, the convenience and that the applicant is a Farmington resident. He expressed concerns with the business being located on Main Street and is concerned a permitted business like this could have long-term implications.

Heather Barnum stated she does not feel this is an appropriate business to be located on Main Street and would not like equipment displayed along the front of the store. **Kent Hinckley** agreed he did not like the equipment displayed outside. **Rebecca Wayment** also agreed that displayed equipment would be distracting and not conducive to what she feels Main Street should be for Farmington.

The Commissioners discussed different motion options. **Kris Kaufman** suggested tabling the item if the Commission is unsure about the business being located on Main Street. **Rebecca Wayment** and **Heather Barnum** felt that tabling the item would not change their opinion or concerns. **Kent Hinckley** suggested adding it as a conditional use so conditions would restrict others with similar businesses within the BR zone. He also added that he does not feel this use is worse than many of

the others that are already permitted as there will not be any more traffic, people or cars than the approved uses.

Karolyn Lehn added that she does not feel it may be the best fit as the business would be located across from a school crossing. She feels many that are renting vehicles may not be as experienced with the recreational vehicles and may pose a threat.

Heather Barnum made a motion to recommend denial of the zone text change and **Karolyn Lehn** seconded it. The Commissioners discussed the motion. **Kris Kaufman** feels his decision would change if this really is the only location that fits the applicant's needs. **Mack McDonald** agreed; although he would like to see a bakery type shop along Main Street in Farmington, that is not being presented and he feels this is a business that could succeed in Farmington. **Heather Barnum** expressed concern that if the item was tabled to allow the applicant to rule out any other business locations, the applicant may not be motivated to try other options.

Kris Kaufman asked the applicant if he would prefer the item be tabled or denied. **Mack McDonald** also clarified that the Planning Commission is a recommending body to the City Council; City Council would have the final decision. **Todd Gibbs** would prefer the item be tabled than it be denied. **Rebecca Wayment** expressed concern if the item is tabled, the same concerns will be presented at the next Planning Commission meeting.

Upon voting on the item being recommended for denial, **Heather Barnum, Karolyn Lehn** and **Rebecca Wayment** approved the motion; **Kent Hinckley, Kris Kaufman** and **Mack McDonald** denied the motion. The motion did not pass due to the tie-vote.

Kris Kaufman made a motion that the Planning Commission table the item until the next Planning Commission meeting with direction to the applicant to vet out the K-Mart option and to try and make it work. **Rebecca Wayment** seconded the motion. Upon voting, **Kent Hinckley, Kris Kaufman** and **Mack McDonald** approved the motion; **Heather Barnum, Karolyn Lehn** and **Rebecca Wayment** denied it. The motion again failed due to the tie-vote.

Upon review of the bi-laws, **David Petersen** said if a motion fails due to two tie-votes, then the item will automatically continue to the next Planning Commission meeting.

Item #7. Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend Chapters 10, 11 and 12 of the Zoning Ordinance regarding Conservation Subdivisions. (ZT-3-14)

David Petersen reviewed what the Commissioners discussed in the two study sessions and the last Planning Commission meeting. It was determined that on the west side of Farmington, there would be a conservation overlay around the lake and the bay areas and that parcels that were 5 acres or larger would be considered a Conservation Subdivision and would require a one acre park. It was determined on the east side, parcels that were 10 acres would require a one acre park. He showed on the map what areas on the east side would be considered in the conservation overlay. He also added that although the first study session did not want the waiver, the second session wanted to keep the waiver in the event it may be needed in the future.

David Petersen stated one of the goals of Farmington is that all residents be within ½ mile to a park and that the park have access to at least 1,000 people. He showed various maps showing the city parks, private/quasi parks, school district and county parks, trails and conservation easements. In comparison to other cities, Farmington has access to significant amounts of open space.

Staff and the Commissioners discussed different lot size thresholds under different scenarios, including item #4 for the evenings' agenda. **Rebecca Wayment** felt item #4 was the first development in years to come before the Commission requesting lot sizes over 10,000 sq. ft. She would like to explore options to encourage other developers to create similar projects.

Mack McDonald opened the public hearing at 9:46 p.m.

Garrett Biesinger, 1786 Spring Creek, stated he is not in favor of higher density housing. He moved to Farmington with certain assumptions that the City would maintain areas of open space. He would like the City to continue maintaining as much open space as possible.

Mack McDonald closed the public hearing at 9:47 p.m.

David Petersen stated that lot sizes of 10,000 sq. ft. and smaller is the norm for much of Farmington. The market is demanding smaller lots. **Rebecca Wayment** feels it is a cycle; down the road there will be a demand again for larger lots, mature trees, etc. She does not want Farmington to have the look and feel of areas similar to Foxboro in North Salt Lake.

David Petersen asked if the Commission would like 5 acres or 10 acres for a requirement of a one acre park. **Kris Kaufman** likes the 10 acre requirement; however, his area is currently not within ½ mile to a park. He suggested adding the conservation overlay zone to areas that are underserved by a park. The Commission agreed it would be good to include the underserved areas in the conservation overlay.

Kris Kaufman feels that there may be times when a waiver is necessary for a developer as there may be times when a developer is trying to make a development work, but a TDR may be too costly for the project. **Kent Hinckley** is also concerned with removing the waiver completely as he feels the Commission may not see every situation when it may be needed. He is unsure how to word the ordinance so the waiver does not continue to be the norm for all developers' applications.

David Petersen stated the City attorney can help with language of the ordinance to ensure it does not become the norm. **Eric Anderson** explained the ordinance already reads, "based on specific special circumstances."

Staff and the Commissioners continued to discuss the waivers. All felt there needed to be a change. **David Petersen** suggested adding a two-step process to a waiver approval which would give Commissioners better guidelines in determining when to approve a waiver. **Heather Barnum** still felt that if a waiver was available, developers would find a way to request it. **Rebecca Wayment** added that in the event the Commission finds many developers have a need for a waiver, it can be added back to the ordinance.

David Petersen took a poll of which commissioners wanted the waiver to remain in the ordinance. **Kent Hinckley** wanted to keep the waiver, but **Heather Barnum**, **Kris Kaufman**, **Mack McDonald** and **Rebecca Wayment** wanted the waiver removed; **Karolyn Lehn** wanted to see what a two-step approval process would look like before determining removal of the waiver. **David Petersen** will move forward with the final draft of the ordinance with the waiver removed.

Motion:

Heather Barnum made a motion that the Planning Commission table the item until the August 21, 2014 Planning Commission meeting when the Commission is able to review the final draft of the ordinance. **Rebecca Wayment** seconded the motion which was unanimously approved.

ADJOURNMENT

Motion:

At 10:30 p.m., **Heather Barnum** made a motion to adjourn the meeting which was unanimously approved.

Mack McDonald
Farmington City Planning Commission

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 work session will be to discuss the Trap Neuter Return program and get an update from the Communications Committee. 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, August 19, 2014, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

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

The agenda for the meeting shall be as follows:

CALL TO ORDER:

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

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS

7:05 Executive Summaries for Planning Commission held July 29, 2014 and August 7, 2014

PUBLIC HEARINGS:

7:10 Local Consent for SteelFist Fight Night LLC Event Permit "Temporary Beer"

PRESENTATION OF PETITIONS AND REQUESTS:

7:20 Final Plat for the Bell Estates First Amended Conservation Subdivision

SUMMARY ACTION:

7:30 Minute Motion Approving Summary Action List

1. Residential Fire Sprinkler Ordinance Modification
2. Surplus Property – Three Vehicles
3. Approval of Minutes from August 5, 2014

GOVERNING BODY REPORTS:

7:35 City Manager Report

1. Police and Fire Monthly Activity Reports for July

2. UTA Shuttle
3. Country Lane Open Space

7:40 Mayor Talbot & City Council Reports

ADJOURN

CLOSED SESSION

Minute motion adjourning to closed session for property acquisition.

DATED this 14th day of August, 2014.

FARMINGTON CITY CORPORATION

By:  _____
Holly Gadd, City Recorder

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

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



Planning Commission Staff Report August 21, 2014

Item 3: Final Plat for the Silverleaf Conservation Subdivision

Public Hearing:	No
Application No.:	S-16-13
Property Address:	1505 North 1500 West
General Plan Designation:	LDR (Low Density Residential) and "PPR" (Public/Private Recreation Open Space and/or Parks Very Low Density)
Zoning Designation:	LR – Large Residential
Area:	3.74 Acres
Number of Lots:	7
Property Owner:	Jerod and Sharon Jeppson
Applicant:	Norm Dahle

Request: Applicant is requesting a recommendation for Final Plat approval for the proposed Silverleaf Subdivision.

Background Information

The applicant originally received schematic plan approval for 11 lots, but later decided to remove two of the lots and create Parcel A instead for Preliminary Plat approval, which was granted on April 3rd. Under this configuration, if the applicant ever decides to re-subdivide the property in the future, a plat amendment will be required. In the meantime, the current owner of this property, Jerod Jeppson, can retain a significant portion of his property (Parcel A), including his home, and perpetuate the uses therein.

Additionally, after Preliminary Plat approval, the applicant attempted to work with George Clark, who owns the property to the north, to realign the trunk sewer-line. However, Mr. Clark didn't wish to participate, so the applicant was forced to remove two more lots (taking the total to 7) and create Parcel B so that the sewer-line can remain in its current location. When that sewer-line is either realigned or when Mr. Clark develops his property, the road will be extended and Parcel B will allow for two more lots; this will require a plat amendment. The overall lot layout and street configuration is consistent with both the schematic plan and preliminary plat, but the applicant has had to remove two lots, stub the road, and add a few key components including a 100 year-storm detention basin.

Suggested Motion:

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

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

Findings:

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

Supplemental Information

1. Vicinity Map
2. Final Plat
3. Schematic Plan and Preliminary Plat

Applicable Ordinances

1. Title 12, Chapter 6 – Major Subdivisions
2. Title 11, Chapter 11 - Low Density Residential
3. Title 11, Chapter 12 – Conservation Subdivision Development Standards

DEVELOPER
 NONI DINKLE
 2000 N. 1000 W.
 SALT LAKE CITY, UT 84119

LOT	AREA (SQ. FT.)	AREA (ACRES)
LOT 1	10,000	0.23
LOT 2	10,000	0.23
LOT 3	10,000	0.23
LOT 4	10,000	0.23
LOT 5	10,000	0.23
LOT 6	10,000	0.23
LOT 7	10,000	0.23
LOT 8	10,000	0.23
LOT 9	10,000	0.23
LOT 10	10,000	0.23
LOT 11	10,000	0.23
LOT 12	10,000	0.23
LOT 13	10,000	0.23
LOT 14	10,000	0.23
LOT 15	10,000	0.23
LOT 16	10,000	0.23
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LOT 18	10,000	0.23
LOT 19	10,000	0.23
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LOT 87	10,000	0.23
LOT 88	10,000	0.23
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LOT 91	10,000	0.23
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LOT 93	10,000	0.23
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LOT 95	10,000	0.23
LOT 96	10,000	0.23
LOT 97	10,000	0.23
LOT 98	10,000	0.23
LOT 99	10,000	0.23
LOT 100	10,000	0.23

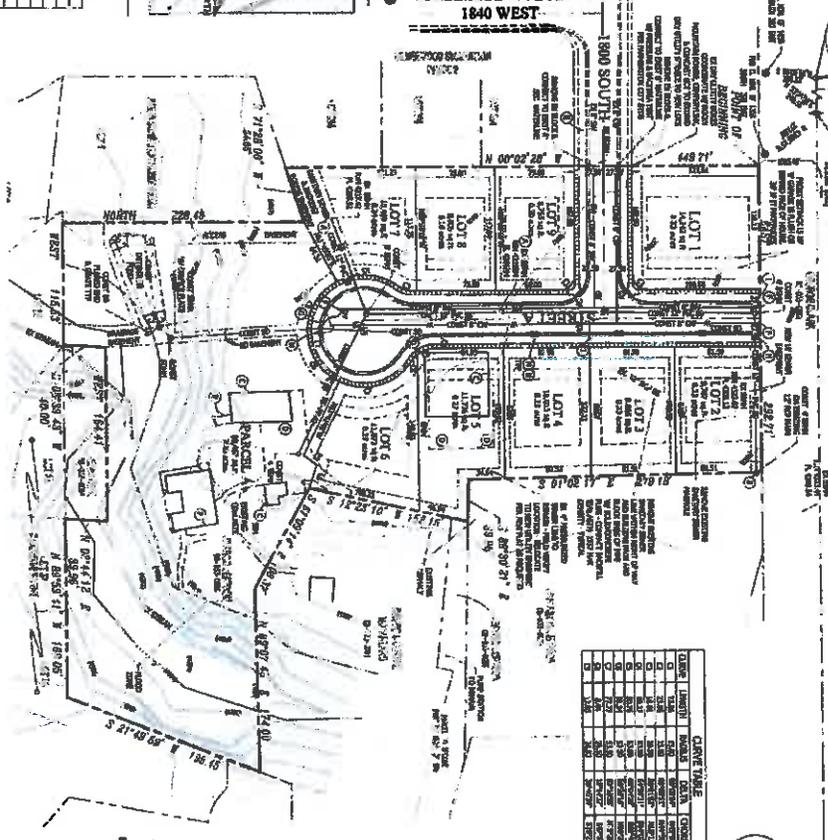
VICINITY MAP



ESTIMATES

ITEM	QUANTITY	UNIT	PRICE	TOTAL
1. PREPARE PLAT	1	PLAT	100.00	100.00
2. RECORD PLAT	1	PLAT	100.00	100.00
3. RECORD PLAT	1	PLAT	100.00	100.00
4. RECORD PLAT	1	PLAT	100.00	100.00
5. RECORD PLAT	1	PLAT	100.00	100.00
6. RECORD PLAT	1	PLAT	100.00	100.00
7. RECORD PLAT	1	PLAT	100.00	100.00
8. RECORD PLAT	1	PLAT	100.00	100.00
9. RECORD PLAT	1	PLAT	100.00	100.00
10. RECORD PLAT	1	PLAT	100.00	100.00
11. RECORD PLAT	1	PLAT	100.00	100.00
12. RECORD PLAT	1	PLAT	100.00	100.00
13. RECORD PLAT	1	PLAT	100.00	100.00
14. RECORD PLAT	1	PLAT	100.00	100.00
15. RECORD PLAT	1	PLAT	100.00	100.00
16. RECORD PLAT	1	PLAT	100.00	100.00
17. RECORD PLAT	1	PLAT	100.00	100.00
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26. RECORD PLAT	1	PLAT	100.00	100.00
27. RECORD PLAT	1	PLAT	100.00	100.00
28. RECORD PLAT	1	PLAT	100.00	100.00
29. RECORD PLAT	1	PLAT	100.00	100.00
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43. RECORD PLAT	1	PLAT	100.00	100.00
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98. RECORD PLAT	1	PLAT	100.00	100.00
99. RECORD PLAT	1	PLAT	100.00	100.00
100. RECORD PLAT	1	PLAT	100.00	100.00

SILVERLEAF SUBDIVISION
 A CONSERVATION SUBDIVISION
 A PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP
 3 NORTH, RANGE 1 WEST, SALT LAKE BASE, AND MERIDIAN
 PARMINGTON CITY, DAVIS COUNTY, UTAH



CLIENT TABLE

CLIENT	DATE	DESCRIPTION	STATUS
1	10/15/10	PRELIMINARY PLAT	FILED
2	11/15/10	FINAL PLAT	FILED
3	12/15/10	RECORD PLAT	FILED
4	01/15/11	RECORD PLAT	FILED
5	02/15/11	RECORD PLAT	FILED
6	03/15/11	RECORD PLAT	FILED
7	04/15/11	RECORD PLAT	FILED
8	05/15/11	RECORD PLAT	FILED
9	06/15/11	RECORD PLAT	FILED
10	07/15/11	RECORD PLAT	FILED
11	08/15/11	RECORD PLAT	FILED
12	09/15/11	RECORD PLAT	FILED
13	10/15/11	RECORD PLAT	FILED
14	11/15/11	RECORD PLAT	FILED
15	12/15/11	RECORD PLAT	FILED
16	01/15/12	RECORD PLAT	FILED
17	02/15/12	RECORD PLAT	FILED
18	03/15/12	RECORD PLAT	FILED
19	04/15/12	RECORD PLAT	FILED
20	05/15/12	RECORD PLAT	FILED
21	06/15/12	RECORD PLAT	FILED
22	07/15/12	RECORD PLAT	FILED
23	08/15/12	RECORD PLAT	FILED
24	09/15/12	RECORD PLAT	FILED
25	10/15/12	RECORD PLAT	FILED
26	11/15/12	RECORD PLAT	FILED
27	12/15/12	RECORD PLAT	FILED
28	01/15/13	RECORD PLAT	FILED
29	02/15/13	RECORD PLAT	FILED
30	03/15/13	RECORD PLAT	FILED
31	04/15/13	RECORD PLAT	FILED
32	05/15/13	RECORD PLAT	FILED
33	06/15/13	RECORD PLAT	FILED
34	07/15/13	RECORD PLAT	FILED
35	08/15/13	RECORD PLAT	FILED
36	09/15/13	RECORD PLAT	FILED
37	10/15/13	RECORD PLAT	FILED
38	11/15/13	RECORD PLAT	FILED
39	12/15/13	RECORD PLAT	FILED
40	01/15/14	RECORD PLAT	FILED
41	02/15/14	RECORD PLAT	FILED
42	03/15/14	RECORD PL	



Planning Commission Staff Report August 21, 2014

Item 4: Plat Amendment & Minor Subdivision of Stephens' Property

Public Hearing:	Yes
Application No.:	S-9-14
Property Address:	515 North Main
General Plan Designation:	LDR (Low Density Residential)
Zoning Designation:	OTR (Original Townsite Residential)
Area:	.5 Acres
Number of Lots:	1
Property Owner:	Brent Stephens
Applicant:	Michael Fisher

Request: Applicant is requesting minor subdivision and plat amendment approval for the proposed Stephens' Subdivision which will result in the creation of one additional lot.

Background Information

Brent Stephens is wanting to subdivide his property and split the rear .25 acres of his property off to sell to Michael Fisher. The new lot formed will need to be included into The Grove PUD Subdivision, and so the subdivision is also a plat amendment of that subdivision. In order for this plat amendment to occur, The Grove's HOA will need to approve inclusion of this new lot, and this will need to take place prior to recordation. All of the utilities will be accessed from Grove Creek Circle, which is a private road. In addition to the plat amendment and subsequent minor subdivision, the new lot will also need to acquire some remnant pieces of land in order to have enough frontage on Grove Creek Circle; these property owners will need to deed these remnant pieces over before the plat amendment can be recorded. The applicant is proposing that these remnant property transfers will occur from the owners of lots 12, 17, and 18 of the Grove at Farmington Creek P.U.D. Both of these requirements have been included as conditions of approval.

Suggested Motion:

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

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

Findings:

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

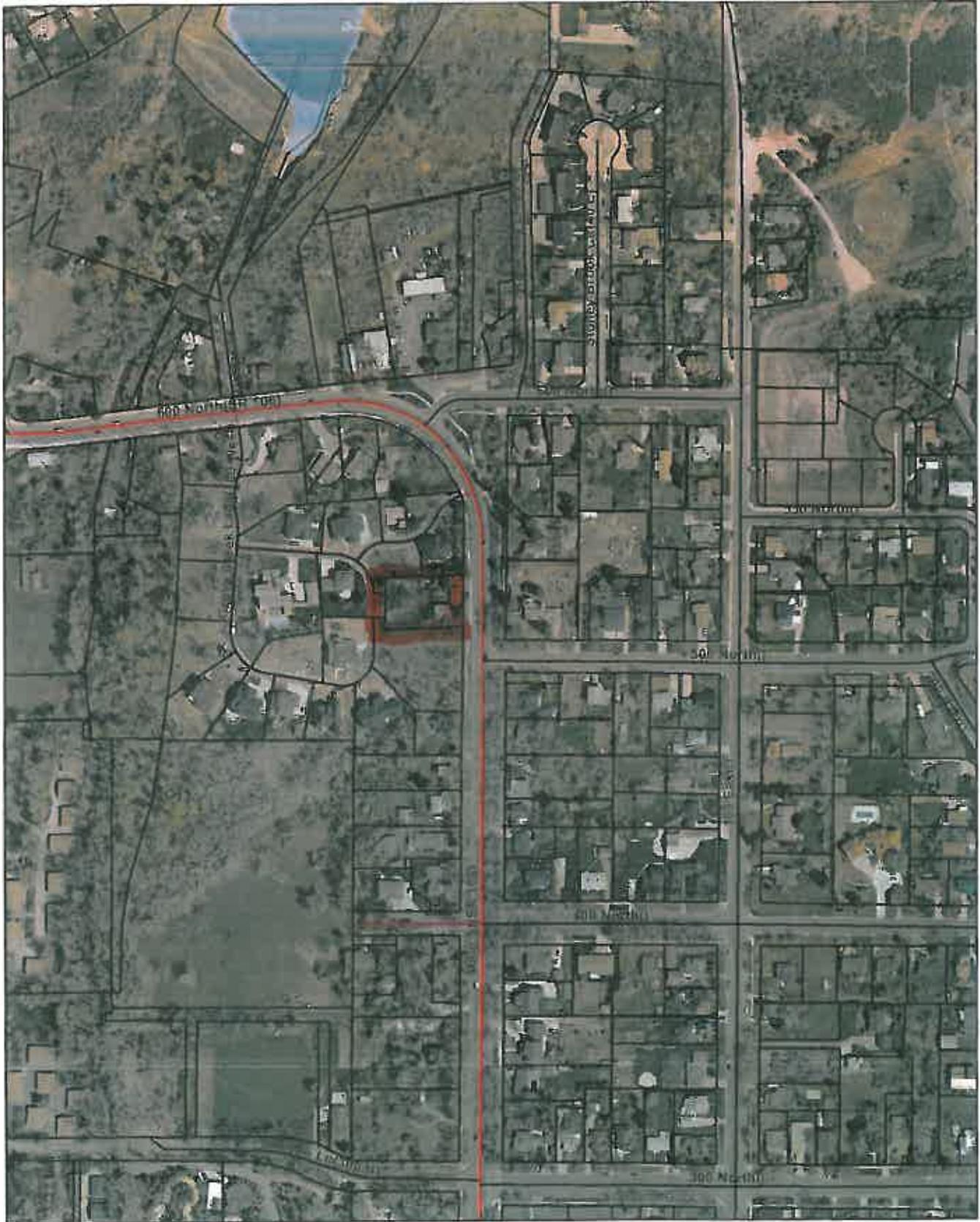
Supplemental Information

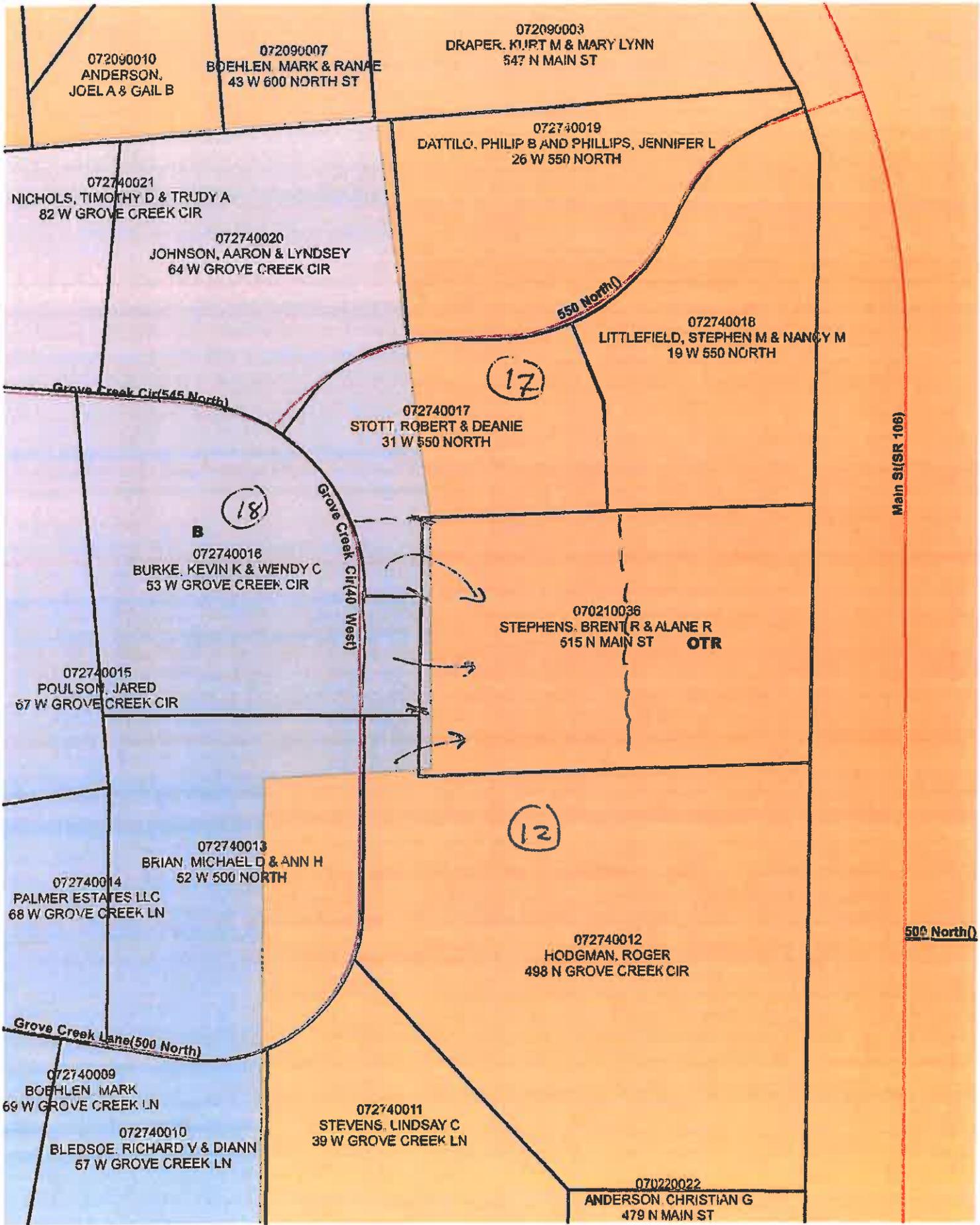
1. Vicinity Map
2. The Grove at Farmington Creek P.U.D. Amended and Extended
3. Map showing current zoning and property boundary lines

Applicable Ordinances

1. Title 12, Chapter 4 – Subdivision By Metes and Bounds
2. Title 11, Chapter 11 - Low Density Residential
3. Title 11, Chapter 27 – Planned Unit Development (PUD)

Farmington City





072090010
ANDERSON,
JOELA & GAIL B

072090007
BOEHLEN, MARK & RANAE
43 W 600 NORTH ST

072090003
DRAPER, KURT M & MARY LYNN
547 N MAIN ST

072740019
DATILO, PHILIP B AND PHILLIPS, JENNIFER L
26 W 550 NORTH

072740021
NICHOLS, TIMOTHY D & TRUDY A
82 W GROVE CREEK CIR

072740020
JOHNSON, AARON & LINDSEY
64 W GROVE CREEK CIR

072740018
LITTLEFIELD, STEPHEN M & NANCY M
19 W 550 NORTH

072740017
STOTT, ROBERT & DEANIE
31 W 550 NORTH

072740016
BURKE, KEVIN K & WENDY C
53 W GROVE CREEK CIR

070210036
STEPHENS, BRENT R & ALANE R
515 N MAIN ST **OTR**

072740015
POULSON, JARED
67 W GROVE CREEK CIR

072740013
BRIAN, MICHAEL D & ANN H
52 W 500 NORTH

072740014
PALMER ESTATES LLC
68 W GROVE CREEK LN

072740012
HODGMAN, ROGER
498 N GROVE CREEK CIR

072740009
BOEHLEN, MARK
69 W GROVE CREEK LN

072740011
STEVENS, LINDSAY C
39 W GROVE CREEK LN

072740010
BLEDSOE, RICHARD V & DIANN
57 W GROVE CREEK LN

070220022
ANDERSON, CHRISTIAN G
479 N MAIN ST

Main St(SR 106)

500 North()

17

18

12

B



Planning Commission Staff Report August 21, 2014

Item 5: Indulgent Foods Office Building Conditional Use, Site Plan, and Metes & Bounds Subdivision

Public Hearing:	Yes
Application No.:	S-8-14 and SP-2-14
Property Address:	228 South 200 West
General Plan Designation:	O/BP (Office/Business Park)
Zoning Designation:	BP (Business Park)
Area:	1.55 Acres
Number of Lots:	2
Property Owner:	David Cowley – Ivy Properties
Applicant:	David Cowley

Request: Applicant is requesting conditional use/site plan approval for a proposed office building, and a metes and bounds subdivision related thereto.

Background Information

The applicant, David Cowley, has been before the Planning Commission on February 20, 2014 for a zone text change that would allow for a three story building, this height increase was specifically changed to allow for this office building and was unanimously approved. Because the proposed development is on a site that is over one acre in size (1.551 acres) the applicant must receive conditional use approval as well as site plan approval. Additionally, the applicant is proposing that a new lot be formed through a metes and bounds subdivision and the office building will be situated on the newly constructed lot. The DRC has had a chance to review the proposed site plan and subdivision, and the applicant has addressed all of the outstanding issues, with a few exceptions, these are included as conditions for approval.

Suggested Motion:

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

1. The applicant shall maintain, clean and restore the existing storm water detention basin and receive the City Engineer's approval of improvements prior to recordation;

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

Findings:

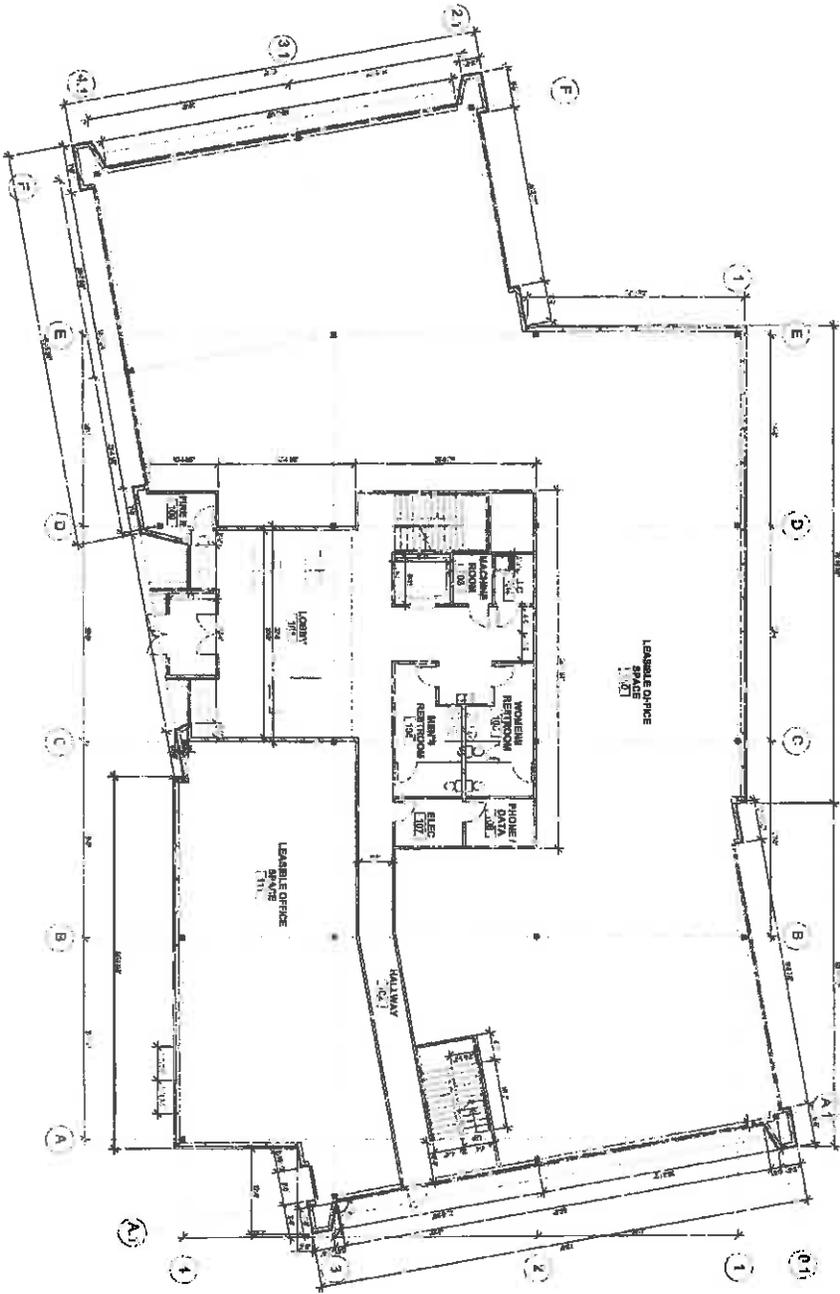
1. The project is consistent with the standards as determined by Chapter 14 of the Zoning Ordinance.
2. The applicant has worked through the issues raised by the DRC and addressed these issues on the site plan and subdivision.
3. The proposed use will benefit the community greatly, providing added employment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

Supplemental Information

1. Vicinity Map
2. Metes and Bounds Subdivision
3. Site Plan
4. Building Elevations

Applicable Ordinances

1. Title 12, Chapter 4 – Subdivision By Metes and Bounds
2. Title 11, Chapter 7 – Site Development Standards
3. Title 11, Chapter 8 – Conditional Uses
4. Title 11, Chapter 14 – Business Park



1 SCHEMATIC FLOOR PLAN
 A-1.0
 1/2" = 1'-0"



Indulgent Foods
 225 South 200 West
 PO Box 10
 Farmington, UT, 84825

Office Building
 (Core & Shell)
 200 West Farmington UT

DR. ARROYO
 S.E.

#	DATE	DESC.

PROJECT NO. 2011-004
 DRAWING NO. 5000
 SHEET NO. 10
 DATE 08/20/11

SCHEMATIC FLOOR PLAN

A-1.0

C. JIM DIXON & ASSOCIATES



1 SOUTH-WEST PERSPECTIVE



2 AERIAL - BIRDS EYE VIEW

dixon
 505 SOUTH 200 WEST
 P.O. BOX 10
 FARMINGTON, VT 05403

Indulgent Foods
 200 South 200 West
 P.O. Box 10
 Farmington, VT 05403

Office Building
 (Plans & Specs)
 200 West Farmington VT

P.O. APPROVAL

DATE	DESC.

DATE: APR 1 2015
 PROJECT NO.: 0045
 DRAWING NO.: 0045
 CHECKED BY: KAS
 DESIGNED BY: CO

SHEET TITLE

PERSPECTIVES

A-2.1



Planning Commission Staff Report August 21, 2014

Item 6: James Larkin Conditional Use Permit

Public Hearing: Yes
Application No.: C-16-14
Property Address: 925 North 1525 West
General Plan Designation: CA/BP (Class A Business Park)
Zoning Designation: A (Agricultural)
Area: 11.86 OR 3.68 Acres
Number of Lots: N/A
Property Owner: Nathan George Clark Jr.
Applicant: James Larkin

Request: *Applicant is requesting conditional use approval for a proposed private wholesale greenhouse/garden center and nursery.*

Background Information

The applicant, James Larkin, is proposing to build a private wholesale greenhouse/garden center and nursery on property located at 1525 West and 925 North. This property is currently zoned A (Agricultural), but it is designated as Class A Business Park on the general land use plan. The City's intention for the future of this site is to zone this property and the surrounding properties as Office Mixed Use so that an office park can be developed. Some properties in the area already have this zone designation.

In the A zone, greenhouse/garden centers (retail or wholesale) less than 5 acres are a conditional use. Any garden center larger than 5 acres is not permitted. The application shows that the proposed garden center would comprise 3.68 acres, however, the property in question is 11.86 acres total. This raises a question as to whether the applicant would need to subdivide the property before being able to qualify as less than 5 acres.

Suggested Alternative Motions:

1. Move that the Planning Commission approve conditional use/site plan for the private wholesale greenhouse/garden center as requested subject to all applicable Farmington City ordinances and development standards.

Findings:

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

OR

2. Move that the Planning Commission deny conditional use/site plan for the private wholesale greenhouse/garden center as requested.

Finding:

Although the footprint of the proposed garden center is 3.66 acres, the actual area of the property in question is 11.86 acres, and regardless of whether the applicant uses the whole of the property or not, the whole of the property counts as the requested use, which is not permitted if it's above 5 acres, which this would be according to Chapter 10.

Supplemental Information

1. Vicinity Map
2. Site Plan
3. Various Attachments

Applicable Ordinances

1. Title 11, Chapter 8 – Conditional Uses
2. Title 11, Chapter 10 – Agricultural Zones

Farmington City



Craig S. Cummings

Attorney at Law, P.C.

563 West 500 South, Suite 420
Gateway Tower
Bountiful, Utah 84010
Telephone: (801) 444-7054
Facsimile: (801) 451-8608

Mailing Address:
P. O. Box 487
Farmington, Utah 84025-0487

4001 South 700 East, Suite 500
Woodland Towers
Salt Lake City, Utah 84107
Telephone: (801) 265-0348
Facsimile: (801) 265-0164

July 29, 2014

Mr. David Peterson
Farmington City
Community Development Director
160 South Main Street
Farmington, Utah 84025

RE: Conditional Use Permit Application of James R. Larkin

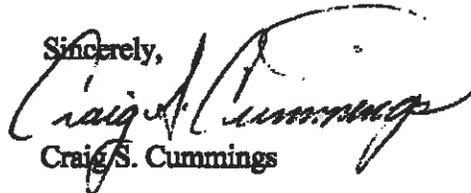
Dear Mr. Peterson:

As you know, this office represents James R. Larkin and Larkin Development, Inc. As per our previous discussion, Mr. Larkin is seeking a Conditional Use Permit from Farmington City for the property he leases in West Farmington. Thank you for the time you spent with us as Mr. Larkin began this process.

Enclosed herewith, you will find a Conditional Use Permit Application, the Owner's Affidavit and the supporting documentation you requested. Also attached, you will also find a check in the amount \$325.00, which represents the filing fee associated therewith.

We understand that it is your intention to schedule this matter for a hearing at the August 7, 2014 Planning Commission Meeting. If you have any questions or need additional information before then, please feel free to contact my office. Your assistance is appreciated.

Sincerely,


Craig S. Cummings

CSC:sp

Enclosure: Two

**CONDITIONAL USE PERMIT APPLICATION
OF**

JAMES R. LARKIN

Dated July 29, 2014

INFORMATION SHEET

I. The Subject Property:

A. Property Address –

925 North 1525 West, Farmington, Utah 84025

B. Legal Description –

Legal Description set forth on the Parcel Vesting Information Sheet located in the Proof of Ownership Section of this Application Booklet.

II. Current Zoning:

“A” Agricultural –

Property intended to be used primarily for commercial agriculture, farming and large estate parcels for residential living.

III. Permitted Uses:

Agricultural, Small Animals, Large Animals, Commercial Farming, Certain Fruit and Vegetable Stands, Certain Home Occupations, Certain Signs, Single Family Dwelling and Uses Customarily Accessory to a Listed Permitted Use.

IV. Conditional Use Sought:

Retail or Wholesale Greenhouse/Garden Center less than 5 Acres. This use is authorized by Section 11-10-020 as a Conditional Use for property zoned “A” Agricultural.

V. Description of Desired Use:

The Applicant desires to use the subject property as a private wholesale greenhouse/garden center. Consistent with the conditional use sought, Applicant⁹ desires to grow and keep ornamental flowers, plants and trees on the subject property (hereinafter “Plants”). Certain of the Plants will be grown in a greenhouse setting and others will be grown in a garden center setting, as is appropriate for the specific plant species.

Once the Plants have matured they will be harvested, loaded on small trucks and transported to various residences and commercial locations to be planted as part of their ornamental landscaping.

Plants and plant material will not be sold to the general public from the subject property. Applicant will supply Plants and plant material from the subject property to a company owned by him for use as part of the landscaping design and maintenance services which that company offers.

VI. Conform to Standards:

- A. Benefit Community –** Ornamental horticulture, urban farming and residential landscaping beautify a community and improve its environment. Applicant believes that the private greenhouse/garden center he plans for the subject property will improve and beautify the subject property, benefit the neighboring properties and add to the well-being of the community.
- B. Comply with Regulations –** The private greenhouse/garden center Applicant plans will comply with the regulations and conditions in the Zoning Ordinances for the Retail or Wholesale Greenhouse/Garden Center Conditional Use.
- C. Conform to Gen. Plan –** Pursuant to discussions with the Planning Staff, Applicant believes that the private greenhouse/garden center he plans will conform to the goals, policies and governing principles of the General Plan for Farmington City.
- D. Compatible Use –** The historic and existing use to both the subject property and the adjacent property is agricultural. The area has been and continues to be used for light agriculture, the growth of pasture grasses and grazing. The addition of well maintained and organized ornamental trees and plants will add green space and beauty to the area. The private greenhouse/garden center, complete with the ornamental buffer and landscape screening planned, will not only be compatible with the existing and proposed development but will improve the area.
- E. Utilities and Support –** **Water:** The main water lines currently run along the western boundary of the subject property. Applicant plans

to arrange for a connection to the main water line and use very efficient drip irrigation to water the Plants. Other than the drip irrigation, no additional plumbing is planned or needed on the subject property.

Other Utilities: Applicant's plan for the subject property does not require the connection to the electrical, natural gas or sewer lines. Water timing devices and any minimal lighting needed will be provided by solar energy with small battery backup as a reserve.

Fire Protection: Two fire hydrants are currently located on the western boundary of the subject property. The nature of the proposed development will not add to the fire danger related to the historic use of the subject property.

Drainage: The proposed development will not alter the historic drainage patterns on the subject property. No drainage problems are anticipated.

Transportation: The subject property is serviced by 1525 West Street. A portion of the road leading to the subject property is not paved. The proposed use of the subject property will not increase vehicular traffic to the subject property. The existing roads are sufficient for the proposed use. Ingress and egress to the subject property will be controlled by locked gates and no pedestrian traffic is anticipated. Applicant shall maintain a fifty foot stone mud "knock-off" area at the end of the unpaved road to prevent the deposit of mud or tire debris on the paved roadway.

Landscaping and Screening: By its very nature the proposed private tree farm and garden center will add significant green space and landscaping to the area. Additionally, the Applicant will provide landscape screening composed of ornamental trees along the eastern and southern fenced border of the subject property. The ornamental trees will add considerable beauty to the area.

VII. General Welfare:

A. No Safety Concerns -

The ingress and egress of the subject property will be controlled by locked gates. No hazardous materials will be maintained on the subject property. Since the proposed greenhouse/garden center will be private, it will not be

open to the public. No large gatherings of people will occur on the subject property. The only traffic on the subject property will be from Applicant's employees needed to grow or harvest the Plants. The proposed private greenhouse/garden center will not increase any health or safety concerns related to the subject property or the surrounding area.

B. No Interference – The proposed private greenhouse/garden center will not interfere with the lawful use of the surrounding property.

C. No Increase of Services – The proposed private greenhouse/garden center will not create the need for additional municipal services which cannot be reasonably met.





Planning Commission Staff Report August 21, 2014

Item 7: Zone Text Change—Proposed Use for Chapter 15

Public Hearing:	No
Application No.:	ZT-8-14
Property Address:	N/A
General Plan Designation:	Mixed Use – Business, Medium Density Residential, Light Commercial
Zoning Designation:	Business/Residential (BR)
Area:	N/A
Number of Lots:	N/A
Applicant:	Todd Gibbs
Agent:	N/A

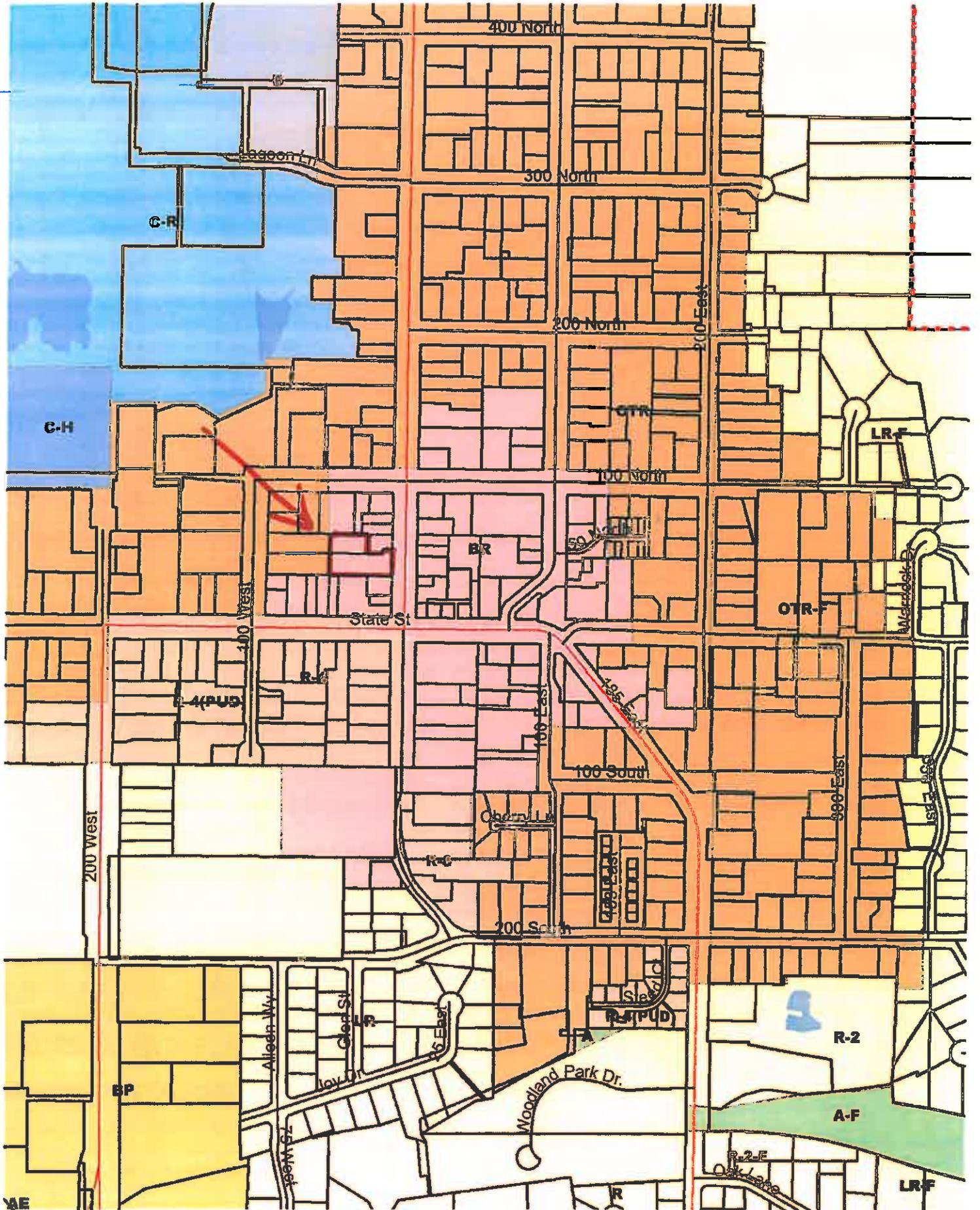
Applicant is requesting a recommendation to amend Chapter 15 of the Zoning Ordinance by allowing recreation equipment rental as a permitted or conditional use in the BR zone.

Background Information

On August 7, 2014, the Planning Commission reviewed this request after holding a public hearing. The Commission considered two motions, both of which ended in a 3-3 tie vote (see minutes enclosed with this packet). Pursuant, to the by-laws of the Commission, the matter was automatically continued to the August 21st, meeting.

Supplementary Information

1. Vicinity/zoning map.
2. Proposed use to be added to the BR zone.
3. Section 11-15-020 and 030 of the BR zone.
4. Information provided by the applicant.



Proposed use to be added to the Business/Residential Zone (BR)—Chapter 15:

~~Auto, truck, recreational vehicle, and equipment sales and rental;~~

Existing allowed uses in the Business/Residential Zone (BR)—Chapter 15:

11-15-020 Permitted Uses.

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

- (1) Agriculture;
- (2) Business and professional offices;
- (3) Class "A" beer outlet;
- (4) Commercial testing laboratories;
- (5) Data processing services;
- (6) Day care, pre-school;
- (7) Financial institutions;
- (8) Funeral home;
- (9) Neighborhood service establishments (low impact retail and service uses such as bakery, bookstore, dry-cleaning, hair styling, coin laundry, pharmacy, art supply/gallery, craft store, photo-copy center, etc.);
- (10) Printing, publishing;
- (11) Public park;
- (12) Public utility lines and rights-of-way;
- (13) Reception center;
- (14) Research services;
- (15) Residential facility for the elderly;
- (16) Residential facility for the handicapped;
- (17) Seasonal fruit/produce vendor stands;
- (18) Signs complying with provisions of the Sign Ordinance;
- (19) Single-family dwelling;
- (20) Two-family dwelling;
- (21) Uses customarily accessory to a listed permitted use.
- (22) Home occupations complying with the Home Occupation Chapter of this Title, except as specified in Section 11-15-030 below.

11-15-030 Conditional Uses

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

- (1) Apartment dwelling group;
- (2) Athletic or tennis club;
- (3) Car wash;
- (4) Commercial indoor recreation (movie theater, video arcade, bowling alley, etc.);
- (5) Commercial outdoor recreation, minor (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.);
- (6) Convenience store (sale of grocery items, non-prescription drugs, and/or gasoline from building with less than five thousand (5,000) square feet gross floor area);
- (7) Fast food establishments, attached (walk-in service only, no exterior walk-up or vehicle drive-thru service);
- (8) Fuel sales and/or storage;
- (9) Greenhouse/garden center (retail or wholesale);
- (10) Hotels, motels;
- (11) Multiple-family buildings with three or more units;
- (12) Neighborhood grocery (grocery store not exceeding fifteen thousand (15,000) square feet in gross floor area);
- (13) Nursing home, convalescent center;
- (14) Pet store or pet grooming establishment;
- (15) Planned unit development or condominium, commercial;
- (16) Planned unit development or condominium, residential;
- (17) Public and quasi-public uses except the following prohibited uses: correctional/detention facilities, half-way houses, drug or alcohol rehabilitation facilities, facilities for the treatment or confinement of the mentally ill, homeless shelters, domestic violence shelters, and other similar facilities including those which may allow or require that clients stay overnight or longer;
- (18) Public or quasi-public uses, material additions or modifications on a developed site;
- (19) Public utility substations, wireless transmission towers except as specified in Section 11-28-190, generating plants, pumping stations, and buildings;
- (20) Reduction of minimum setbacks for office/commercial buildings located next to residential uses within the BR zone (see Section 11-15-105(c));
- (21) Restaurant (traditional sit-down);
- (22) shopping center (commercial complex);
- (23) Small Auto Dealership;
- (24) Temporary uses;
- (25) Uses customarily accessory to a listed conditional use;
- (26) Home occupations as identified in Section 11-35-104 of this Title.

2F-8-14

Farmington City



July 9, 2014

Dear Mayor Talbot and Planning Department,

I am looking at establishing a new TRAX™ PowerSports franchise in Davis County and I am currently looking at the former HHI building on 49 North Main Street in Farmington. I have an option in Bountiful that I am also considering but since I live in Farmington, I'd like to keep it in this community.

The space is currently zoned Business and Residential and there is no provision for recreational vehicle rental and sales as there is in the commercial zone. I am now petitioning the city to add the part of 11-16-030 #2 of the commercial zone that refers to recreational vehicles to be added to the BR zone so that I can sign a lease and establish TRAX™ in Farmington.

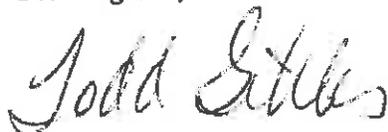
The lot that is behind the former HHI building would provide a great place for customers to back up trailers, load up machines, and then drop them back off when they are finished. It really makes that location very attractive and could provide a great addition to downtown.

I believe that this business would add significant value to the city of Farmington and would be well received by the citizens. There is nothing else like this in Farmington and it makes having priceless dreams affordable by allowing people to rent a boat that would cost \$75,000, a side by side that would cost \$20,000, a \$15,000 snowmobile, or even a motorcycle that costs \$20,000. This would also promote the use of our trails and canyons and we will promote making the loop from Farmington to Bountiful so people can enjoy the beauty of the mountains that are right in their backyards.

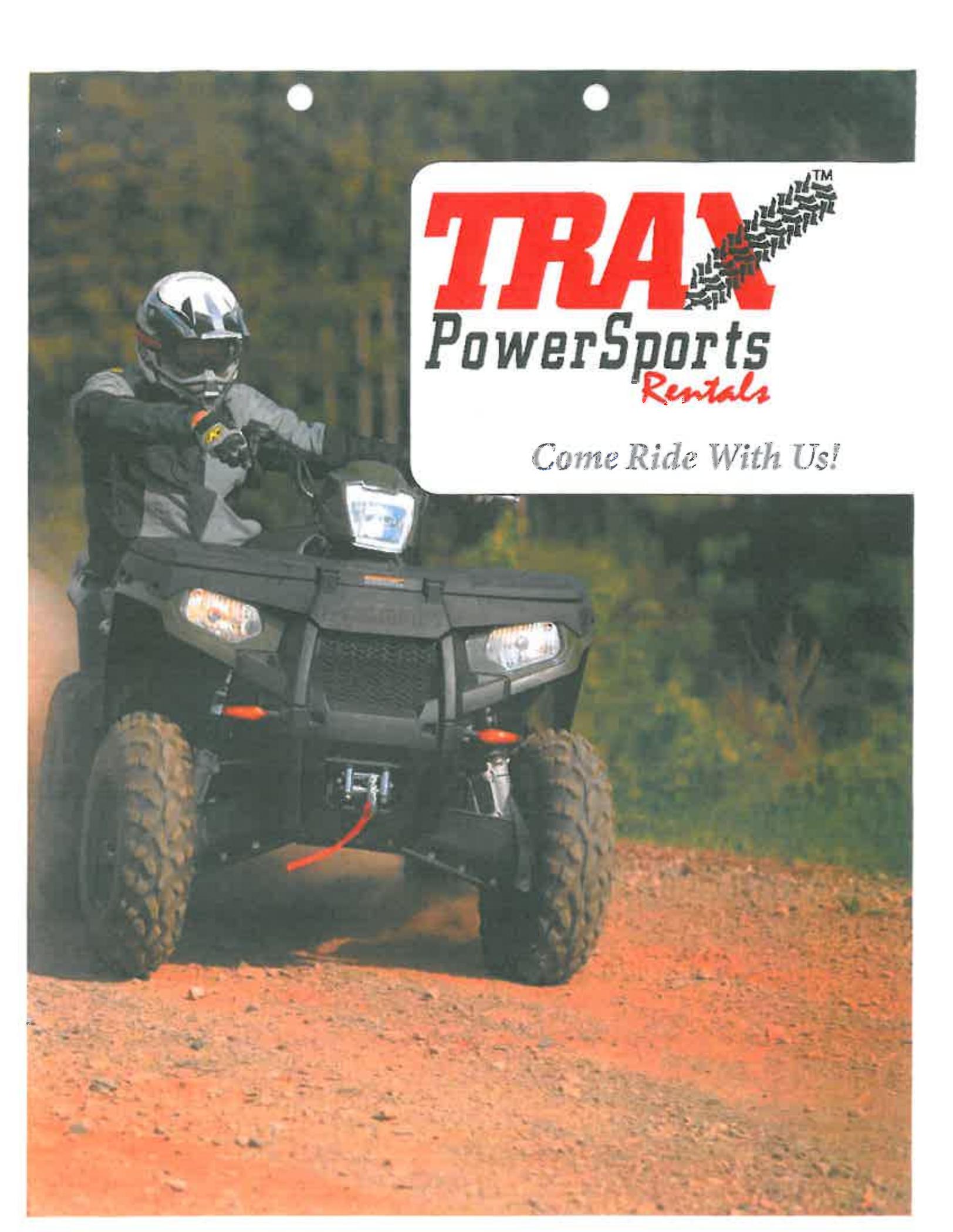
I am winding down a career in high tech and I am committed to establishing a very professional and fun business for the citizens of Davis County. We are well capitalized and ready to deliver a great experience for the citizens of Farmington. I would appreciate your earliest consideration as I would like to have this business up and running for the fall hunts and be well prepared for the winter sports.

I look forward to hearing from you.

Best Regards,

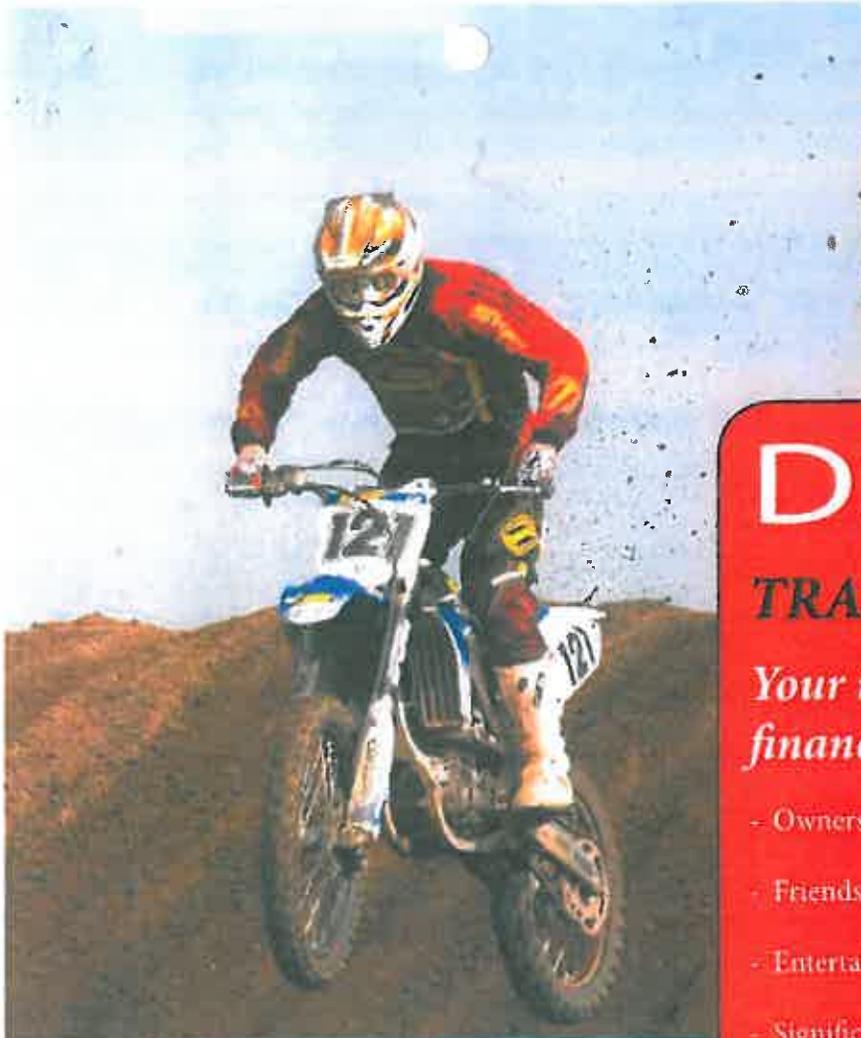
A handwritten signature in black ink that reads "Todd Gibbs". The signature is written in a cursive, flowing style.

Todd Gibbs
(801) 309-9770
todd.gibbs@stone-ware.com

A rider wearing a silver helmet and dark gear is driving a black TRAXX utility vehicle on a dirt trail. The vehicle has large, knobby tires and a prominent front grille. The background shows a wooded area with trees and foliage.

TRAXXTM
PowerSports
Rentals

Come Ride With Us!

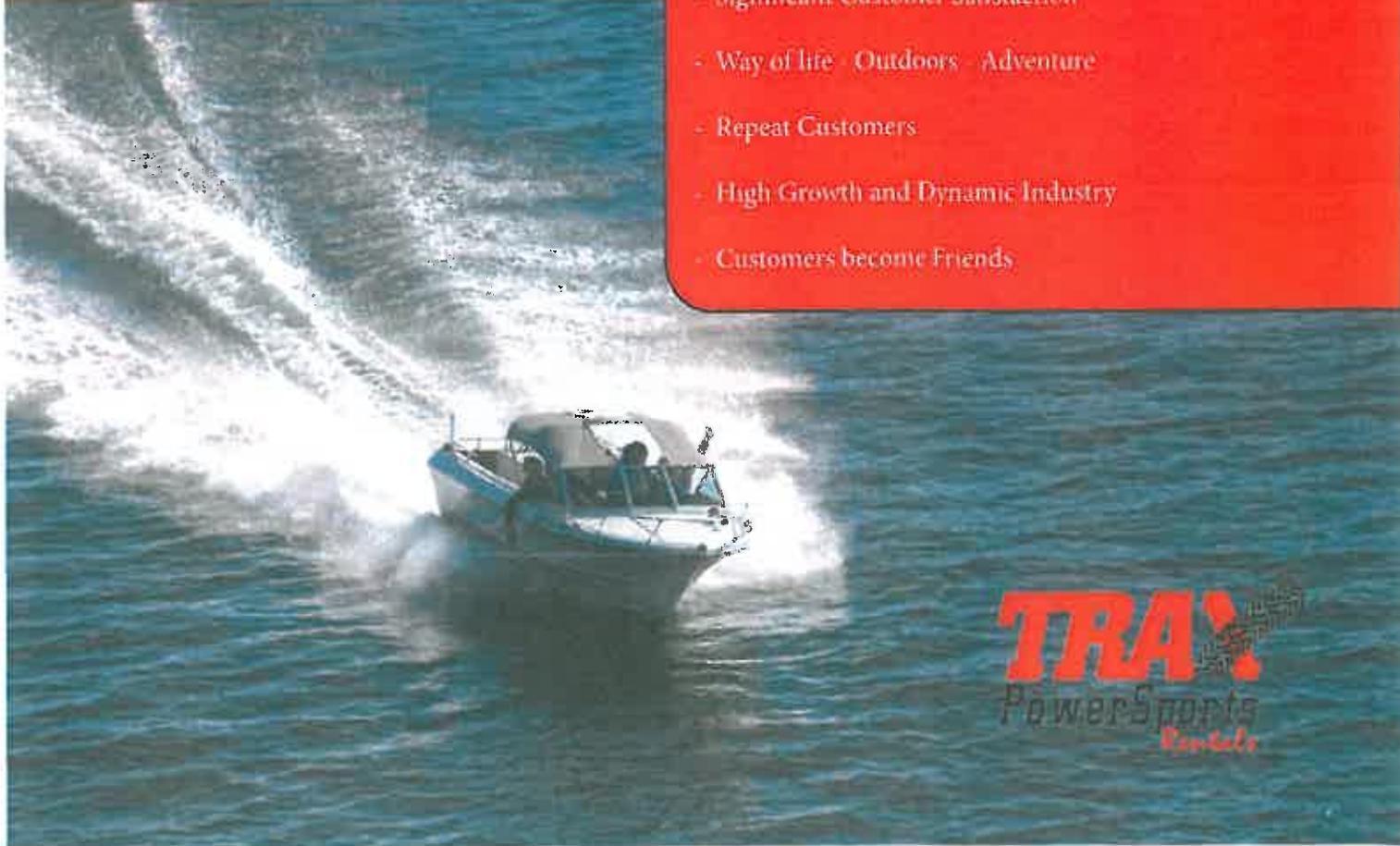


Discover

TRAX PowerSports Rentals

Your investment is more than a financial return

- Ownership Satisfaction
- Friends and Family Oriented
- Entertainment Based Business
- Significant Customer Satisfaction
- Way of life - Outdoors - Adventure
- Repeat Customers
- High Growth and Dynamic Industry
- Customers become Friends



TRAX
PowerSports
Rentals



Enjoy

TRAX PowerSports Rentals Is:

The Premier PowerSports Rental franchise system in the industry

- Providing customers with access to new and current year models of:
 - ATVs
 - UTVs (Side by Sides)
 - Motorcycles (on and off-road)
 - Personal Water Craft
 - Boats
 - Snowmobiles
- Online reservations available 24/7
- Live Reservations and Customer Support available 7 days per week
- Network of like minded owners and individuals who enjoy exploring the great outdoors on the greatest PowerSports equipment available
- Join Owners who understand how to work hard and play hard
- Proven Systems - Developed over 17 years of improving Best Practices
- National and Local Marketing
- Exciting products and industry
- First class training and support

TRAX
PowerSports
Rentals

Explore

TRAX PowerSports Rentals

Why Rent PowerSports Equipment and Why Now?

PowerSports Industry Trends:

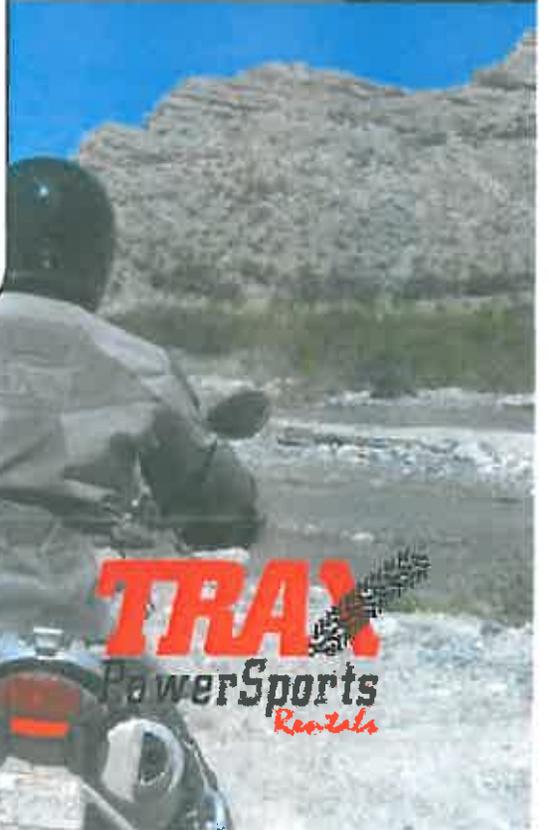
- Cutting Edge Technology
- New Releases Each Year
- Increased Customer Awareness
- Increased Trails and Riding Areas

The above positive trends have happened during a time that has seen the worst economic conditions in our history. We have seen a dramatic decrease in Customers' abilities to purchase these great machines. During the last 10 years we have seen:

- Motorcycle sales decrease from 1 million units in 2005 to 440,000 in 2013
- ATVs sales decrease from 800,000 in 2003 to 220,000 in 2013
- Snowmobiles decrease from 140,000 in 2003 to 55,000 in 2013

Customers want to enjoy PowerSports activities, they simply are in a better position to rent rather than purchase.

There has never been a better time to own a TRAX PowerSports Rentals franchise!



TRAX
PowerSports
Rentals



Invest

TRAX PowerSports Rentals means:

Opportunity

Application Fee

Franchise Fee

- \$39,000

Cash Requirements

Store and Office Equipment

Tools and Rental Accessories

Trailers

PowerSports Rental Equipment

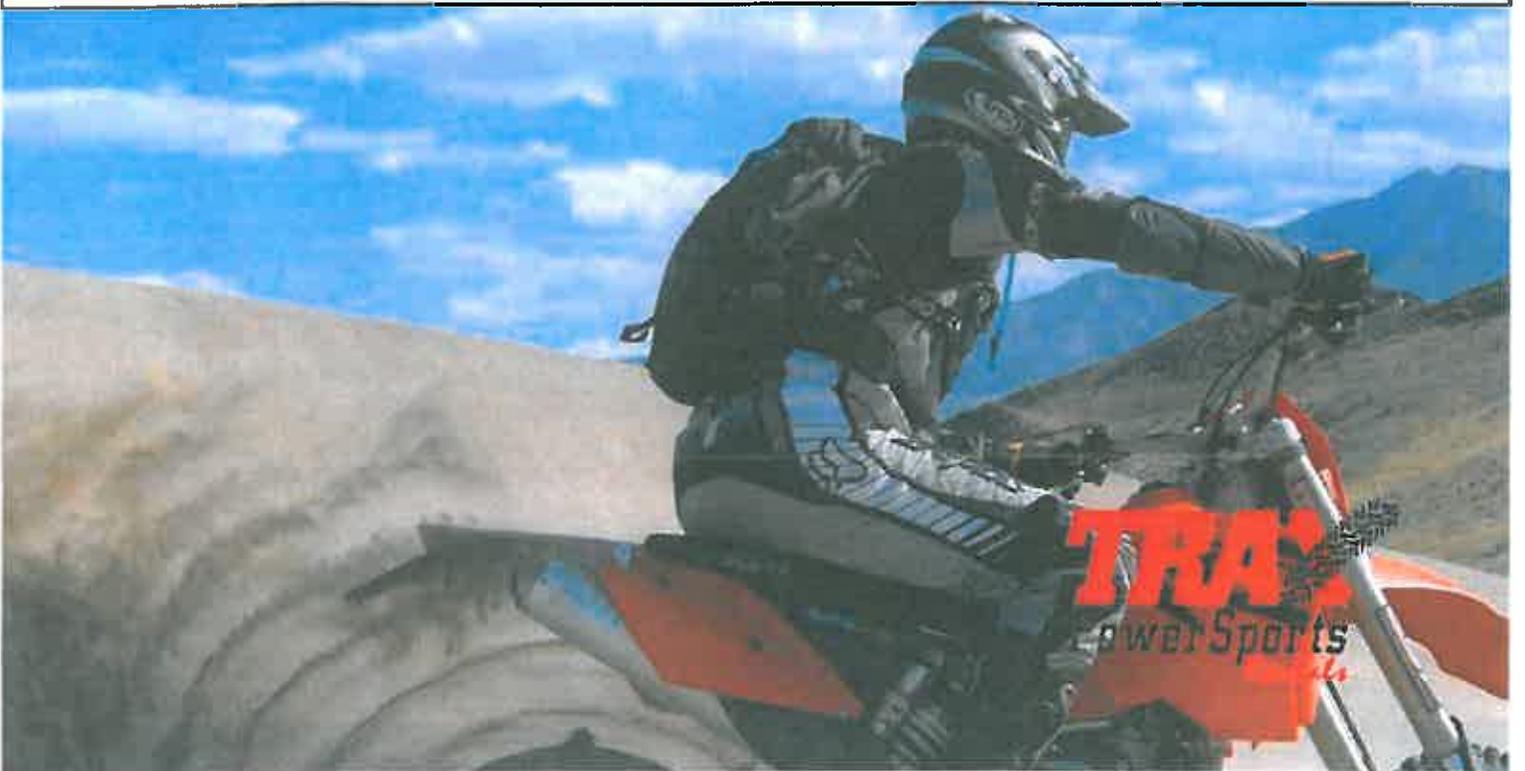
Working Capital during start-up

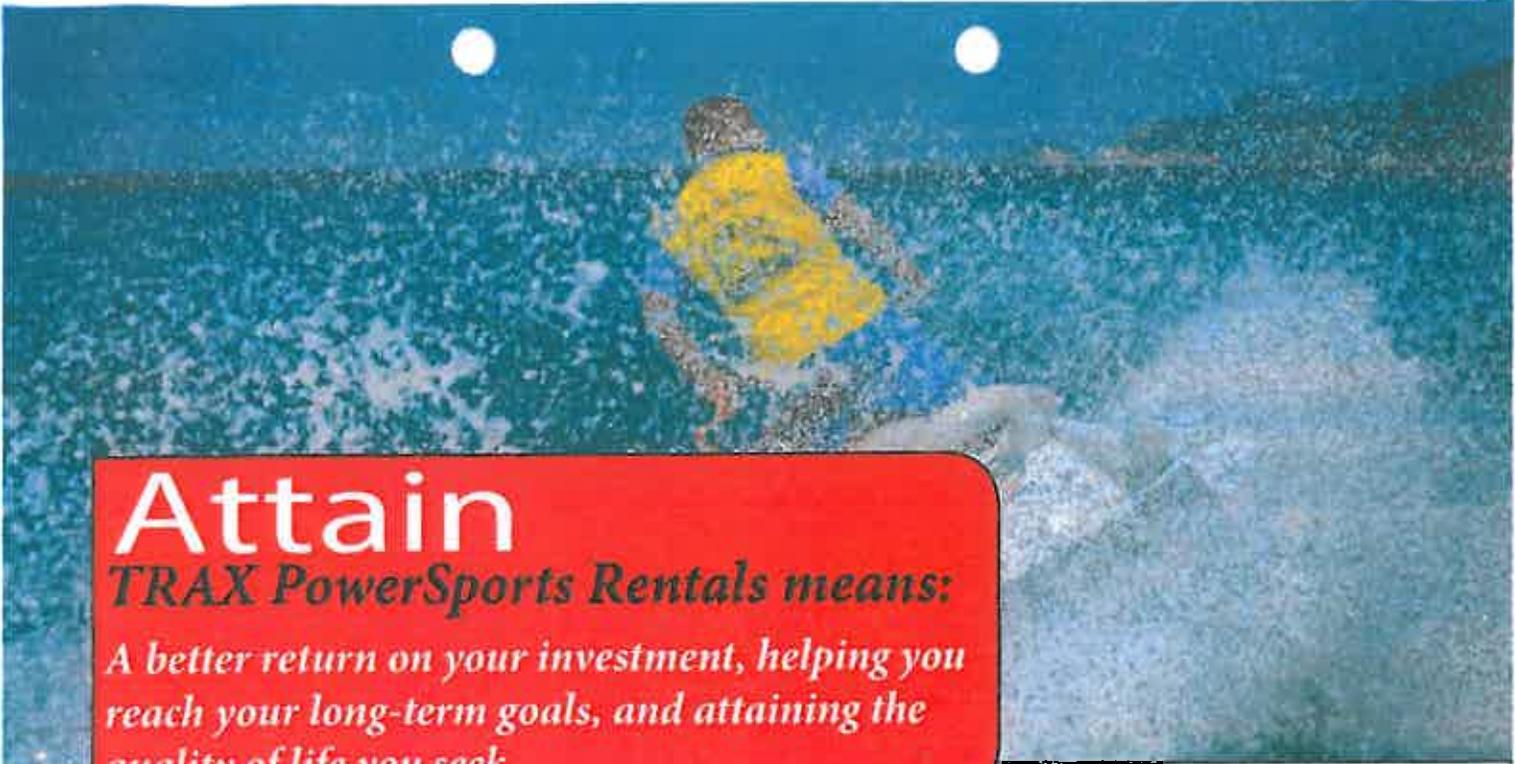
Franchise Royalty

- 6% on Gross Monthly Rentals

National Ad Fund

- 2% of Gross Monthly Rentals





Attain

TRAX PowerSports Rentals means:

A better return on your investment, helping you reach your long-term goals, and attaining the quality of life you seek

1. Inquire & Qualify

- Preliminary discussions, overview, and area availability
- Application Submittal with \$250 Application Fee
- Application review and request for additional information

2. Attend Discovery Day

- Visit our Corporate Headquarters in Utah, meet our team and get all questions answered.
- Preliminary Application Approval

3. Review the Franchise Disclosure Document (FDD) and Franchise Agreement (FA)

- All franchises are regulated by the FTC. Our Franchise Disclosure Document and Franchise Agreement provide all of the details about your opportunity.

4. Sign and Fund Your Franchise Agreement

- Your territory will be finalized as well as preliminary site and lease approval and your final franchise agreement will be issued.

5. Attend Training

- Your representatives will attend training at The Cabins at Bear River Lodge, where we will help you obtain a complete understanding of our Proven Systems and Best Practices.

6. Open Your TRAX PowerSports Rentals Franchise

- We will have an on-site representative to help you through the entire process of opening and helping with your first rentals. It is an exciting time!

TRAX
PowerSports
Rentals





Planning Commission Staff Report August 21, 2014

Item 8: Zone Text Change--Chapters 10, 11, 12, and 28

Public Hearing:	No
Application No.:	ZT-3-14
Property Address:	N/A
General Plan Designation:	N/A
Zoning Designation:	N/A
Area:	N/A
Number of Lots:	N/A
Applicant:	Farmington City
Agent:	N/A

Applicant is requesting a recommendation to amend Chapters 10, 11, 12, and 28 of the Zoning regarding conventional and conservation subdivision standards and transfer of development rights (TDR).

Background Information

The Planning Commission considered this request after holding a public hearing on August 7, 2014. The Commission directed staff to: 1) add the northeast area of the community as part of the conservation subdivision overlay zone, and 2) eliminate the waiver in Chapter 12. They tabled action to allow time for staff to finalize these changes for review by the Commission the amendments before they are forwarded to the City Council.

On August 7th a great deal of deliberation occurred related to lot sizes and the waiver. It was determined that the lot sizes will remain the same as per the proposed amendments; and even though the majority of Commissioners present wanted to do away with the waiver, the enclosed draft includes a two step waiver process (which was also discussed) just in case the Commission changes their previous position.

George Chipman of the Trails Committee recommended that any waiver should be by a simple majority vote of the City Council and not by "a vote of not less than 4 members" as now contained in the ordinance.

Suggested Motion

Move that the Planning Commission recommend that the City Council amend Chapters 10, 11, 12, and 28 related to conventional and conservation subdivision standards, and transfer of development rights, as set forth herein.

Findings

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

Supplementary Information [all chapters/sections below are contained in the Farmington City Zoning Ordinance, unless otherwise noted].

1. Proposed Conservation Subdivision Overlay Map.
2. Chapter 10, proposed draft changes.
3. Chapter 11, proposed draft changes.
4. Chapter 12, proposed draft changes.
5. Proposed Section 11-28-240.
6. Chapter 6.
7. Title 10, Chapter 9a, Section 101, 205, 206,302 of the Utah State Code



Farmington City

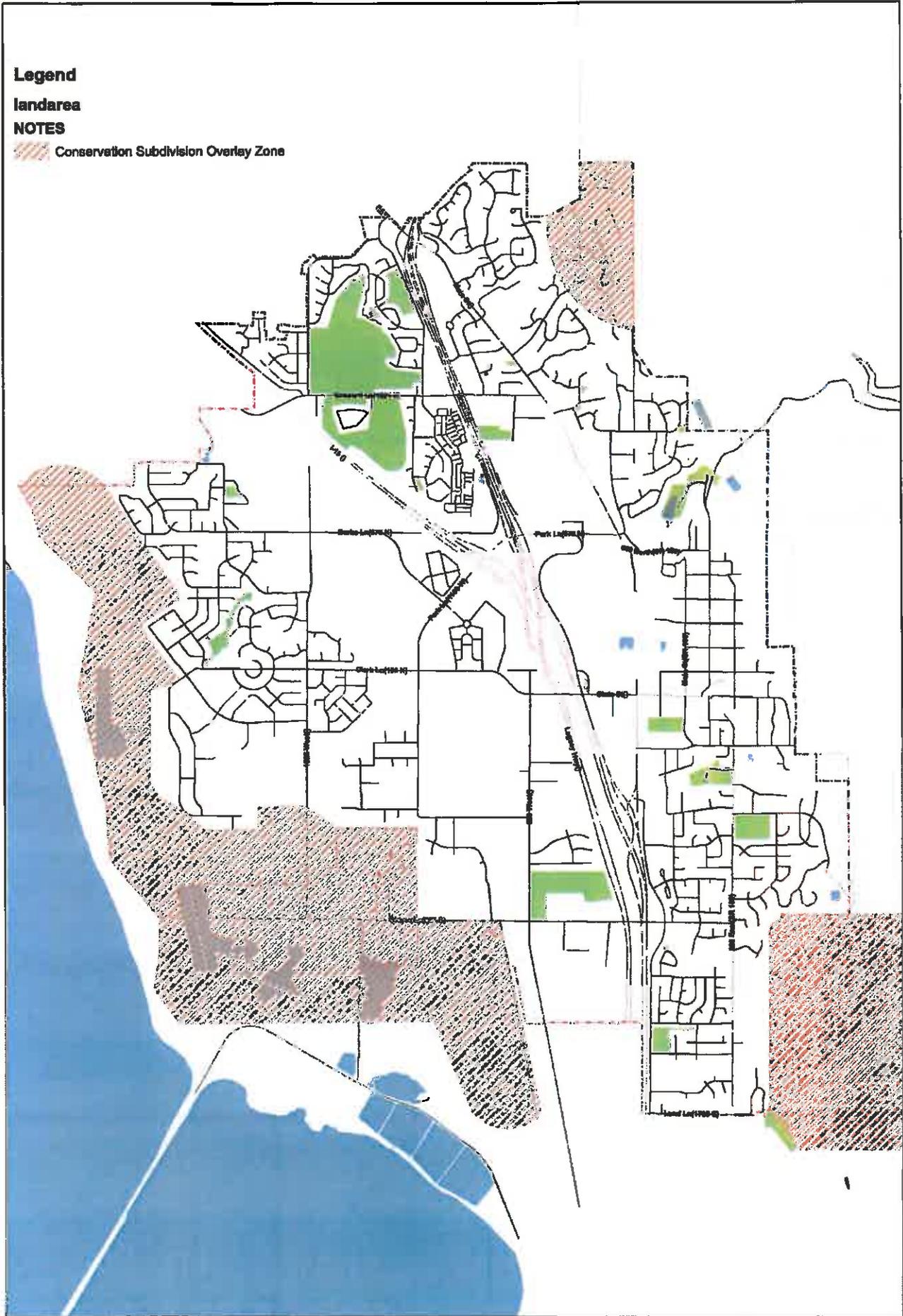


Legend

landarea

NOTES

 Conservation Subdivision Overlay Zone



**CHAPTER 10
AGRICULTURAL ZONES**

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

11-10-010 Purpose.

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

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

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

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

11-10-020 Schedule of Uses.

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

USE	AGRICULTURE ZONES		
	AA	AE	A
Accessory Dwellings	C	C	C
Accessory Living Quarters	C	X	X
Agriculture	P	P	P
Boarding kennel	X	X	C
Class "A" animals (small animals)	P	P	P
Class "B" animals (large animals)	P	P	P
Class "C" animals (commercial farming)	P	C	P
Class "D" animals (dangerous animals)	X	X	X
Commercial outdoor recreation, minor (i.e., family reunion center, outdoor reception facilities, equestrian facilities, picnic grounds, tennis courts, etc.)	C	C	C
Day-care, preschool	X	C	C
Greenhouse/Garden Center (retail or wholesale) less than 5 acres	C	C	C
Fruit and vegetable stands for sale of produce grown on the premises	P	P	P
Home occupations complying with provisions of the Home Occupation Chapter of this Title except as specified in Section 11-35-104	P	P	P
Home occupations specified in Section 11-35-104	C	C	C
Planned Unit development	C	C	C
Private school, Public School, or hospital	X	C	C
Public uses	X	C	C
Trails and Parks	C	C	C
Public utility installations (not including lines and rights-of-way)	C	C	C
Quasi-public uses	X	C	C
Radio, television, and telephone transmission and relay towers and facilities except as specified in Section 11-28-190	C	C	C
Residential facilities for the elderly	X	C	C
Residential facilities for the handicapped	X	C	C
Signs complying with Title 12	P	P	P

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

11-10-030 Conservation Subdivision Development Options.

Residential subdivisions within agriculture zones greater than 5 acres in size, or located in the Conservation Subdivision Overlay Zone, as described on the Farmington City Zoning Map, may be developed as a non-Conservation Subdivision in accordance with the standards set forth in this Chapter. Alternatively, subdivisions within agriculture zones may be developed as a Conservation Subdivision may be developed in accordance with the provisions of Chapter 12 of this Title providing innovative and flexible design opportunities.

11-10-040 Lot and Setback Standards

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

Zone	Lot Area	Alternative Lot Size	Lot Width		Front	Side	Side Corner	Rear
			Interior	Corner				
AA	10 acre	5 acre	150'	160'	40'	15' min., total 30'	30'	40'
A	2 acre	1 acre	100'	110'	30'	10' min., total 24'	25'	30'
AE	1 acre	½ acre	100'	110'	30'	10' min., total 24'	25'	30'

(2) **Alternative Lot Size.**

- (a) The alternative lot size is limited to subdivisions whereby the City approves a transfer of development right as set forth in Chapter 28 of this Title; or obtains improved or unimproved land in fee title, or easement, for public purposes—such as parks, trails, detention basins, etc. The value of which, and the total number of lots related thereto, shall be determined by the City at its sole discretion as part of the subdivision process.
- (b) The alternative lot size is not available for subdivision consisting of 5 acres or more, and/or for subdivisions located in the Conservation Subdivision Overlay zone.

~~(23)~~ Lot coverage: Not more than twenty-five percent (25%) of the gross area of a lot shall be covered by the main building, accessory buildings, or other structures in the A zone and lots greater than 0.75 acres in size in the AE zone, and not more than ten percent (10%) of the gross area of a lot for the AA zone. On lots less than 0.75 acre in size the lot coverage requirements for accessory buildings and structures set forth in Chapter 11 of this Title shall apply. (See below)

~~(34)~~ Area required for Class "B" animals: Not more than two (2) horses or cows or four (4) sheep, goats, pigs or similar size animals shall be kept on a one-half (1/2) acre lot. For lots larger than one-half (1/2) acre, one (1) additional horse or cow or two (2) additional sheep, goats, pigs, or similar size animals may be kept for each five thousand (5,000) square feet over one-half (1/2) acre. Animals younger than six (6) months in age shall not be counted in determining the total number of animals on the lot.

~~(45)~~ Area required for Class "C" animals: The minimum lot size for Class "C" animals (commercial farming) shall be five acres. Class "C" animal operations shall not include hog, mink, turkey and chicken farms.

~~(56)~~ Area required for Sportsman Kennel: The minimum lot size for a Sportsman Kennel shall be one acre.

~~(67)~~ Land within green belt corridors, waterways, and trail dedications shall not be used in calculating final lot area in Conservation Subdivisions.

~~(78)~~ Accessory buildings and structures:

- (a) Accessory buildings, except those listed in paragraph (b) below, shall be located in the rear yard, shall be separated from the main building by a distance in compliance with applicable building codes, shall be at least five (5) feet from all property lines and shall be fifteen (15) feet from a dwelling on an adjacent lot. Accessory buildings shall not be built over utility easements that may run along the side and rear property lines.
- (b) No farm animal structure, hay barn, stable, silo, coop, corral or other similar building or structure which is accessory to the agricultural use of land may be located closer than ten (10) feet to any side or rear boundary line or one hundred (100) feet to any public street or to any dwelling on adjacent properties. This provision shall not apply to pastures.
- (c) A detached accessory building, or other architecturally compatible structure as approved by the Planning Commission, may be located in the side yard of a lot providing that a separation is maintained from the residence in compliance with applicable building codes, and all front and side setbacks are provided as specified in Section 11-10-040 and the rear setback is provided as specified in Section 11-10-040(7)(a). In no event shall an accessory building encroach into the front yard beyond the nearest corner of the main building.

- (d) Equipment or materials stored or located in accessory buildings, yards, or structures in AE zones shall be permitted only for the personal use of the occupants of the property. No such storage or use related to a non-agricultural commercial business shall be allowed.

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

11-10-050 Maximum Building Height.

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

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

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

11-10-060 Site Development Standards.

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

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

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

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

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

**CHAPTER 11
SINGLE-FAMILY RESIDENTIAL ZONES**

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

11-11-010 Purpose.

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

11-11-020 Permitted Uses.

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

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

11-11-030 Conditional Uses.

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

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

11-11-040 Conservation Subdivision Development Options.

Subdivisions within the single-family residential zones greater than 10 acres in size, or located in the Conservation Subdivision Overlay Zone, as described on the Farmington City Zoning Map, may be developed as a non-Conservation Subdivision in accordance with the standards set forth in this Chapter. Alternatively, subdivisions within the single-family residential zones may be developed as a Conservation Subdivision may be developed in accordance with the provisions of Chapter 12 of this Title providing innovative and flexible design opportunities.

11-11-050 Minimum Lot Area, Width, and Setback Standards.

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

Zone	Lot Area in s.f.		Lot Width		Front	Side	Side Corner	Rear
		Alternative Lot size	Interior	Corner				
R	16,000	8,000	75'	85'	25'	8' min., total 18'	20'	30'
LR	20,000	10,000	85'	95'	25'	10' min., total 22'	20'	30'
S	30,000	15,000	95'	100'	25'	10' min., total 22'	20'	30'
LS	40,000	20,000	100'	110'	30'	10' min., total 24'	25'	30'

(b) Alternative Lot Size.

- (1) The alternative lot size is limited to subdivisions whereby the City approves a transfer of development right as set forth in Chapter 28 of this Title; or obtains improved or unimproved land in fee title, or easement, for public purposes—such as parks, trails, detention basins, etc. The value of

which, and the total number of lots related thereto, shall be determined by the City at its sole discretion as part of the subdivision process.

- (2) ~~The alternative lot size is not available for subdivision consisting of 10 acres or more, and or for subdivisions located in the Conservation Subdivision Overlay zone.~~

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

11-11-060 Accessory Buildings and Structures.

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

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

(c) A detached garage, or other architecturally compatible structure as approved by the Planning Commission, may be located in the side yard of a lot providing that a separation is maintained from the residence in compliance with applicable building codes, and all front and side setbacks are provided as specified in Section 11-11-050, and the rear setback is specified in Section 11-11-060(a). In no event shall an accessory building encroach into the front yard beyond the nearest corner of the main building.

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

11-11-070 Building Height.

(a) Main buildings:

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

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

11-11-080 Nonconforming Subdivisions.

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

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

11-11-090 Parking Restrictions.

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

11-11-100 Site Development.

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

DRAFT

August 7, 2104, August 21, 2014

CHAPTER 12

CONSERVATION SUBDIVISION AND (CS) OVERLAY ZONE DEVELOPMENT STANDARDS

- 11-12-010 Purpose.
- 11-12-020 Applicability.
- 11-12-030 Definitions.
- 11-12-040 Development Options.
- 11-12-050 Approval Process.
- 11-12-060 Development Activities Prohibited.
- ~~11-12-065 Waiver.~~
- ~~11-12-068 Fee in Lieu: conservation Land Dedication.~~
- 11-12-070 Subdivision Yield Plan.
- 11-12-080 Sensitive Area Designation Plan.
- 11-12-085 Master Development Plan.
- 11-12-090 Dimensional Standards.
- 11-12-100 Design Standards.
- ~~11-12-110 Transfer of Development Rights/Lots. (TDR)~~
- 11-12-120 Use Regulations.
- 11-12-130 Conservation Land Design Standards.
- 11-12-140 Permanent Protection of Conservation Lands.
- 11-12-150 Ownership of Conservation Lands.
- 11-12-160 Maintenance of Conservation Lands.

11-12-010 Purpose.

The purpose of this Chapter is to provide for subdivision development within the CS Overlay Zone and elsewhere in Farmington City Farmington City in a manner that:

(a) Protects constrained and sensitive lands, including those areas containing sensitive and undevelopable features such as steep slopes, floodplains and wetlands, by setting them aside from development;

(b) Conserves conservation and open space land, including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, archeological sites, and green space, by setting them aside from development;

- (c) Provides greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;
- (d) Reduces erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes and other constrained and sensitive lands;
- (e) Provides for a diversity of lot sizes to accommodate a variety of age and income groups and residential preferences, so that the community's population diversity may be enhanced;
- (f) Provides incentives for the creation of greenway systems and open space within the City for the benefit of present and future residents;
- (g) Implements adopted City policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Comprehensive General Plan;
- (h) Implements adopted land use, environment, natural hazards, transportation, and community policies, as identified in the Comprehensive General Plan;
- (i) Protects areas of the City with productive agricultural soils for continued agricultural use by conserving blocks of land large enough to allow for viable farm operations;
- (j) Creates neighborhoods with direct visual and/or recreational access to constrained, sensitive and conservation land;
- (k) Provides for the conservation and maintenance of constrained, sensitive and conservation land within the City to achieve the above-mentioned goals;
- (l) Provides incentives and design alternatives for landowners to minimize impacts on environmental resources such as, sensitive lands, wetlands, floodplain, and steep slopes, and to minimize disturbance of natural or cultural features such as, mature woodlands, tree lines, wildlife habitats and corridors, historic buildings, and floodplain walls;
- (m) Provides standards accommodating to some extent the varying circumstances and interests of individual landowners and the individual characteristics of their properties; and
- (n) Conserves scenic views and elements of the City's rural and scenic character and minimizes perceived density by minimizing views of new development from existing roads.

11-12-020 Applicability.

a. Any lot or parcel located within the CS Overlay Zone, as shown on the Official Zoning Map, depicted within the Future Land Use Map of the General Plan shall be subject to the standards and regulations of this Chapter. The CS 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.

AND

Any lot or parcel located in agriculture and single family residential zones greater than 5 and 10 acres respectively and not located in the CS Overlay Zone.

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

11-12-030 Definitions.

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

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

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

11-12-040 Development Options.

Developers desiring to develop property as a Conservation Subdivision in accordance with and subject to the development standards, conditions, procedures and regulations of this Chapter may submit a subdivision application for residential development at the base density permitted in the relevant zone provided herein which may result in more lots than using conventional lot dimensions standards set forth in Chapters 10 and 11 of this Title. The development must utilize a conservation design which sets aside and preserves all constrained and sensitive lands, natural hazards and resources, and provides the required percentage of conservation land within the development. ~~are provided the following Conservation Subdivision development options. These options are provided as an incentive to encourage developers to designate, preserve and protect a greater percentage of their property as permanent open space.~~

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

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

11-12-050 Approval Process.

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

The Planning Commission shall consider all applications for conservation subdivisions and prepare a recommendation to the City Council as an amendment to the Zoning Ordinance in accordance with Chapter 6 of this Title and the Municipal Land Use Development, and Management Act as set forth in the Chapter 9a of the Utah State Code. The City must provide notice of meetings and public hearings, and required third party notices, related thereto. As part of its recommendation, the Planning Commission and the City Council must determine whether or not a proposed conservation subdivision meets

the purpose of this chapter and the review standards set forth in Chapter 6 and elsewhere in the Farmington City Code.

11-12-060 Development Activities Prohibited.

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

~~11-12-065 Waiver.~~

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

- OR -

11-12-065 Waiver.

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

Good cause as referenced herein shall include, but not be limited to the following standards:

(1) The subdivision shall be located within a half mile of an existing public park. This distance shall be determined by the actual walking distance from the subdivision to the park.

(2) In the event the park is located off-site pursuant to sub-paragraph 1, or on-site, a waiver shall not result in usable park space less than ½ acres in size.

(2) A waiver shall not result in lots, or building set-backs, smaller than the minimum lot size.

(3) All subdivision standards regarding dead-end street length, ingress and egress, and block dimensions shall be met.

(4) No waiver shall result in the creation of additional lots or a flag lot.

11-12-068 — Fee in Lieu: Conservation Land Dedication:

In the event a proposed conservation land dedication does not, in the City's legislative discretion, produce sufficient public benefit, the City may require the payment of a fee in lieu of the dedication of conservation land. The fee to be paid to the City shall be established as follows:

(1) The City shall establish the amount of the fee to be paid by determining the value of land of the same general characteristics as the conservation land dedication which would be required absent the application of the provisions of this section. The City's determination of value may be based on land sales data in the City's possession or reasonably available, and the basis of the City's determination shall be made available to the Applicant.

(2) In the event the Applicant disagrees with the City's determination of the amount of the fee in lieu, the Applicant may, at its sole expense, submit an appraisal report from a licensed and Certified General Appraiser to establish the value of the proposed conservation land dedication. The value as established in a qualifying appraisal shall be the amount of the fee in lieu of conservation land dedication.

(3) Any amount received by the City in lieu of conservation land dedication shall be set aside solely for open space and/or park acquisition and/or development.

- OR -

11-12-068 Fee in Lieu; Conservation Land Dedication.

In the event a proposed conservation land dedication does not, in the City's legislative discretion, produce sufficient public benefit, the City may require the payment of a fee in lieu of the dedication of conservation land. The fee to be paid to the City shall be established as follows:

- (4) The City shall establish the amount of the fee to be paid by determining the value of land of the same general characteristics as the conservation land dedication which would be required absent the application of the provisions of this section. The City's determination of value may be based on land sales data in the City's possession or reasonably available, and the basis of the City's determination shall be made available to the Applicant.
- (5) In the event the Applicant disagrees with the City's determination of the amount of the fee in lieu, the Applicant may, at its sole expense, submit an appraisal report from a licensed and Certified General Appraiser to establish the value of the proposed conservation land dedication. The value as established in a qualifying appraisal shall be the amount of the fee in lieu of conservation land dedication.
- (6) Any amount received by the City in lieu of conservation land dedication shall be set aside solely for open space and/or park acquisition and/or development.

11-12-070 Subdivision Yield Plan.

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

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

(b) **Realistic Layout.** The Subdivision Yield Plan must be drawn to scale and must exhibit a realistic layout reflecting a Conventional Subdivision layout that could reasonably be expected to be implemented in consideration of dimensional standards set

forth herein and calculating and addressing the presence of non-buildable or infrastructure areas, including, but not limited to, rights-of-way, public improvement areas, wetlands, floodplains, steep slopes, restricted areas subject to the Farmington City Foothill Development Standards, and existing easements or encumbrances. A sample Subdivision Yield Plan is set forth in Exhibit "A," attached hereto and incorporated herein by this reference, providing an example of a hypothetical Yield Plan for land zoned Large Suburban.

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

Subdivision Yield Plan Dimensional Standards			
Zone	Lot Area	Lot Width	
		Interior	Corner
R (Residential)	8,000 s.f.	75'	85'
LR (Large Residential)	10,000 s.f.	85'	95'
S (Suburban)	15,000 s.f.	95'	100'
LS (Large Suburban)	20,000 s.f.	100'	110'
AE (Agriculture Estates)	½ Acre	100'	110'
A (Agriculture)	1 Acre	100'	110'
AA (Agriculture-Very Low Density)	5 Acre	150'	160'

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

11-12-080 Sensitive Area Designation Plan.

All applications for a Conservation Subdivision shall include a Sensitive Area Designation Plan prepared in accordance with the provisions set forth herein. The Sensitive Area Designation Plan shall identify all constrained and sensitive lands within the property boundaries and within four hundred (400) feet outside of the property boundaries, including, but not limited to, floodplains, wetlands, steep slopes, and restricted areas as regulated by the Farmington City Foothill Development Standards. The Sensitive Area Designation Plan shall also clearly identify all natural or cultural resources present on the property and within four hundred (400) feet outside of the property, including, but not limited to, geographic features, including, but not limited to, meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat, historic buildings and/or sites; archeological sites; cultural features and green space. Some, but not all, of certain

constrained and sensitive lands are designated and shown on the Farmington City Resources and Site Analysis Plan which may be utilized by applicants for the purpose of preparing a Sensitive Area Designation Plan. Applicants are solely responsible for checking and ensuring the accuracy and designation of constrained and sensitive lands and natural and cultural resources on the Sensitive Area Designation Plan for their particular project and applicable adjacent property. If site analysis, surveying and/or identification of constrained and sensitive lands and natural and cultural resources require entry onto adjacent properties, applicants are solely responsible for obtaining all required permits and/or approvals for such entry and analysis, surveying and/or identification.

11-12-085 Master Development Plan.

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

11-12-090 Dimensional Standards.

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

~~(b) Minimum Required Conservation Land. All Conservation Subdivisions shall provide at least the minimum percentage of conservation land within the Conservation Subdivision in accordance with the following chart, hereinafter referred to as set forth in the "Development Incentive Chart" in Subsection (a). The minimum percentage of required conservation land for any given Conservation Subdivision shall be calculated based upon the total acreage of property within the proposed subdivision less areas containing constrained and sensitive lands. Required conservation land shall not include any constrained or sensitive lands as defined herein. Except as otherwise provided herein, conservation land shall not be included within any residential lot.~~

Option One — Development Incentive Chart				
Zone	Conservation Land	Incentive Multiplier	Typical Lot Area	Lot Size Minimum
R	10%	0%	7,200 s.f.	6,500 s.f.
LR	10%	0%	9,000 s.f.	7,500 s.f.

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

Option Two—Development Incentive Chart				
Zone	Conservation Land	Incentive Multiplier	Typical Lot Area	Lot Size Minimum
R	15%	10%	6,182 s.f. 6,800 s.f.	5,500 s.f.
LR	15%	10%	7,727 s.f. 8,500 s.f.	6,500 s.f.
S	20%	15%	10,435 s.f. 12,000 s.f.	8,000 s.f.
LS	30%	20%	11,667 s.f. 16,000 s.f.	9,000 s.f.
AE	30%	20%	11,667 s.f.	9,000 s.f.
A	40%	20%	20,000 s.f.	12,000 s.f.
AA	40%	20%	108,900 s.f.	12,000 s.f.

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

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

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

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

i. **Front Setback.** The minimum front yard setback for main buildings in a Conservation Subdivisions shall be twenty (20) feet . Notwithstanding the foregoing, the minimum front yard setback for attached garages which extend past the front of the dwelling towards the front property line in any Conservation Subdivision shall be thirty (30) feet.

ii. **Rear Setback.** The minimum rear yard setback for main buildings within a Conservation Subdivisions shall be thirty (30) feet.

iii. **Side Setback.** The minimum side yard setback for main buildings within a Conservation Subdivision shall be ten (10) feet for lots within the S, LS, AE, and AA zones, and a minimum of five (5) feet for lots within the R and LR zones but the total of both sides set backs in the R and LR zones shall be no less than 13 feet.

iv. **Side Corner Setback.** The minimum side corner setback for main buildings within a Conservation Subdivision shall be fifteen (15) feet from the property line in compliance with clear vision standards set forth in Section 11-28-150 of this Title.

v. **Accessory buildings** on lots less than ½ acre in size shall be located at least six (6) feet to the rear of the dwelling, shall not encroach on any recorded easement, shall not occupy more than twenty-five percent (25%) of the rear yard, and shall be located at least fifteen (15) feet from any dwelling on an adjacent lot. Such buildings may be located within one (1) foot of the side or rear property line. Accessory buildings shall, without exception, be subordinate in height and area to the main building.

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

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

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

(g) Building Height on lots less than one-half (½) acre.

(1) Main buildings:

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

ii. No dwelling or structure shall contain less than one story.

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

(h) Accessory buildings on lots greater than ½ acre in size shall meet the setback and height requirements of the underlying zone in which they are located.

11-12-100 Design Standards.

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

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

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

~~(d) — Access. House lots shall be accessed from interior streets, rather than from roads bordering the tract.~~

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

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

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

~~(h) — Size. In no event shall any parcel of conservation land be less than 1 acre in size.~~

11-12-110 — Transfer of Development Rights/Lots. (TDR)

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

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

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

~~(d) — Minimum Transfer Lot Size and Dimensional Standards. The minimum acreage required for any Transfer Lot replacing conservation land shall be determined in accordance with the development incentive chart (option two) and dimensional standards provided in Section 11-12-090.~~

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

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

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

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

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

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

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

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

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

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

~~(6) _____ Developer profit percentage.~~

11-12-120 Use Regulations.

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

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

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

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

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

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

vehicles, except as may be necessary to maintain and operate the property and/or utility facilities within the property;

- (g) Hunting or trapping for any purpose other than predatory or problem animal control;
 - (h) Advertising of any kind or nature and any billboards or signs; provided, directory and information signs may be displayed describing the easement and prohibited or authorized use of the same;
 - (i) Any cutting of trees or vegetation, except as necessary for fire protection, thinning, elimination of diseased growth, control of non-native plant species, maintenance of landscaped areas, and similar protective measures or those activities relating to permitted agricultural uses;
 - (j) The change, disturbance, alteration, or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property;
 - (k) The division, subdivision or de facto subdivision of the property;
 - (l) Changing the topography of the property by placing on it any soil, dredging spoils, land fill, or other materials, except as necessary to conduct specific permitted purposes; and
 - (m) All other uses and practices inconsistent with and detrimental to the stated objectives and purpose of the easement.
- (4) Constrained and Sensitive Lands. No development or residential uses shall be permitted within constrained and sensitive lands.

11-12-130 Conservation Land Design Standards.

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

- (a) **Significant Areas and Features.** Conservation land should include the most unique and sensitive resources and locally significant features of the property within

the Subdivision such as meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmlands, wildlife corridors and/or habitat, historic buildings and/or sites, archeological sites, cultural features, green space, scenic views, etc.

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

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

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

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

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

(g) **Buffering.** Conservation land shall be designed to provide buffers and to protect scenic views as seen from existing roadways and from public parks. Where the

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

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

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

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

11-12-140 Permanent Protection of Conservation Lands.

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

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

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

(7) enforcement rights and procedures.

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

11-12-150 Ownership of Conservation Lands.

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

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

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

- (1) A description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for conservation land, including restrictive covenants for the Subdivision, shall be submitted by the developer with the Preliminary Plat application.
- (2) The proposed association shall be established and operating (with financial subsidization, if necessary) prior to or concurrent with the recording of the Final Plat for the Subdivision.
- (3) Membership in the association shall be mandatory for all purchasers of property within the Subdivision and their successors in title.
- (4) The association shall be responsible for maintenance and insurance of conservation land.
- (5) The by-laws of the association and restrictive covenants for the Subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued

interest before the lien may be lifted.

- (6) Written notice of any proposed transfer of conservation land by the association or the assumption of maintenance for the conservation land must be given to all members of the association and to the City no less than thirty (30) days prior to such event.
- (7) The association shall have adequate staff to administer, maintain, and operate such conservation land.

11-12-160 Maintenance of Conservation Lands.

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

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

- (1) The Plan shall define ownership.
- (2) The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (e.g. lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, cropland, woodlands, etc.).
- (3) The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the conservation land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- (4) At the City's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year.

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

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

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

DRAFT
August 7, 2014

CHAPTER 28

SUPPLEMENTARY AND QUALIFYING REGULATIONS

11-28-010	Effect of Chapter.
11-28-020	Building Lot Required.
11-28-030	Minimum Lot Areas to be Preserved.
11-28-040	Open Sky.
11-28-050	Supplementary Yard Regulations.
11-28-060	Location of Recreational Pools and Tennis Courts.
11-28-070	Maximum Coverage Area of Accessory Buildings.
11-28-080	Location of Architectural and Integral Parts.
11-28-090	Maximum Height Limitations Exceptions.
11-28-100	Minimum Height of Dwellings.
11-28-110	Minimum Size of Dwellings.
11-28-120	Temporary Use of Land and Structures.
11-28-130	Native Material Removal.
11-28-140	Fences.
11-28-150	Clear Vision.
11-28-160	Open Storage in Residential Zones.
11-28-170	Public Improvements Required.
11-28-180	Additional Requirements for Dwellings.
11-28-190	Wireless Telecommunication Facilities.
11-28-200	Secondary Dwelling Units.
11-28-210	Small Auto Dealership.
11-28-220	Class "A" Self Storage
11-28-230	Demolitions
11-28-240	Transfer of Development Rights

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

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

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

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

(d) **Minimum Transfer Lot Size and Dimensional Standards.** The minimum acreage required for any Transfer Lot replacing conservation land shall be determined in accordance with the development incentive chart (option two) and dimensional standards provided in Section 11-12-090.

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

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

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

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

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

- (1) Anticipated value of the Transfer Lot to be paid from the receiving lot owner to the sending lot owner;
- (2) Method of payment for the transfer lot(s) value and when the payment is to be made;
- (3) Cost of improvements, including design costs, and the timing of construction;
- (4) Other costs such as City fees and finance costs, and the timing of the paying thereof;
- (5) Land cost total to be paid to the owner and when this payment to the

- owner will be made; and
- (6) Developer profit percentage.

CHAPTER 6

ZONING ORDINANCE AND MAP AMENDMENTS

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

11-6-010 **Amendments Permitted.**

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

11-6-020 **Procedure for Proposed Amendments.**

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

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

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

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

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

(e) **City Council Review.** Except as provided herein, the City Council shall review the proposed amendment to the Zoning Ordinance or Zoning Map and shall schedule and hold a public hearing on the proposed amendment. The City Council shall provide reasonable notice of the public hearing at least ten (10) days before the date of the hearing. After the public hearing, the City Council may make any modifications to the proposed amendment to the Zoning Ordinance or Zoning Map that it considers appropriate and in accord with the City General Plan and may thereafter adopt the amendment as proposed, modify the amendment and adopt or reject the modified amendment, or reject the proposed amendment.

11-6-030 Fees and Costs.

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

11-6-040 Approval Not Affecting Other Requirements.

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

11-6-050 Required Commencement of Construction.

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

11-6-060 Documentation.

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

11-6-070 Disapproval of Proposed Amendment.

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

11-6-101 and 11-6-105 Amended, 2/7/96, Ord. 96-06
Chapter 6 Renumbered and Recodified, 11/19/97, Ord. 97-55
Amended 11-6-020 - 9/21/10, Ord. 2010-39

10-9a-101. Title.

This chapter is known as the "Municipal Land Use, Development, and Management Act."

Renumbered and Amended by Chapter 254, 2005 General Session

10-9a-205. Notice of public hearings and public meetings on adoption or modification of land use ordinance.

- (1) Each municipality shall give:
 - (a) notice of the date, time, and place of the first public hearing to consider the adoption or any modification of a land use ordinance; and
 - (b) notice of each public meeting on the subject.
- (2) Each notice of a public hearing under Subsection (1)(a) shall be:
 - (a) mailed to each affected entity at least 10 calendar days before the public hearing;
 - (b) posted:
 - (i) in at least three public locations within the municipality; or
 - (ii) on the municipality's official website; and
 - (c) (i) (A) published in a newspaper of general circulation in the area at least 10 calendar days before the public hearing; and
(B) published on the Utah Public Notice Website created in Section 63F-1-701, at least 10 calendar days before the public hearing; or
 - (ii) mailed at least 10 days before the public hearing to:
 - (A) each property owner whose land is directly affected by the land use ordinance change; and
 - (B) each adjacent property owner within the parameters specified by municipal ordinance.
- (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the meeting and shall be posted:
 - (a) in at least three public locations within the municipality; or
 - (b) on the municipality's official website.
- (4) (a) If a municipality plans to hold a public hearing in accordance with Section 10-9a-502 to adopt a zoning map or map amendment, the municipality shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within the proposed map at least 10 days prior to the scheduled day of the public hearing.
 - (b) The notice shall:
 - (i) identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;
 - (ii) state the current zone in which the real property is located;
 - (iii) state the proposed new zone for the real property;
 - (iv) provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted;
 - (v) state that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment;
 - (vi) state the address where the property owner should file the protest;
 - (vii) notify the property owner that each written objection filed with the municipality will be provided to the municipal legislative body; and
 - (viii) state the location, date, and time of the public hearing described in Section 10-9a-502.

(c) If a municipality mails notice to a property owner in accordance with Subsection (2)(c)(ii) for a public hearing on a zoning map or map amendment, the notice required in this Subsection (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather than sent separately.

Amended by Chapter 324, 2013 General Session

10-9a-206. Third party notice.

(1) If a municipality requires notice to adjacent property owners, the municipality shall:

(a) mail notice to the record owner of each parcel within parameters specified by municipal ordinance; or

(b) post notice on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.

(2) If a municipality mails notice to third party property owners under Subsection (1), it shall mail equivalent notice to property owners within an adjacent jurisdiction.

Enacted by Chapter 254, 2005 General Session

10-9a-302. Planning commission powers and duties.

The planning commission shall make a recommendation to the legislative body for:

- (1) a general plan and amendments to the general plan;
- (2) land use ordinances, zoning maps, official maps, and amendments;
- (3) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;
- (4) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and
- (5) application processes that:
 - (a) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
 - (b) shall protect the right of each:
 - (i) applicant and third party to require formal consideration of any application by a land use authority;
 - (ii) applicant, adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority; and
 - (iii) participant to be heard in each public hearing on a contested application.

Renumbered and Amended by Chapter 254, 2005 General Session

CHAPTER 15

BUSINESS/RESIDENTIAL ZONE (BR)

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

11-15-010 Purpose.

The intent of this zone is to provide an area in the City for a mix of professional and government offices, limited commercial uses, and residential land uses. **The BR Zone is an historic district and it is integral to the cultural heritage of Farmington City that the historic resources of the zone be preserved, rehabilitated or restored where appropriate.** The standards and guidelines contained herein are further intended to encourage compatibility between new and existing development, to enhance the physical appearance of the district, and, where applicable, to reinforce the historic character and development pattern of the district.

11-15-020 Permitted Uses.

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

- (1) Agriculture;
- (2) Business and professional offices;
- (3) Class "A" beer outlet;
- ~~(4) Commercial testing laboratories;~~
- ~~(5) Data processing services;~~
- (4) Day care, pre-school;
- (5) Financial institutions, **excluding non-chartered financial institutions, as defined in Section 11-2-020 of this Title;**
- (6) Funeral home;
- (7) Neighborhood service establishments (low impact retail and service uses such as bakery, bookstore, dry-cleaning, hair styling, coin laundry, pharmacy, art supply/gallery, craft store, photo-copy center, etc.);
- (8) Printing, publishing;
- (9) Public park;
- (10) Public utility lines and rights-of-way;
- (11) Reception center;
- ~~(14) Research services;~~
- (12) Residential facility for the elderly;
- (13) Residential facility for the handicapped;
- (14) Seasonal fruit/produce vendor stands;
- (15) Signs complying with provisions of the Sign Ordinance;

- (16) Single-family dwelling;
- (17) Two-family dwelling;
- (18) Uses customarily accessory to a listed permitted use.
- (19) Home occupations complying with the Home Occupation Chapter of this Title, except as specified in Section 11-15-030 below.

11-15-030 Conditional Uses.

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

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

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

CHAPTER 2
DEFINITIONS

11-2-010 **General.**
11-2-020 **Definitions.**

11-2-010 **General.**

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

11-2-020 **Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(31) Demand or Shopping Goods. Stores or shops intended for retail sales of goods or merchandise, but not including convenience foods, liquor, motor vehicles, campers, trailers, farm equipment, lumber, or heavy equipment. This definition shall include department and discount stores.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(51) Greenway Lands. See Conservation Lands.

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

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

(54) Lot. Any parcel of land.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(88) Small Auto Dealership. An auto dealership licensed by the State of Utah displaying for sale no more than three (3) cars at any one time.

(89) Street, Private. A thoroughfare, held in private ownership and controlled by one or more persons, firms or corporations and used or held for use primarily as a means of access to adjoining properties.

(90) Street, Public. An open way, space and/or thoroughfare fifty (50) feet or more in width provided or dedicated and/or accepted by Farmington City, Davis County, or the State of Utah, for public use, designated primarily for vehicular travel.

(91) Structure. That which is framed, erected, constructed, or placed upon the ground; but not including fences which are eight (8) feet or less in height.

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

(93) Subdivision Yield Plan. A preliminary conceptual design with conventional lot and street layout where all the land ordinarily permitted in a conventional layout is allocated to house lots and to streets, and where all lots must contain buildable unconstrained land as required in the zoning district where the property is located.

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

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

(96) Trailer Park or Court. Any premises where one or more trailer coaches or mobile homes are parked for living and sleeping purposes, or any premises set apart for the purpose of supplying to the public parking space for such mobile homes for living and sleeping purposes; also includes any buildings, structures, vehicles or enclosures used or intended for use as a part of the equipment of such trailer park, court or camp.

(97) Unconstrained Land. Land that is substantially free of building or residential development constraints such as wetlands and soils classified as very poorly drained, utility easements or high-tension electrical transmission lines (<69KV), steep slopes of greater than 30 percent (30%), flood ways and flood plains within 100-year flood plains, areas identified as part of the city's major streets or trail systems and waterways, channels and attendant corridors.

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

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

(100) Yard, Front. Any yard between the front lot line and the front setback line of a main building and for inside lots extending between side lot lines, or for side corner lots extending between a side lot line and the other front lot line that is not used to designate the front of the structure, parallel to the frontage of the lot. On lots that are other than rectangular in shape, the front setback may be an average of the distance measured from the front corners of a dwelling to the nearest point of the front lot line, however, the shortest distance used in determining the average may not be less than twenty (20) feet.

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

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

shape, the required minimum front setback may be an average of the distance measured from the front corners of a dwelling to the nearest point of the front lot line, however, the shortest distance used in determining the average may not be less than twenty (20) feet.

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

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

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

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

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

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

11-2-214 and 11-2-237 Amended, 3/02/94, Ord. 94-12
Chapter 2 Amended, 4/17/96, Ord. 96-17
Chapter 2 Amended, 4/21/99, Ord. 99-21
11-2-020(14) Amended, 4/19/00, Ord. 2000-15
11-2-020(34) Amended, 1/24/02, Ord. 2002-14
Amended, Definitions-(36), (38) & (39) 12/4/02, Ord. 2002-48
11-2-020(83) Enacted, 8/6/03, Ord. 2003-31
Amended/Enacted (29.5), (99), (99-5) (100), (100-5) Ord. 2007-18, 3/6/07
Amended 3/18/08, Ordinance 2008-19
Amended 09/20/11, Ordinance 2011-18
Amended 04/16/13, Ordinance 2013-08

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

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

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

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

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

Motion:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Motion:

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

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

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

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

No comments were received.

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

Motion:

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

ADJOURNMENT

Motion:

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

Brett Anderson
Farmington City Planning Commission