



# Farmington City Planning Commission

March 8, 2018



**AGENDA**  
**PLANNING COMMISSION MEETING**  
**March 8, 2018**

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

*Study Session: 6:00 p.m. – Conference Room 3 (2<sup>nd</sup> Floor)*

**Regular Session: 7:00 p.m. – City Council Chambers (2<sup>nd</sup> 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**

3. Robert Dale – Applicant is requesting final plat approval of the Oakwood Estates Phase IX Subdivision consisting of 1 lot on .41 acres of property located at 485 West Oakwood Circle in an LR-F (Large Residential – Foothill) zone. (S-3-18)

**ZONING MAP / GENERAL PLAN AMENDMENT**

4. Brock Loomis / Jack Fisher Companies (Public Hearing) – Applicant is requesting a zoning map amendment for 1.1 acres of property located at approximately 56 South 1100 West from an A (Agriculture) to an RMU (Residential Mixed Use) zone. (Z-4-18)
5. Phil Holland / Wright Development (Public Hearing) – Applicant is requesting approval of the East Park Lane Small Area Master Plan as an element of the General Plan for approximately 85 acres of property located between Park Lane, Highway 89, Main Street, and 1100 North in an A (Agriculture), CMU (Commercial Mixed Use), and LS (Large Suburban) zone. (MP-1-18)

**CONDITIONAL USE PERMIT**

6. Nathan Peterson (Public Hearing) – Applicant is requesting conditional use approval to exceed the minimum drive-way width on .39 acres of property located at 1294 West Atrium Court in an AE (Agriculture Estates) zone. (C-2-18)

**ZONE TEXT AMENDMENT**

7. Farmington City (Public Hearing) – Applicant is requesting miscellaneous amendments to the Zoning Ordinance as follows: **a)** Amending Section 11-7-040(E) & (F), clarifying authority in

permitted and conditional uses; **b)** Amending Section 11-10-040(H)(1) establishing ADUs in agriculture zones as being subordinate in height and area to the main dwelling; **c)** Amending Sections 11-13-020 and 11-13-030 moving secondary dwelling units from a conditional use to a permitted use; **d)** Amending Section 11-18-040(D)(1) requiring that any pedestrian walkway used to define a block face be a legislative and discretionary decision; **e)** Amending Section 11-28-120(I)(6) removing the requirement that “other temporary use exemptions” receive written approval from the City Council, and replacing it with City Manager approval; **f)** Amending Section 11-28-200 regulating secondary dwelling units.

**OTHER**

8. Miscellaneous, correspondence, etc.
  - a. Other
  
9. 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 March 2, 2018

---

Eric Anderson  
City Planner

**FARMINGTON CITY**  
**PLANNING COMMISSION MEETING**  
February 22, 2018

---

**STUDY SESSION**

***Present:** Commissioners Alex Leeman, Roger Child, Connie Deianni, Kent Hinckley and Rulon Homer, Community Development Director David Petersen, and Recording Secretary Heidi Gordon. Commissioner Bret Gallacher and Associate City Planner Eric Anderson were excused.*

**Item #3. Ken Stuart – Requesting a metes and bounds subdivision (lot split) creating 2 parcels on 2.64 acres of property located at 950 North 2000 West in an LR (Large Residential) zone.**

**David Petersen** with time running short he moved forward to agenda item #4.

**Item#4. Josh Cummings/MJC – Requesting a zoning map amendment for 2.6 acres of property located on the northeast corner of Park Lane and Main Street from an LR-F (Large Residential – Foothill) to a BP (Business Park) zone.**

**David Petersen** explained that most of the property is zoned LR (Large Residential) with a small piece that is zoned BP (Business Park). There has been a lot of concern from the citizens on this proposal. The developer approached the city and said they would like to request the item be removed from the agenda so that they can hold one or two neighborhood meetings. They would like to address questions and concerns before having this go before the Planning Commission.

**Connie Deianni** questioned when the developer would like to hold the neighborhood meetings.

**Dave Petersen** said that he did not know, but he recommends that the Planning Commission's public hearing be put on the March 22<sup>nd</sup> agenda, this will give the applicant 4 weeks to meet with citizens on his own.

**Alex Leeman** brought up the 4 story office building that they are proposing and the BP zone has a 3 story height limit. How could that be done?

**David Petersen** said that the 4 story building violates city code and no application has been received for site plan review. He explained the developer wanted to put the concept out there so that people were aware of exactly what he would like to do.

---

**REGULAR SESSION**

***Present:** Commissioners Alex Leeman, Roger Child, Connie Deianni, Kent Hinckley and Rulon Homer, Community Development Director David Petersen, and Recording Secretary Heidi Gordon. Commissioner Bret Gallacher and Associate City Planner Eric Anderson were excused.*

**Motion:**

**Kent Hinckley** made a motion that the agenda item #4 be moved to item #1. **Connie Deianni** seconded the motion, which was unanimously approved.

**Item#4. Josh Cummings/MJC Holdings – Requesting A zoning map amendment for 2.6 acres of property located on the northeast corner of Park Lane and Main Street from an LR-F (Large Residential – Foothill) to a BP (Business Park) zone.**

**Alex Leeman** said that what the commission would normally be doing at this meeting tonight would be making a recommendation to the City Council and the residents would be able to come and voice any questions or concerns. However, at this time, the applicant has decided to change course a little bit. The applicant has asked that the Planning Commission pull this item off the agenda tonight because, he would like to have a meeting with the neighborhood so that he can get feedback from the residents before he brings the item back to the Planning Commission. He read a note from the developer stating there would be a neighborhood meeting held at City Hall, Wednesday February 28<sup>th</sup> at 7:30 p.m. [Note: the neighborhood meeting will be organized by the developer, not the City.]. He explained that the next meeting on this item, if a motion is approved by the Planning Commission to continue to a future date may be on the 22<sup>nd</sup> of March and there will be no notice's sent out on the item for the 22<sup>nd</sup> as they have already been notified to come to tonight's meeting.

***Motion:***

**Kent Hinckley** made a motion to continue the public hearing (item #1) to March 22, 2018. **Connie Deianni** seconded the motion, which was unanimously approved.

**Item #1. Minutes**

**Rulon Homer** made a motion to approve the Minutes from the February 8, 2018 Planning Commission meeting. **Roger Child** seconded the motion, which was unanimously approved.

**Item #2. City Council Report**

**David Petersen** said they adopted a transportation utility fee. This fee will go into effect July 1<sup>st</sup>. The reason for the fee is that we are falling behind on our road maintenance. The fee will be \$3.00 a month for a single family home. The businesses will pay an ERU (Equivalent residential unit) fee using the Institute of Transportation Engineer's Manual, which is based how much traffic they have and the square footage of the building. There is an appeal process so that people can question the fees accessed on their property. They also discussed the Taylor Ridge Subdivision and that went through.

**Item #3. Ken Stuart – Requesting a metes and bounds subdivision (lot split) creating 2 parcels on 2.64 acres of property located at 950 North 2000 West in an LR (Large Residential) zone.**

**David Petersen** said the property is located on the northwest part of Farmington. There is wetlands on the 2.64-acre parcel that cannot be developed on, with almost a ½ acre that he could make a lot on. His home will be in Farmington City but the street where he will access his home will be located in Kaysville City. Utilities will be in Farmington but the streets will be maintained by Kaysville City. The applicant has discussed the proposal with Kaysville City.

**Alex Leeman** said that as it is the sidewalk does not continue past the Elliot's home. Can we do anything about that?

**David Petersen** explained because of the wetlands being so close there is probably nothing the City can do about that.

**Kent Hinckley** questioned why the applicant wants a lot split if he owns both parcels.

**Ken Stuart** 1305 N. 1700 W., said the flood insurance would significantly lower if he splits the lot. He is opposed to the easement having to be put into place before building permit. He would like to move forward on the lot and start building with a letter of intent that would grant the easement to Farmington City or do a fee simple transfer.

**David Petersen** questioned if there is a letter of intent and there is a recorded easement would the applicant be okay with having it connected to his building permit application?

**Ken Stuart** agreed to having the building permit tied to the recorded easement. He feels that a fee simple transfer would be a better option though.

**Alex Leeman** asked if we had the applicant to either sign a letter of intent to either grant a public access easement to the trail or make a fee simple transfer to be determined between the applicant and City prior to the issuance of the building permit.

**Ken Stuart** expressed concern about waiting to pull a building permit until the easement has been worked out. He was hoping that it would be at occupancy.

**David Petersen** said he would not be opposed to pushing it up until occupancy.

**PUBLIC HEARING OPEN 7:43 pm**

**Lynette Elliott** 1926 W. 900 N., questioned what the stand is from the Army Corp. of Engineers regarding the pond that is directly west of them and borders on the Stuart property? Will it remain exactly as it is?

**Alex Leeman** said he believes that it may stay the same.

**Alex Leeman closed the public hearing at 7:48 p.m.**

**Rulon Homer** questioned how the City feels about acquiring the land.

**David Petersen** said that the City has done it with several trails and might be okay with this.

**Roger Child** asked if the City owns any water rights or if there was a water detention basin there?

**David Petersen** said he thinks there is no water rights there. The only interest for the City may be for the trails system.

**Motion:**

**Kent Hinckley** made a motion that the Planning Commission approve the proposed lot split by metes and bounds, subject to all applicable Farmington City ordinances and standards and the following conditions:

1. The applicant shall grant the City a fee simple title for the existing trail along Haight Creek and for the property to be used for a sidewalk along 950 N. The title transfer shall be recorded prior to occupancy and the title transfer shall be as agreed to by the applicant and the City.
2. The applicant shall obtain a letter verifying that Kaysville City will require the installation of curb and gutter, asphalt extension, and sidewalk concurrent with the issuance of a building permit for the property.

**Roger Child** seconded the motion, which was unanimously approved.

#### **Item #5. Miscellaneous**

The City received an application from Phil Holland requesting favorable consideration to amend the General Plan by adopting his East Park Lane Sub area master plan proposal for the area north of the Chevron. A public hearing is scheduled before the Commission on March 8<sup>th</sup>. The area is already master planned for commercial mixed uses, but Mr. Holland’s proposal may bring more clarity to what City could receive in the way of applications for the future.

#### **ADJOURNMENT**

##### ***Motion:***

At 7:54 p.m., **Connie Deianni** made a motion to adjourn the meeting, **Rulon Homer** seconded the motion, which was unanimously approved.

---

**Alex Leeman**  
**Chair, 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 salaries in the Police Department and to answer any questions the City Council may have on agenda items. The public is welcome to attend.

**AMENDED 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, March 6, 2018, 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

**PRESENTATIONS:**

7:05 Recognition of Heather Barnum for Years of Service on the Planning Commission

**7:10 Introduction of Youth City Council Members and Administration of Oath of Office**

**PUBLIC HEARINGS:**

7:25 Mountain View PUD Subdivision Schematic Plan, Preliminary (PUD) Master Plan, and Rezone – 650 West 250 South

7:45 Farmington Greens PUD Master Plan Amendment – 1525 West Clark Lane

8:05 Zone Text Amendment to Chapters 3 and 28 of the Zoning Ordinance

**NEW BUSINESS:**

8:15 Contractor and Contract for the 650 West Softball Complex Concrete

**OLD BUSINESS:**

8:20 Financing of Remaining Park and Ball Fields

**SUMMARY ACTION:**

*(Items listed are considered routine in nature and will be voted on in mass unless pulled for separate discussion)*

8:25 Minute Motion Approving Summary Action List

1. Approval of Minutes from February 20, 2018
2. **Animal Control Contract with Davis County**

**GOVERNING BODY REPORTS:**

8:30 City Manager Report

1. Text Notifications

8:35 Mayor Talbot & City Council Reports

**ADJOURN**

**CLOSED SESSION**

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

DATED this 2<sup>nd</sup> day of March, 2018.

**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.*

**Posted 03/02/2018**



## Planning Commission Staff Report March 8, 2018

---

### Item 3: Final Plat for Oakwood Estates Phase IX Subdivision

Public Hearing:	No
Application No.:	S-3-18
Property Address:	485 West Oak Wood Circle
General Plan Designation:	LDR (Low Density Residential)
Zoning Designation:	LR-F (Large Residential – Foothill)
Area:	.41 acres
Number of Lots:	1
Property Owner:	Robert Dale and Lonnie Bullard
Agent:	Robert Dale

*Applicant is requesting a recommendation for approval of final plat for the Oakwood Estates Phase IX.*

---

#### **Background Information**

The applicant, Robert Dale is requesting final plat approval for the Oak Wood Estates Phase IX, which is located at 485 Oak Wood Circle. In the LR zone, the minimum lot size is 20,000 s.f., and the applicant is proposing one lot that is 18,067 s.f.; however, because the Oakwood Subdivision was approved as a conservation subdivision, the proposed lot meets all requirements for a conservation subdivision in the LR zone. The proposed one lot subdivision is already defined, and all of the improvements have been completed in earlier phases of the Oakwood Estates/Bray Subdivision. Additionally, the preliminary plat, that acted as a master plan for the entirety of the Oakwood Estates Subdivision has been approved. This is largely a simple exercise in platting this lot according to the ordinance.

#### **Suggested Motion**

Move that the Planning Commission approve the proposed final plat for the Oakwood Estates Phase IX subject to all applicable Farmington City ordinances and development standards.

#### **Supplemental Information**

1. Vicinity Map
2. Final Plat

#### **Applicable Ordinances**

1. Section 11, Chapter 11 – Single Family Residential Zones
2. Section 12, Chapter 6 – Major Subdivisions
3. Section 12, Chapter 7 – General Requirements for all Subdivisions

# Farmington City



**SURVEYOR'S CERTIFICATE:**

I, SCOTT W. DERBY, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 186128 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT, BY THE AUTHORITY OF THE OWNER, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND THAT I HAVE SUBDIVIDED SAID TRACT OF LAND INTO A LOT, HEREAFTER TO BE KNOWN AS:

OAK WOOD ESTATES, PHASE 9

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

DATE \_\_\_\_\_ SIGNATURE \_\_\_\_\_



**PROPERTY DESCRIPTION:**

BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF OAK WOOD CIRCLE; SAID POINT BEING THE NORTHERLY CORNER OF LOT 801 OAKWOOD ESTATES PHASE 8, SAID POINT ALSO BEING SOUTH 00°14'09" EAST 2023.81 FEET ALONG THE SECTION LINE; AND WEST 1619.53 FEET FROM THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 53°05'52" WEST ALONG THE NORTHERLY LINE OF SAID LOT 801, 150.07 FEET TO THE NORTHWEST CORNER OF SAID LOT 801 OAKWOOD ESTATES PHASE 8; THENCE NORTH 26°49'03" WEST 85.54 FEET TO THE SOUTHEAST CORNER OF LOT 801 OAKWOOD ESTATES PHASE 8; THENCE NORTH 01°44'24" EAST ALONG THE EASTERLY LINE OF SAID LOT 801, 72.83 FEET TO THE SOUTHWEST CORNER OF LOT 802 OAKWOOD ESTATES PHASE 8; THENCE NORTH 70°00'00" EAST ALONG THE SOUTH LINE OF SAID LOT 802, 116.16 FEET TO THE WESTERLY RIGHT OF WAY LINE OF OAKWOOD CIRCLE; THENCE SOUTH 20°00'00" EAST ALONG SAID RIGHT OF WAY 40.30 FEET; THENCE 69.74 FEET ALONG THE ARC OF A 227.50 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS SOUTH 28°46'56" EAST 69.47 FEET) TO THE POINT OF BEGINNING.

CONTAINS 18,067 SQ FT MORE OR LESS.

**NARRATIVE OF BOUNDARY:**

SEE THE RECORD OF SURVEY OF FILE WITH THE DAVIS COUNTY SURVEYORS OFFICE FOR DETAILS REGARDING THE BOUNDARY.

**BASIS OF BEARINGS:**

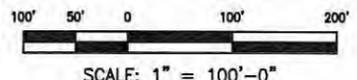
THE BEARING N 00°14'09" W FROM THE EAST QUARTER CORNER OF SECTION 12 TO THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AS SHOWN ON THE OAK WOOD ESTATES PHASE 1 FINAL PLAT AS RECORDED IN BOOK 2502, AT PAGE 389, ENTRY #1518069 WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.



- NOTES:**
- LOT OWNER SHALL BE REQUIRED TO SUBMIT A DRIVEWAY DESIGN, THE SLOPE OF WHICH MAY NOT EXCEED 12%.
  - A SOILS REPORT HAS BEEN PREPARED FOR THIS SUBDIVISION AND IS ON FILE IN THE FARMINGTON CITY OFFICES.
  - FEMA MAP NUMBER 49011C0244E SHOWS PROPERTY IS LOCATED IN ZONE X. THERE IS A NOTE STATING 0.2% ANNUAL CHANCE FLOOD DISCHARGE CONTAINED IN CHANNEL.
- SHEPARD RIDGE ENTERPRISES LC  
1688 N CANYON CIR  
FARMINGTON, UT 84025

**LEGEND AND ABBREVIATIONS**

- SECTION LINE
- FOUND SECTION CORNER
- FOUND REBAR AND CAP ON PROPERTY BOUNDARY
- SET 5/8 REBAR AND CAP (WILDING ENGINEERING) (PROPERTY BOUNDARY)
- FOUND STREET MONUMENT
- (R-1) OAK WOOD PHASE 1 ENTRY #1518069, BOOK 2502, PAGE 389, DAVIS COUNTY RECORDS.



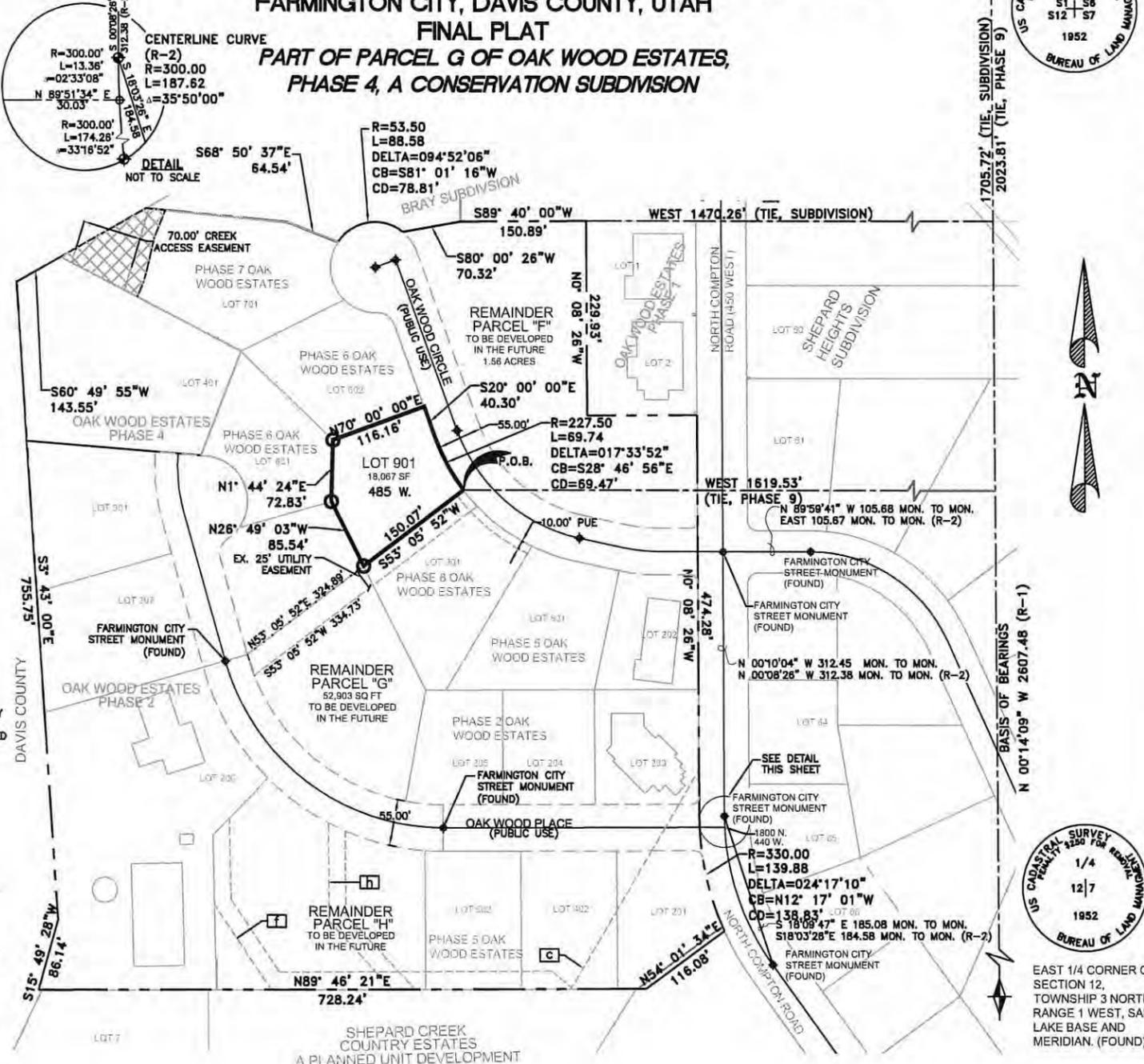
# OAK WOOD ESTATES, PHASE 9

## A CONSERVATION SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN FARMINGTON CITY, DAVIS COUNTY, UTAH

**FINAL PLAT**

PART OF PARCEL G OF OAK WOOD ESTATES, PHASE 4, A CONSERVATION SUBDIVISION



NORTHEAST CORNER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN. (FOUND)



BASIS OF BEARINGS  
N 00°14'09" W 2607.48 (R-1)



EAST 1/4 CORNER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN. (FOUND)

**OWNER'S DEDICATION:**

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DESCRIBED HEREON, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO A LOT TO BE HEREAFTER KNOWN AS

OAK WOOD ESTATES, PHASE 9

DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT INTENDED FOR PUBLIC USE. THIS DEDICATION SHALL WARRANT, DEFEND AND SAVE THE CITY HARMLESS AGAINST EASEMENTS OR OTHER ENCUMBRANCES ON ANY AREA DEDICATED FOR PUBLIC USE OR INTENDED IN WITNESS FOR PUBLIC USE WHICH, WILL INTERFERE WITH THE INTENDED USE, MAINTENANCE AND OPERATION OF SAID AREAS. IN WITNESS WHEREOF WE HAVE HITHERTO SIGNED THIS PLAT, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AD.

**ACKNOWLEDGMENT:**

STATE OF UTAH  
COUNTY OF \_\_\_\_\_  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_, PERSONALLY APPEARED BEFORE ME \_\_\_\_\_  
WHO BEING DULY SWORN OR AFFIRMED, DID SAY THAT HE/SHE IS THE SIGNER OF THE WITHIN OWNER'S DEDICATION AND THAT SAID DEDICATION WAS SIGNED BY HER FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN STATED.

NOTARY PUBLIC  
MY COMMISSION EXPIRES: \_\_\_\_\_

**OAK WOOD ESTATES, PHASE 9**

A CONSERVATION SUBDIVISION  
PART OF PARCEL G OF OAK WOOD ESTATES PHASE 4, A CONSERVATION SUBDIVISION  
LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN

SHEET 1 OF 1

BENCHLAND WATER DISTRICT PRESSURIZED IRRIGATION SYSTEM	CENTRAL DAVIS SEWER DISTRICT	PLANNING COMMISSION	CITY ENGINEER	CITY ATTORNEY	CITY COUNCIL APPROVAL	DAVIS COUNTY RECORDER
RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____ AD, 20____ BY BENCHLAND WATER DISTRICT.	RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____ AD, 20____ BY THE CENTRAL DAVIS SEWER DISTRICT.	RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____ AD, 20____ BY THE FARMINGTON CITY PLANNING COMMISSION	RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____ AD, 20____ BY THE FARMINGTON CITY ENGINEER.	RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____ AD, 20____ BY THE FARMINGTON CITY ATTORNEY.	RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____ AD, 20____ BY THE FARMINGTON CITY COUNCIL.	RECORDED NO. _____ State of Utah, County of Davis, _____ Recorded and filed at the request of _____ Date _____ Time _____ Book _____ Page _____ Fee \$ _____ Davis County Recorder
AUTHORIZED AGENT _____	CENTRAL DAVIS, AUTHORIZED AGENT _____	CHAIRMAN, CITY PLANNING COMMISSION _____	FARMINGTON CITY ENGINEER _____	FARMINGTON CITY ATTORNEY _____	FARMINGTON CITY RECORDER _____ MAYOR _____	



## Planning Commission Staff Report March 8, 2018

---

### Item 4: Zoning Map Amendment

Public Hearing:	Yes
Application No.:	Z-4-18
Property Address:	Approximately 56 South 1100 West
General Plan Designation:	RRD (Rural Residential Density)
Zoning Designation:	A (Agriculture)
Area:	1.1 Acres
Number of Lots:	N/A
Property Owner:	Henry Walker Land of Northern Utah
Agent:	Brock Loomis – Jack Fisher Companies

Request: *Applicant is requesting a recommendation to rezone 1.1 acres of property from A to RMU.*

---

### Background Information

The applicant desires to build 7 townhomes on property located on a small triangular piece of property immediately south of the Avenues at the Station, at approximately 56 South and 1100 West. When (then) Henry Walker Homes was developing the Avenues at the Station project, they purchased the triangular property to the south from Wayne Petty so that they could run a sewer trunk-line and water line directly into 1100 West without having to cross some high-pressure gas lines; the cost of crossing high-pressure gas lines is significant, as it requires robust concrete bridges. Oakwood Homes acquired Henry Walker Homes and took over the entitlement process for the Avenues at the Station, and as a part of that deal, Jack Fisher Homes acquired the subject property and are now seeking to develop it.

While the property was not intended to be built on or developed when it was purchased, there may be some validity to allowing it to be developed and continue the Avenues at the Station project into this constrained property. The Davis County Fairgrounds are adjacent to the proposed project, which is a high intensity use that produces high volumes of traffic year round, particularly during the County Fair. In staff's opinion, the highest and best use for the property, given the constraints, is a small townhome project, like what is being proposed; this is because the property is too small for commercial, would not work for single family residential due to its location and odd shape. However, staff has included an alternative motion for denial as well; the main finding for denial is centered around the premise that this property was never intended to be developed at RMU densities, and was purchased for the purpose of routing the sewer and water lines around the gas lines. While the property may not have been

purchased with the intent of developing it, that may not be a compelling reason to deny a property owner the ability to do so.

**Suggested Alternative Motions:**

- A.** Move that the Planning Commission recommend that the City Council approve the zoning map amendment of 1.1 acres of property, as defined by parcel identification number 080740073 located at approximately 56 South and 1100 West, from an AE (Agriculture Estates) zone to a RMU (Residential Mixed Use) zone, subject to all Farmington City ordinances and development standards.

**Findings for Approval:**

1. The subject property is awkward in shape and has easements encumbering much of the site, the proposed townhome project of 7 units is the highest and best use of the property given its constraints.
2. The subject property abuts the Station Avenues project and would be a continuation of that project at a much lower density (approximately 6.4 units/acre versus 10.4 units/acre).
3. The subject property is adjacent to the Davis County Fairgrounds, which is a very intensive non-residential use, and a single family home would not be a good use for the subject property.
4. While the proposed rezone is currently inconsistent with the General Plan, the subject property was intended to be part of the Transportation Mixed Use General Plan designation, and is more consistent with the TMU than the RRD (Rural Residential Density) designation.
5. The subject property is situated in a way that makes the possibility of the RMU zone spreading south or east extremely low.
6. There is a perpetual buffer of open space in the form of the large Farmington Greens open space parcel and D&RG trail, and the nearest home is approximately 250' from the proposed townhomes.
7. A rezone is a legislative decision and is determined on a case-by-case basis; in this instance, the rezone makes sense for this property given the inherent constraints of the property and its proximity to high-intensity development (both planned and built).
8. The proposed rezone will allow for medium density housing and would add to the City's housing type mixture.

- B.** Move that the Planning Commission recommend that the City Council deny the zoning map amendment of 1.1 acres of property, as defined by parcel identification number 080740073 located at approximately 56 South and 1100 West, from an AE (Agriculture Estates) zone to a RMU (Residential Mixed Use) zone.

**Findings for Approval:**

1. The property was originally purchased by Henry Walker Homes as part of their Avenues at the Station project in order for the developer to run a sewer trunk-line directly into 1100 West without crossing the high-pressure gas-lines. The intent was never to continue the Avenues at the Station project to the south.
2. Denying the rezone does not constitute inverse condemnation, because the value of the property was so that the original developer of the Station Avenues project did not have to go to the expense of bridging high-pressure gas lines for sewer and water.

3. Rezoning the property without concurrently reviewing a subdivision or site plan could result in a higher intensity development than what the site plan is currently showing, as the vesting provided by the RMU zoning would likely allow for more than 7 units.
4. The proposed rezone is not consistent with the General Plan.

**Supplemental Information**

1. Vicinity Map
2. General Plan Map
3. Zoning Map
4. Site Plan

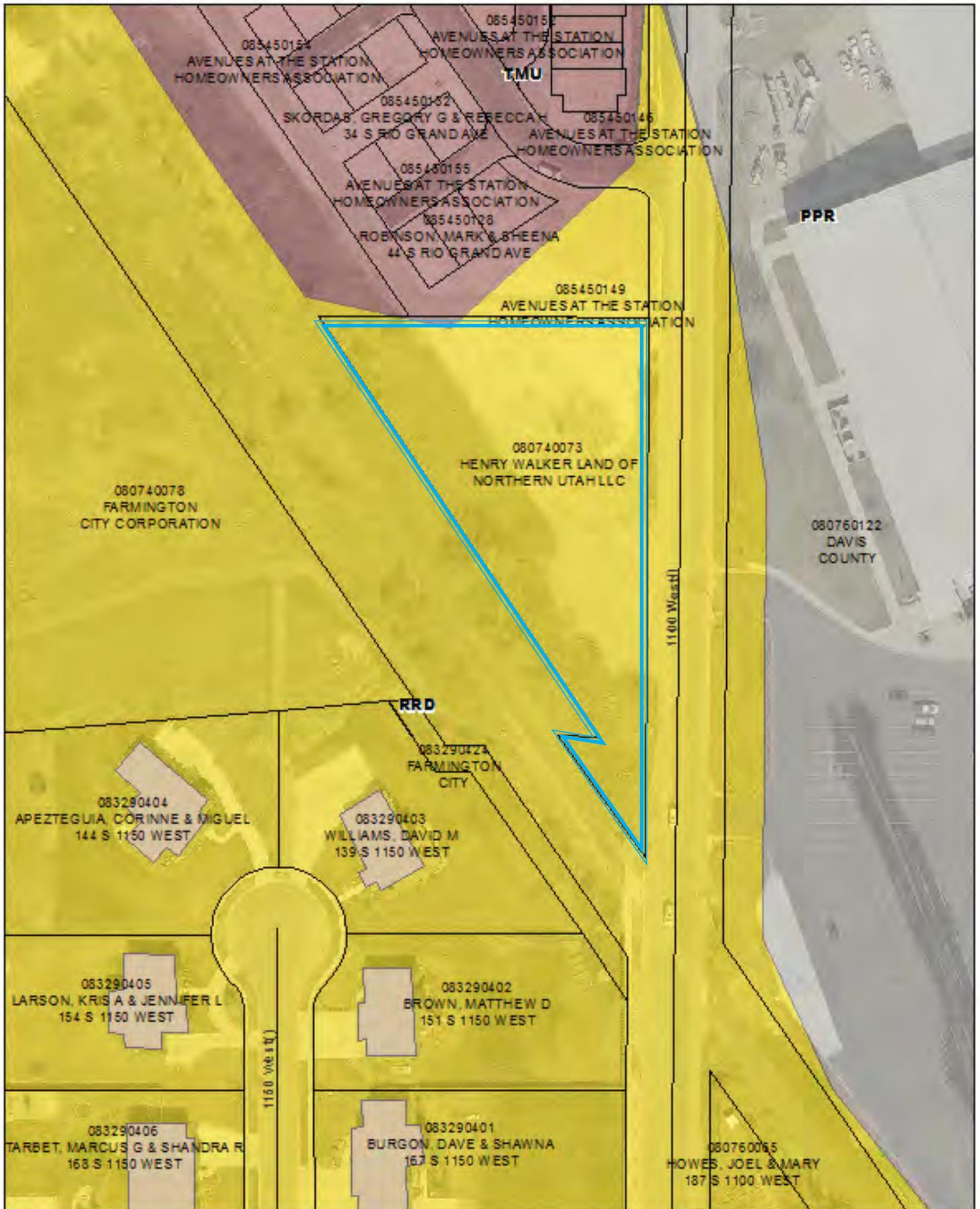
**Applicable Ordinances**

1. Title 11, Chapter 6 – Zoning Ordinance and Map Amendments
2. Title 11, Chapter 10 – Agriculture Zones
3. Title 11, Chapter 18 – Mixed Use Districts

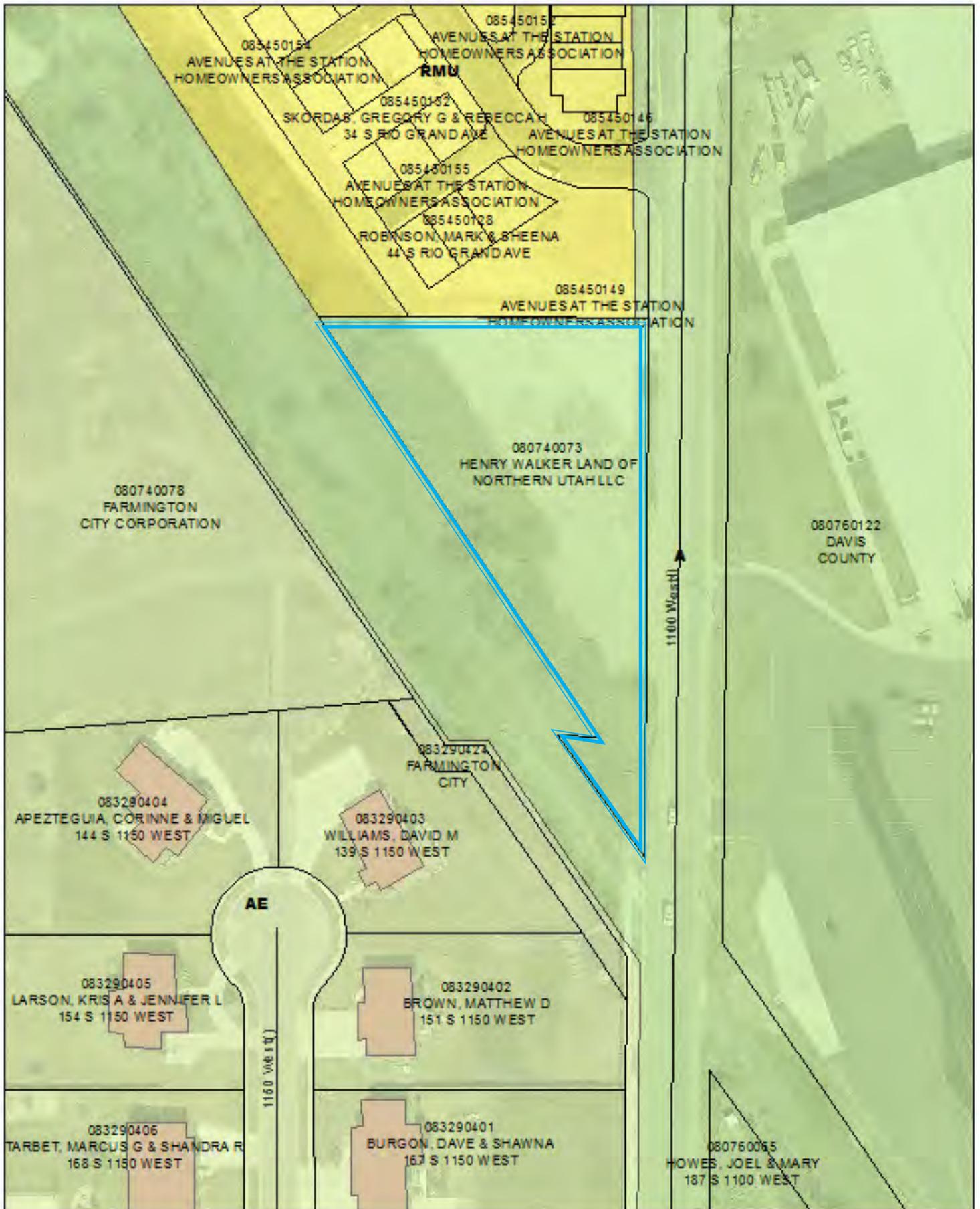
# Farmington City

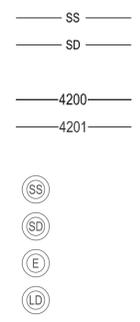
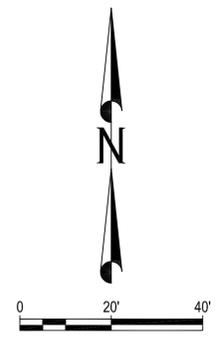
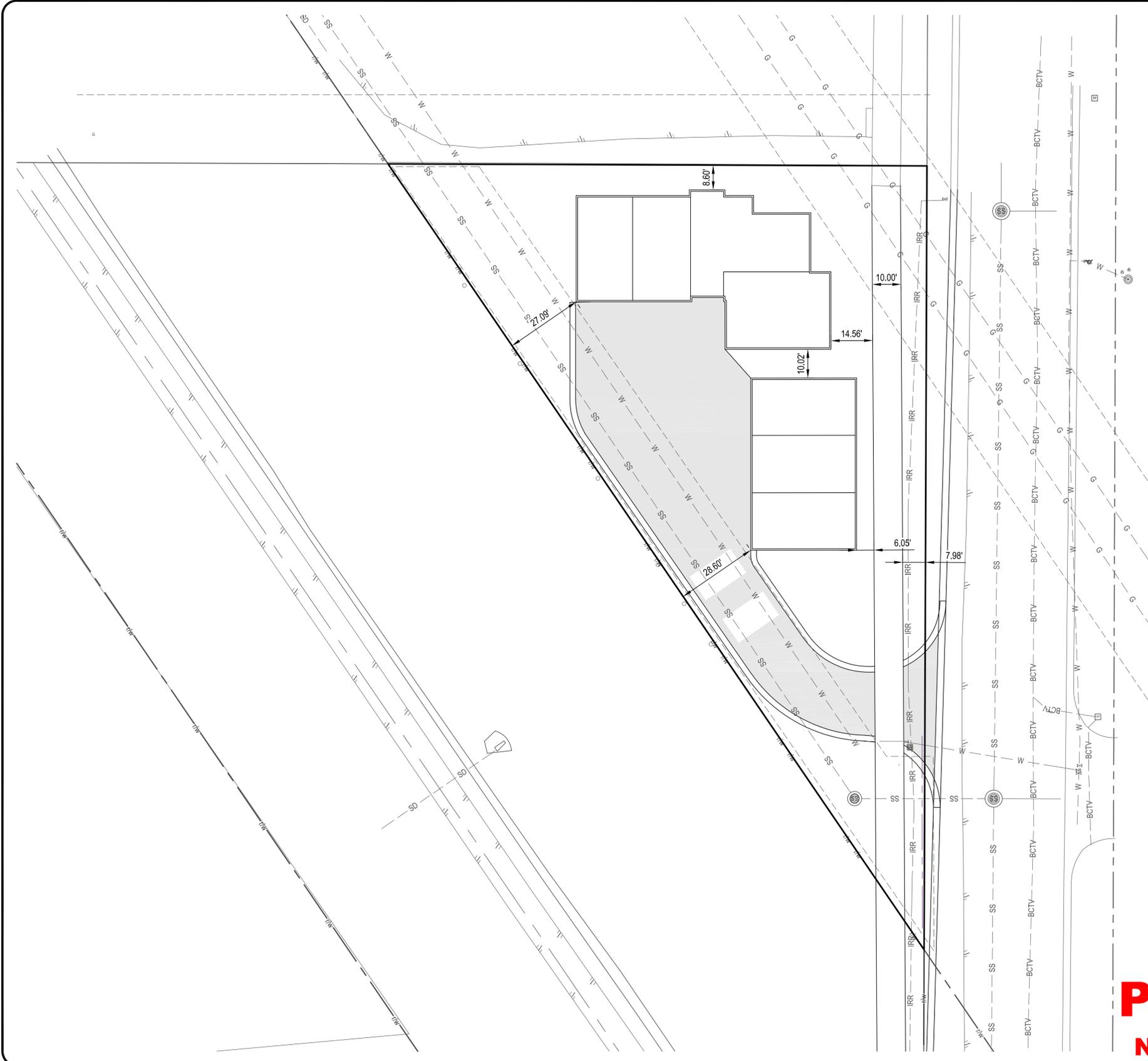


# Farmington City



# Farmington City





**SITE AND UTILITY KEYED NOTES**

- 1 RAISE EXISTING CATCH BASIN TO GRADE
- 2 PROTECT IN PLACE EXISTING STORM DRAIN PIPE/ CATCH BASIN
- 3 PROTECT IN PLACE EX LIGHT POLE
- 4 INSTALL 18F SNOUT OR EQUAL ON OUTLET PIPE

**GENERAL NOTES**

- 1. THE ENGINEER HAS MADE AN EXTENSIVE EFFORT TO LOCATE ALL EXISTING UTILITY LINES FROM RECORDS PROVIDED BY OTHERS AND EVIDENCE IN THE FIELD. CONTRACTOR TO VERIFY ALL EXISTING UTILITY LOCATIONS PRIOR TO COMMENCING WORK.
- 2. SANITARY SEWER CONSTRUCTION SHALL COMPLY WITH CENTRAL DAVIS SEWER DISTRICT DESIGN STANDARDS & SPECIFICATIONS.
- 3. ROADWAY CONSTRUCTION SHALL COMPLY WITH FARMINGTON CITY DESIGN STANDARDS AND SPECIFICATIONS.
- 4. ADD 4200 TO FINISH GRADE ELEVATIONS SHOWN TO BE ACTUAL

**PRELIMINARY**  
**NOT FOR CONSTRUCTION**

NO.	REVISION	DATE

IF THE ABOVE SCALE BAR DOES NOT MEASURE 1-INCH IN LENGTH, DO NOT USE THIS DRAWING FOR SCALING PURPOSES. DIMENSIONS AND MEASUREMENTS SPECIFIED IN THE DRAWING TAKE PRECEDENCE TO SCALED MEASUREMENTS.

THE INFORMATION CONTAINED IN THIS DRAWING IS THE PROPERTY OF CRS ENGINEERS AND IS NOT TO BE REPRODUCED, MODIFIED OR USED FOR ANY OTHER PROJECT OR EXTENSION OF THIS PROJECT EXCEPT BY AGREEMENT WITH CRS ENGINEERS.

PRINCIPAL  
M. HIRST, PE

PROJECT MANAGER  
G. NELSON, PE

CHECKED BY  
CK

DRAWN BY  
D. PENNINGTON, PE

DRAWING SCALE  
1" = 20'

REVISION DATE  
DEC 25, 2016

**CRS ENGINEERS**  
Answers to Infrastructure®

4246 S Riverboat Rd, Ste 200 | Salt Lake City, UT 84123 | P: 801.359.5565 | www.crsengineers.com

OWNER  
JF CAPITOL - FARMINGTON CONCEPT

2060 EAST 2100 SOUTH

SALT LAKE CITY, UTAH 84109

PROJECT NUMBER  
17163

SHEET OF  
4 OF 10

SHEET NUMBER  
CP101

CP101

File Path: P:\17163C - JF Capitol - Farmington Concept\Drawings\Sheets\CP101 Civil Site Plan.dwg Feb 02, 2018 - 4:43pm



## Planning Commission Staff Report March 8, 2018

---

### Item 5: East Park Lane Small Area Master Plan Adoption

Public Hearing:	Yes
Application No.:	MP-1-18
Property Address:	Area North of Park Lane, West of Main Street, East of Highway 89, and South of 1100 North
General Plan Designation:	CMU
Zoning Designation:	A (Agriculture), CMU (Commercial Mixed Use), and LS (Large Suburban)
Area:	Approx. 85 Acres
Number of Lots:	n/a
Property Owner:	n/a
Applicant:	Phil Holland – Wright Development

Request: *Recommendation for General Plan Amendment adopting the East Park Lane Small Area Master Plan.*

---

#### **Background Information**

The applicant would like to move forward developing 85 acres of property for a mixed-use project that will include office, retail, patio homes, single family residential, and townhomes. The proposed sub area master plan places low-density single-family residential to the north towards Shepard Lane, patio homes to the east towards Main Street, townhomes to the north but more central part of the plan, and higher intensity commercial to the central, west and south, towards or near Highway 89 and Park Lane. The main spine road for this project would be an extension of Lagoon Drive connecting Park Lane to US 89. The City's General Plan identifies this road as the Lagoon Drive northern extension, and it has long been anticipated through this area and is designated as a minor collector street on the Master Transportation Plan. The ultimate location of this road has never been set, however, this East Park Lane Small Area Master Plan would determine that alignment [note: Shepard Lane also connects to this road via 700 West Street]. Regarding land use and this road, the City's General Plan states that the City should consider: "allowing CMU-type land uses along both sides of the Lagoon Drive northern extension".

The general plan designation for this area is CMU, and the objective of this designation is three fold, as stated in the following:

- a) *“Encouraging medium-to-high density residential and community-oriented retail and professional offices. Some development/land uses with regional draw may also occur.*
- b) *Preparing development standards and guidelines for such elements as site design, architecture, and landscaping in a manner consistent with the anticipated mixed use characteristics of the zone.*
- c) *Utilizing Commercial Mixed Use (CMU) zone residential components to buffer adjacent non-CMU residential land uses and development.”*

Further, regarding the mixed use are (Farmington Commercial Center) west of I-15 and the US 89 corridor, the General Plan states:

*“As an additional opportunity, the Farmington Commercial Center is poised to leverage regional influence and draw along the I-15 corridor because of its convenient freeway and commuter rail access. [Note: planning efforts are now under way to create direct pedestrian address from the US 89 corridor to the commuter rail stop].*

*Appropriate development in both areas will benefit Farmington residents and the Community overall. It is important that this development is carefully planned in an integrated and comprehensive manner so that development complements the City’s economic and commercial objectives in a manner consistent with Farmington’s unique residential character and lifestyle. Relevant topics to consider include, but are not limited to, property and sales tax revenues, compatible land uses, and transportation/traffic patterns and volumes.”*

It appears that the East Park Lane Small Area Master Plan buffers the residential zones to the northeast with similar residential development as per the City’s General Plan, and it provides owner occupied patio homes as a transition from the Lagoon Drive northern extension and the single family homes on Main Street. It also places commercial along both sides of the Lagoon Drive northern extension and along the east side of Highway 89. The master plan establishes standards and design guidelines for the subject area, but it will also be subject to additional criteria as set forth in Chapter 19 of the Zoning Ordinance (covering the CMU zone).

In 2003, the City contracted The Ross Consulting Group to do a marketing study for the area that presently constitutes the mixed-use districts and the Highway 89 corridor. The results of that study stated that “these two areas are characterized by strong commercial potential that is complementary, not necessarily competitive in nature.” Thereafter, the City adopted the existing parts of the General Plan related to both areas regarding the General Plan text and future land use map on July 7, 2004, and chapter 19 of the Zoning Ordinance on December 1, 2004.

Although this particular application conforms to the General Plan, it is important to note that the General Plan is a guiding document and is intended to be dynamic and flexible; the overarching purpose is to inform land-use decisions, but it is not inviolable. State Code has determined that municipality’s General Plans are to be advisory in nature, this distinction is important for two reasons: 1) the General Plan may be and should be amended as development patterns change and population demographics evolve, and 2) because the General Plan is a guiding document (as per state code) it does not give

vesting to the applicant like zoning does. Therefore, the purpose of this small area master plan is to be an element of the General Plan, and it is intended to guide future development in this area, but it does not grant vesting. Every application for rezone, subdivision, and site plan related to the area covered by the small area master plan will be considered independently, utilizing the small area master plan to inform the decision on each particular application, and the final approval or denial will be determined on a case-by-case basis. That being said, when rezone applications come in, one of the driving criteria for consideration will be whether or not the application is consistent with the General Plan and the East Park Lane Small Area Master Plan. Staff feels that this Small Area Master Plan is a good and orderly plan that is context sensitive, provides good connectivity, balances live/work/play, preserves open space, and is not overly intensive. Currently, the City has several smaller subset master plans as elements of the General Plan (such as the proposed master plan before you tonight), including but not limited to a downtown, trails, transportation, storm-water, and active transportation master plan; the purpose of these smaller plans is to amend and update the General Plan without having to go through a full-overhaul of the General Plan in its entirety.

### **Suggested Alternative Motion(s)**

#### **Alternative A**

Move that the Planning Commission recommend that the City Council amend the General Plan adopting the enclosed East Park Lane Small Area Master Plan as an element of the General Plan, subject to all applicable Farmington City ordinances, and do what the City is doing in the mixed use areas north of Shepard Creek to ensure that as the City receives applications to rezone land in the CMU area that renter occupied development does not occur, and that owner occupied development (which may occur), does not exceed the densities depicted on the East Park Lane Small Area Master Plan, and that an appropriate mix of residential to non-residential development occurs as set forth in said plan.

#### **Findings for Approval**

1. The proposed East Park Lane Small Area Master Plan is consistent with the General Plan.
2. The proposed East Park Lane Small Area Master Plan is consistent with the stated intent and purpose of the Farmington City General Plan for this district; including a fine grained mix of uses such as office, retail, and residential, an emphasis on bringing activity to the street and enhancing walkability, placing parking to the rear of buildings, creating public spaces and nodes, enhancing open space and connectivity, providing a live/work/play environment, etc.
3. The proposed East Park Small Area Master Plan has a good balance of residential and retail, which is the overarching intent of the CMU General Plan designation and zone.
4. The East Park Lane Small Area Master Plan proposes a nuanced continuum of development intensity with lower density housing to the east and north, medium density residential in the middle and along major roads, and commercial along Highway 89 and the Lagoon Drive northern extension. The continuum of development intensity provides a buffer between existing residential neighborhoods to the north and east, and places the highest intensity commercial buildings near Highway 89.
5. The fine-grained mixture of uses proposed in the East Park Lane Small Area Master Plan creates an area that fosters a live/work/play environment.

6. The proposed East Park Lane Small Area Master Plan will help to diversify and balance the City's tax structure through expanding its commercial property tax base, instead of relying too heavily on residential property and commercial sales tax.
7. The Small Area Master Plan is a good and orderly plan that is context sensitive, provides good connectivity, balances live/work/play, preserves open space, and is not overly intensive.

**-OR-**

**Additional Background Information for Alternative Motion B**

Chapter 10 of General Plan contemplates multi-family residential densities up to 18 dwelling units/acre in the CMU area--and Chapter 19 of the Zoning Ordinance allows up to 14 dwelling units/acre in CMU zone—and both chapters do not differentiate between owner and renter occupied units. Meanwhile it appears that a rough, non-precise measurement of the developer's East Park Lane Small Area Master Plan may show a density of approximately 6 to 12 dwelling units per acre.

**Alternative B**

Move that the Planning Commission recommend that the City Council deny the General Plan amendment application for the East Park Lane Small Area Master Plan.

**Finding for Denial**

The proposed East Park Lane Small area Master Plan shows approximately 30 townhomes and 60 patio homes in the area shaded "Low Density Residential" area on the City's General Plan.

**Supplemental Information**

1. Vicinity Map
2. General Plan map and existing Zoning map
3. East Park Lane Small Area Master Plan
4. Chapters 10 and 11 of the Farmington City General Plan

# Farmington City





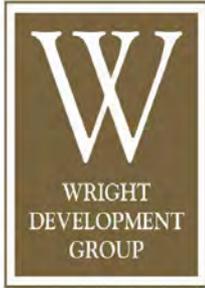
# SMALL AREA MASTER PLAN

## MIXED USE COMMUNITY

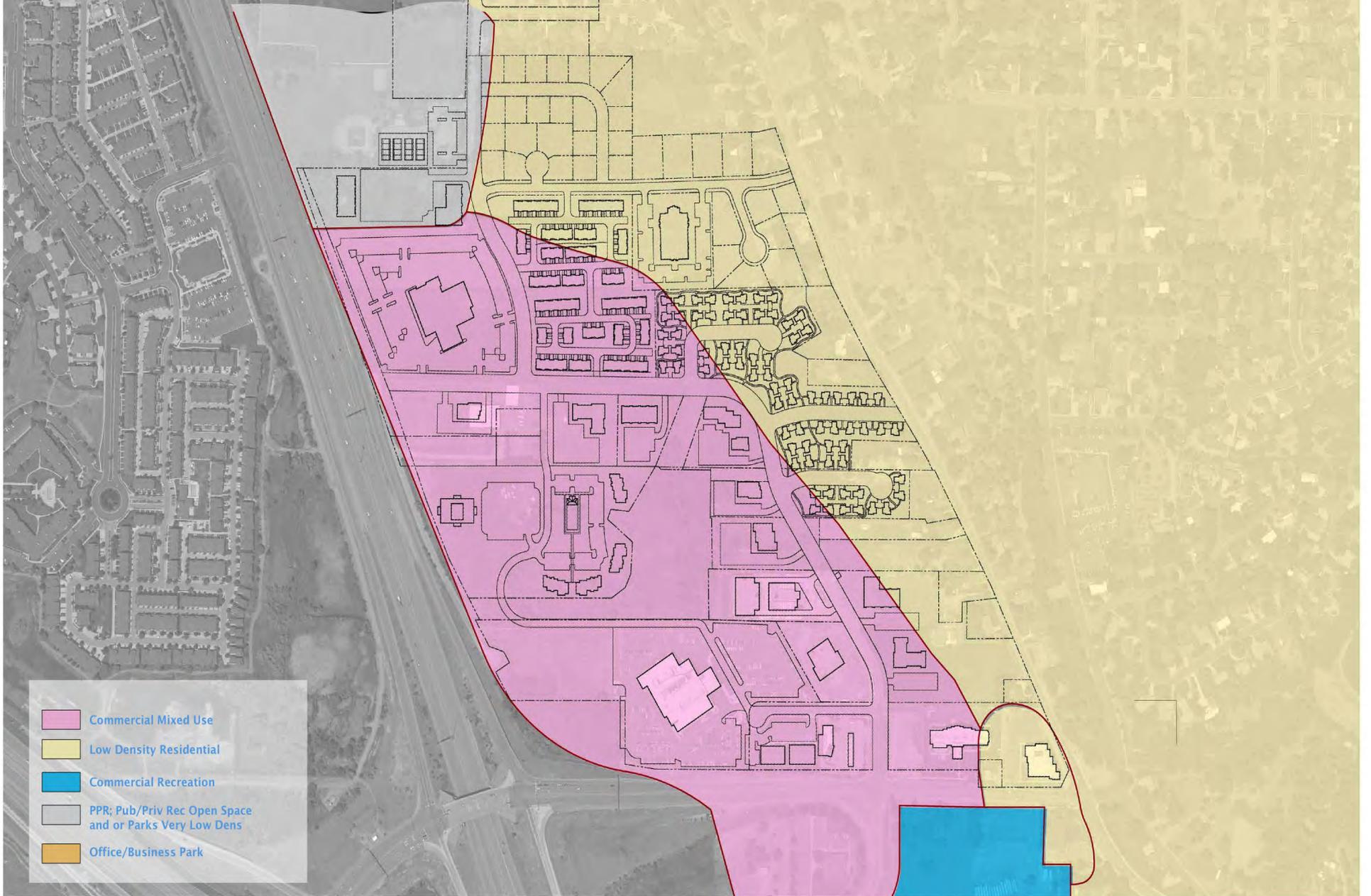
### FARMINGTON, UTAH



# EAST PARK LANE



isometric sketch



-  Commercial Mixed Use
-  Low Density Residential
-  Commercial Recreation
-  PPR; Pub/Priv Rec Open Space and or Parks Very Low Dens
-  Office/Business Park

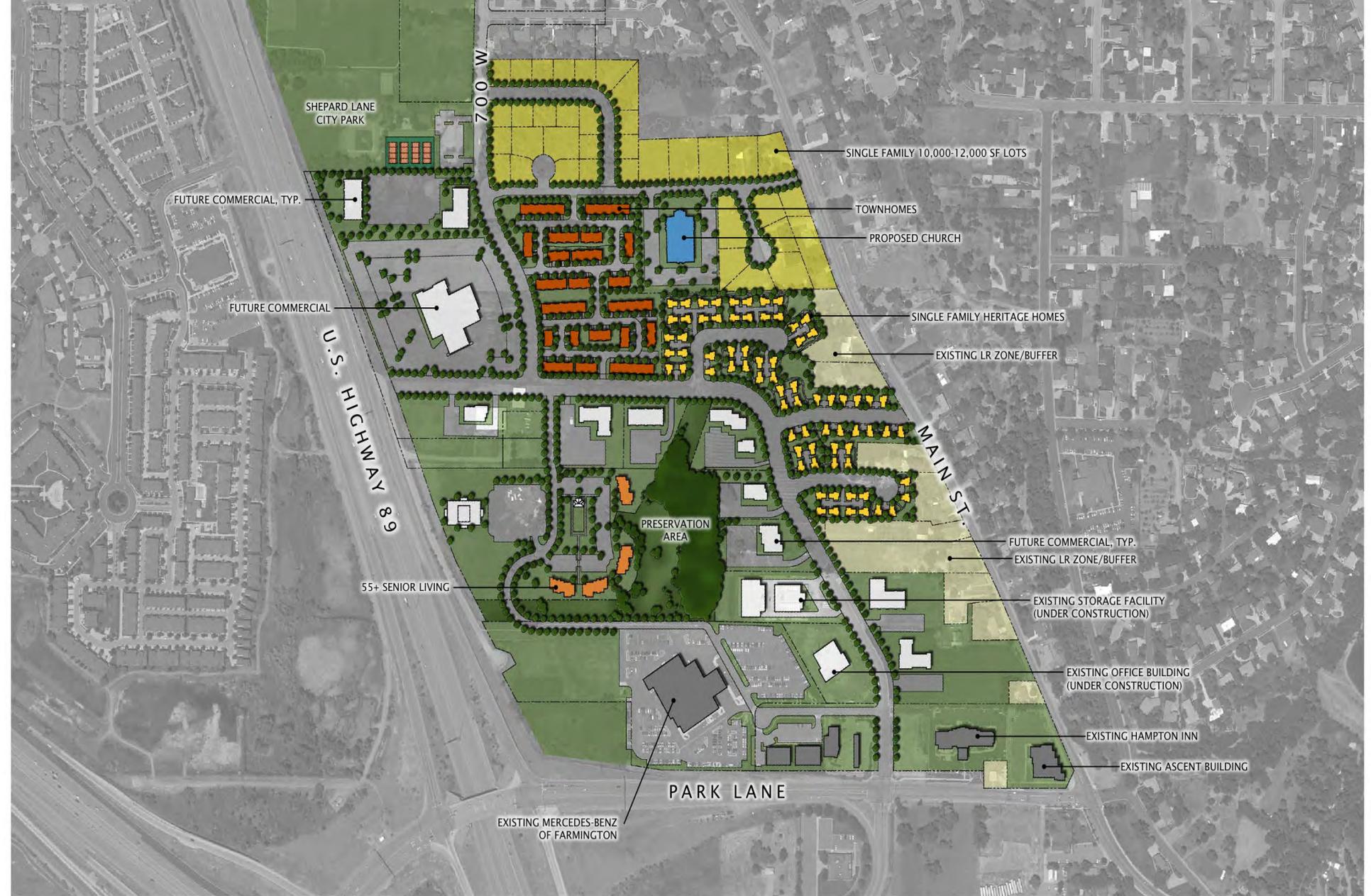


# farmington general land use plan

# FARMINGTON GENERAL PLAN

- ✓ EAST PARK LANE IS CONSISTENT WITH THE CURRENT GENERAL PLAN
- ✓ A MASTERPLAN IS NEEDED TO PLAN FUTURE GROWTH IN AN AREA WHERE OVER 10 LAND OWNERS HAVE INTEREST
- ✓ LARGEST REMAINING LAND AREA ON THE EAST SIDE OF FARMINGTON





# small area master plan (uses)

# COMMERCIAL



# RESIDENTIAL



- Large Front Porches
- Pitched Roofs
- Garage Minimization

Architectural  
Variety



- Farmhouse
- Gothic
- Victorian
- Craftsman
- European



- Modern
- Traditional

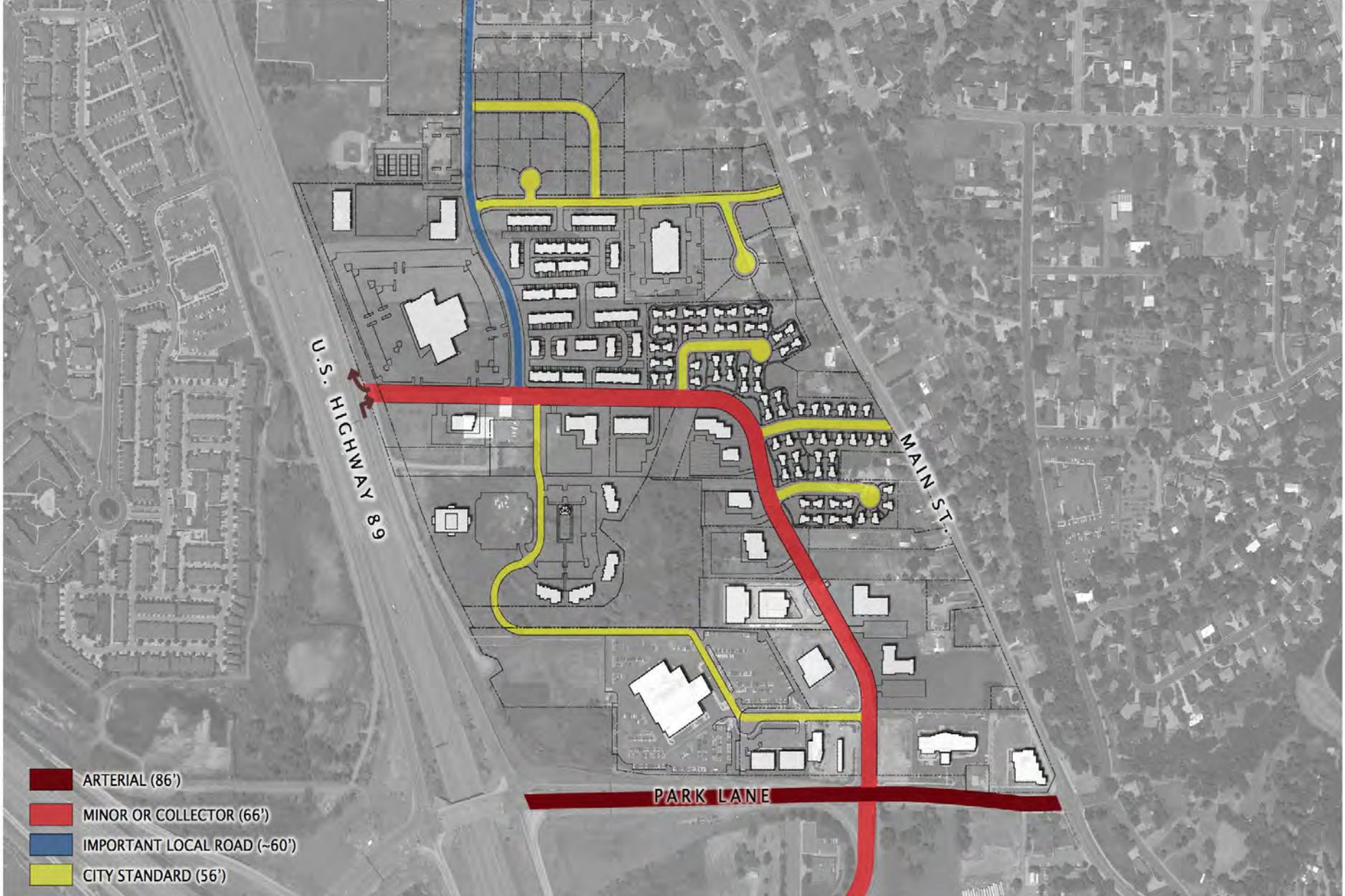


# LIVIBILITY & WORKABILITY



- OPEN SPACE
- AMENITIES
- NATURAL SPACE
- WALKABILITY





- ARTERIAL (86')
- MINOR OR COLLECTOR (66')
- IMPORTANT LOCAL ROAD (~60')
- CITY STANDARD (56')

## RESIDENTIAL DISTRICT(S) STANDARDS AND DEFINITIONS

### 1. Residential Densities and Minimum Lot Sizes

The Farmington General Plan and the accompanying Future Land Use Plan Map classify relative residential densities as Very Low, Rural Residential, Low, Medium, High and Very High. Depending on the type of residential land uses proposed, this general characterization is based on either minimum lot sizes, or a range of unit/acre densities. As a distinction, Minimum Lot Size is the minimum size of actual lots as represented on a preliminary Sketch Plan. Residential Density is calculated based on the number of dwelling units per gross acre of ground as projected through a City-reviewed/accepted "Subdivision Yield Plan". (A Subdivision Yield Plan identifies the maximum number of lots possible after constrained and sensitive lands have been identified and incorporated within the particular subdivision.)

Relative density classifications for Farmington City residential zones and residential/commercial mixed use zones are as follows:

<b>Minimum Lot Sizes and/or Residential Units/Acre</b>	<b>Relative Residential Density</b>
Five (5) acres and above	Very Low Density
Less than five (5) acres, but greater than or equal to one-half (½) acre	Rural Residential
Less than 20,000 s.f., but greater than or equal to 10,000 s.f.	Low Density
Between four (4) and nine (9) dwelling units per acre	Medium Density
Between ten (10) and fifteen (15) dwelling units per acre	High Density
Sixteen (16) or more dwelling units per acre	Very High Density

<b>Residential/Commercial Mixed Use Zones Units Per Acre</b>	<b>Relative Residential Density</b>
<b>Commercial Recreation (CR)</b> Residential uses allowed only as accessory uses	N/A
<b>Commercial Mixed Use (CMU)</b> <i>Multi-family residential</i> - six (6) units to eighteen (18) units per acre	Medium to Very High Density
<b>Neighborhood Mixed Use (NMU)</b> <i>Single-Family residential</i> - up to five (5) units per acre <i>Multi-unit residential</i> - up to nine (9) units per acre	Low to Medium Density Medium Density
<b>Transportation Mixed Use (TMU)</b> <i>Multi-unit residential</i> - ten (10) to eighteen (18) units per acre (permitted); up to forty (40) units per acre (conditional) within designated TMU “core areas”, i.e., areas immediately adjacent to or including major public transportation hubs and/or facilities.	High to Very High Density

## 2. Residential Densities and General Areas of Application

The standards and definitions as included in this section and reflected on the Future Land Use Plan Map are intended to provide general guidelines describing the types of residential land uses desired by the Community and where these uses are likely to occur.

### a) Very Low Density Residential

The “very low density” designation is generally appropriate for and applicable to:

- 1) environmentally sensitive and potentially hazardous areas such as steep slopes, flood plains, riparian areas, wetlands, debris flow areas, and areas within 100 feet of stream channels;
- 2) all lands above 5200 feet in elevation (above sea level);
- 3) all lands below 4218 feet in elevation (above sea level);
- 4) all developable public lands and any and all public lands converted to private ownership after 1998; and
- 5) areas where services and utilities may be limited or difficult to provide.

- (3) the development's compliance/consistency with the City's Master Transportation Plan (As deemed necessary by the City, developers will be required to provide a project-specific transportation and access management plan.);
- (4) the natural characteristics of the site (including topography, soils, drainage patterns, water table, vegetation, cultural and historical resources, etc.), and development-related impacts and considerations;
- (5) the availability of necessary infrastructure and utility services (water, sewer, power, etc.);
- (6) the anticipated demand for municipal services (police, fire protection, solid waste management, etc.);
- (7) access to local, regional road networks and transportation facilities;
- (8) site/development-specific vehicular and pedestrian traffic management and parking provisions including, but not limited to, ingress and egress, private and public parking, pedestrian-friendly design, etc.;
- (9) visual and sound screening and buffering for adjacent land uses; and
- (10) development siting and facility design.

1. **Community Policy:** The City will work with the U.S. Army Corp of Engineers and affected property owners to develop Special Area Management Plans (SAMP). These plans should identify appropriate areas for development and provide appropriate development guidelines/standards addressing wetlands and other sensitive areas.

## **SITE/AREA-SPECIFIC ANALYSIS AND RECOMMENDATIONS**

### **Highway 89 Corridor and Farmington Commercial Center Areas**

Two major commercial areas in Farmington are the Highway 89 corridor (the "89 Corridor") passing through the Community and the undeveloped parcels on the west side of I-15 directly adjacent to the I-15/Highway 89 interchange (referred to as the "Farmington Commercial Center"). According to a recent commercial use and development study prepared by the Ross Consulting Group (November 18, 2003), these two areas are characterized by strong commercial potential that is complementary, not necessarily competitive in nature.

Over the years, the 89 Corridor has developed with a "community" orientation. Although the corridor may be attractive to some regional commercial uses due to the presence of Lagoon, close proximity of I-15, and direct access to Weber County, it is likely that development within the corridor will continue to primarily serve the local, community needs of Farmington, Fruit

Heights, Kaysville and northeastern Davis County.

As an additional opportunity, the Farmington Commercial Center is poised to leverage regional influence and draw along the I-15 corridor because of its convenient freeway and [soon] commuter rail access.

Appropriate development in both areas will benefit Farmington residents and the Community overall. It is important that this development is carefully planned in an integrated and comprehensive manner so that development complements the City's economic and commercial objectives in a manner consistent with Farmington's unique residential character and lifestyle. Relevant topics to consider include, but are not limited to, property and sales tax revenues, compatible land uses, and transportation/traffic patterns and volumes.

### **Highway 89 Corridor-specific Analysis and Recommendations**

The 89 Corridor is considered an important community and regional transportation corridor running through the heart of Farmington. Although some of the corridor is already developed, many opportunities for infill and redevelopment remain. Consistent with existing development patterns and character, the potential exists for various retail and commercial uses including, but not limited to, upscale grocers, dining and family entertainment.

In addition, Park Lane and Shepard Lane are local crossroads. From these points, motorists can access I-15, US 89, west Farmington and the proposed Legacy Highway. In 2003, UDOT began changing the Park Lane "clover leaf" style interchange into a more modern "free-flow" interchange. When completed, these improvements will give area residents, businesses, and commuters more direct, efficient and safe highway access.

By late 2004, the Shepard Lane overpass and US 89 improvements along this section will be completed. Local traffic can then utilize one-way frontage roads on either side of US 89 (east side frontage road will be two lanes northbound, west side frontage road will be two lanes southbound). Subject to UDOT approval, these frontage roads will provide vehicular access to adjacent parcels through right-in, right-out access openings. This arrangement will allow access to these properties without traveling on and/or impacting neighborhood streets.

Recommendations/considerations for the 89 Corridor include the following:

1. The primary attributes making the Shepard Lane/Highway 89 corridor attractive to professional office and commercial development are visibility and access. Plans to upgrade and improve Highway 89 include elements to provide adequate, safe and convenient access between the east and west sides of Farmington and preserve the commercial viability of the area. This is considered critical to the continued success of the City's commercial core at that location.
2. While the Highway 89 commercial corridor runs approximately 2 miles, further retail

development of the corridor should progress in more concentrated manner. If development (or redevelopment) spreads too long and thin along this corridor without a critical mass, each development may suffer. This approach is particularly important with regard to retail development. It will help to develop a critical mass for retailers that will allow the corridor's tenants to complement one another's efforts to attract customers. This will encourage the corridor's growth and success as a commercial sector.

3. The City may develop and adopt standards/guidelines to accommodate higher densities within development incorporating open space and landscape plans as part of their design. Consideration (and appropriate credit) may be given where nearby lands will be maintained in perpetual open space due to wetlands, drainage, the constraints of topography, public or private parks, and conservation easements.
4. To further emphasize the importance of a concentrated commercial sector along the 89 corridor, the City will encourage the development of mixed commercial, professional office and residential areas in specific locations as identified on the Future Land Use Plan Map. This concept will be supported through the development of appropriate zoning regulations and reflected in area-specific planning efforts.

In regard to the Future Land Use Plan Map, it is recommended that properties immediately adjacent to/along Park Lane be planned for non-residential uses within the guidelines of mixed use zones. In addition, it is recommended that O/BP (office/business park) development be encouraged on the westside of Main Street at the Main Street/Park Lane intersection.

In order to preserve the residential character of Main Street and protect residential uses within and adjacent to Neighborhood Mixed Use (NMU) zones, the following conditions will apply within NMU zones:

- a) Low-to-medium density residential, open space, and agricultural land uses and development will be permitted. All other allowed uses will be conditional.
- b) Only residential, open space and agricultural land uses and development will be permitted adjacent to/along Main Street.
- c) Neighborhood Mixed Use (NMU) zone residential components should be utilized to buffer adjacent non-NMU residential land uses and development.
- d) To maintain Main Street as a viable transportation corridor, additional access points will be limited to specific locations/areas as identified on the Master Transportation Plan or as approved by the City.
- e) Development standards and guidelines will be developed for such elements as site design, architecture and landscaping in a manner consistent with the low impact commercial and neighborhood residential characteristics of the NMU zone

Objectives/conditions to be considered within Commercial Mixed Use (CMU) zones include the following:

- a) Encouraging medium-to-high density residential and community-oriented retail and professional offices. Some development/land uses with regional draw may also occur.
- b) Preparing development standards and guidelines for such elements as site design, architecture and landscaping in a manner consistent with the anticipated mixed use characteristics of the zone.
- c) Utilizing Commercial Mixed Use (CMU) zone residential components to buffer adjacent non-CMU residential land uses and development.

Specific to the designation of Commercial Mixed Use (CMU) land uses north of Park Lane and east of Highway 89, the following recommendations will be considered:

- a) Protecting the low-density residential character of/along Main Street.
  - b) Encouraging non-residential land uses and development immediately north of Park Lane.
  - c) Allowing CMU-type land uses along both sides of the Lagoon Drive northern extension. (The final alignment of this road is still pending. Following identification of a final corridor, the Future Land Use Plan Map will be amended accordingly.)
5. As the area continues to grow, the highway corridor will continue to see an increase in traffic. As a result, single-family residential development directly adjacent to this high-traffic artery may not be particularly desirable unless appropriate mitigation measures are taken to address potential noise and traffic issues. The appropriateness of multi-unit residential development, which often relies on location, convenience and visibility to be successful, will be evaluated and appropriate standards and guidelines developed.

### **Farmington Commercial Center-specific Analysis and Recommendations**

The Farmington Commercial Center is generally identified as the area located north of the Justice Complex, west of I-15, and east of the old D&RGW rail road tracks. The approximate northern boundary is the stream/wetland corridor northwest of 1525 West Street (see Future Land Use Plan Map). The Farmington Commercial Center consists of three areas which are identified on the General Land Use Plan map and more particularly described as follows:

- a. Core Area. An area within close proximity to the proposed Utah Transit Authority (UTA) commuter rail station north of the Davis County Justice Complex, south of the Park Lane/I-15 interchange (and straddling both sides of the Park Lane towards the easterly portion of said Park Lane west of I-15), and adjacent to I-15 and the Union



## Planning Commission Staff Report March 8, 2018

---

### Item 6: Peterson Driveway Width Conditional Use Permit

Public Hearing:	Yes
Application No.:	C-2-18
Property Address:	1294 West Atrium Court
General Plan Designation:	RRD (Rural Residential Density)
Zoning Designation:	AE (Agricultural Estates)
Area:	0.39 acre
Number of Lots:	1
Property Owner:	Christopher Andrew
Agent:	Nathan Peterson

Request: *Applicant is requesting a conditional use permit for the extension of an existing driveway on property located at 1294 West Atrium Court.*

---

#### **Background Information**

The applicant is requesting a conditional use permit for the construction of an additional driveway and associated curb cut for the placement of an access drive that would service a detached garage, the new drive would be on the east side of the existing home. The applicant currently has a three car garage with the existing driveway; the City's off-street parking standards ordinance states that the maximum width of a residential driveway serving a three car garage is 30 feet. A property owner may request a larger driveway with a conditional use permit if the proposed addition is for a properly designated parking space. In this case, the detached garage does meet this provision. The applicant is requesting approximately 13' of additional driveway width; there is a power box on the corner of the property that limits the distance the driveway can go east.

The main concern with widening a driveway is due to pedestrian safety: the wider the driveway the longer distance a pedestrian has to traverse, creating a larger conflict area between an automobile backing out and a pedestrian. In this case, the driveway on the adjacent lot is on the opposite side of the lot creating a significant refuge between driveways, and the road that this proposal is situated on is a cul-de-sac, which greatly reduces the amount of pedestrian traffic. The last significant concern is largely aesthetic. Single-family residential neighborhoods typically have roadway side treatments that include curb, gutter, sidewalk and park strip. If larger driveways become too pervasive, the character of the neighborhood often changes. In this case, there is ample park strip not only on this lot but in the surrounding neighborhood as well.

**Suggested Motion:**

Move that the Planning Commission approve a conditional use permit allowing an extension of an existing driveway and associated curb cut up to an additional thirteen (13) feet, subject to all applicable Farmington City ordinances and development standards and the following condition: the applicant shall obtain a Farmington City Excavation Permit prior to construction.

**Findings:**

1. The proposed driveway extension is leading to a properly designated parking space, i.e. a detached garage.
2. The proposed driveway extension does not significantly increase safety issues.
3. There are not driveways directly adjacent to the proposed driveway extension and therefore a significant refuge is available for pedestrians between the driveways along this street.
4. Park strips are present in this neighborhood and the proposed extension would not significantly impact the current roadway side treatments.

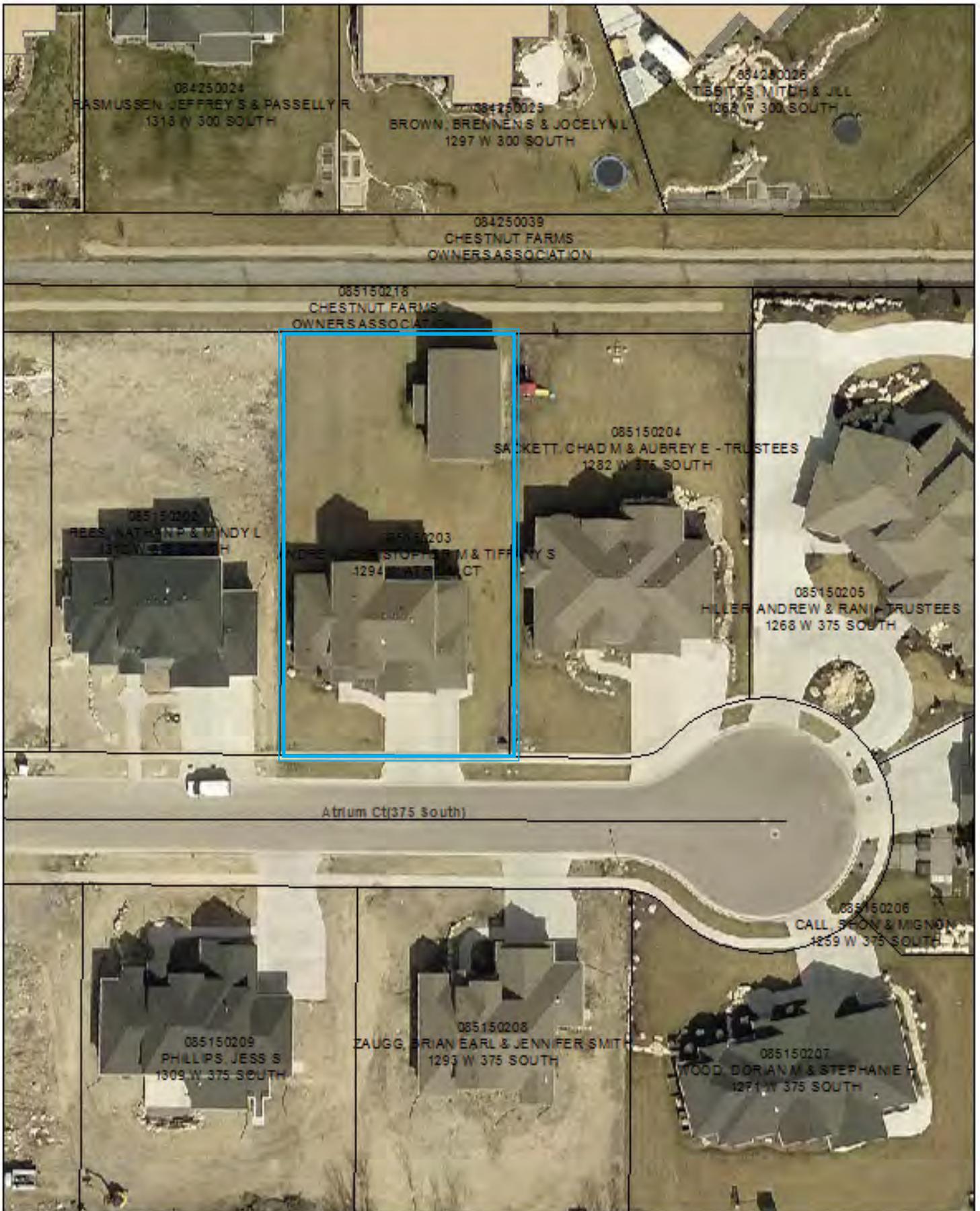
**Supplemental Information**

1. Vicinity Map
2. Site plan
3. Section 11-32-060 of the Zoning Ordinance

**Applicable Ordinances**

1. Title 11, Chapter 8 – Conditional Uses
2. Title 11, Chapter 10 – Agriculture Zones
3. Title 11, Chapter 32 – Off-street Parking, Loading and Access

# Farmington City





085150209  
WILLIAMS JESS S  
1309 W 375 SOUTH  
STERNLIK, ROBERT G & ANNE H  
1327 W ATRIUM CT

085150208  
ZAUGG BRIAN EARL & DENNIFFER SMITH  
1293 W 375 SOUTH

085150207  
WOOD DEBRA L & STEPHANIE  
1291 W 375 SOUTH

Concrete Driveway to Detached, 4-car Garage

Atrium Ct (375 South)

curb cut

085150203  
ANDREW, CHRISTOPHER M & TIFFANY S  
1294 W ATRIUM CT

085150205  
WILKER, ANDREW W & RAINI - TRUSTEES  
1292 W 375 SOUTH

085150204  
SACKETT, CHAD M & AUBREY E - TRUSTEES  
1292 W 375 SOUTH

Drainage to be contained within our slips by snails and drains

085150201  
BITTON, KAREN & BRYCE  
1326 W ATRIUM CT

085150218  
CHESTNUT FARMS OWNERS ASSOCIATION

084250039  
CHESTNUT FARMS OWNERS ASSOCIATION

084250024  
RASMUSSEN, JEFFREY S & PASSELLY R  
1313 W 300 SOUTH

084250023  
BROWN, BRENNEN S & JOCELYN L  
1297 W 300 SOUTH

084250026  
TIBBITTS, MITCH SMITH  
1263 W 300 SOUTH

## 11-32-060: ACCESS TO OFF STREET PARKING AND LOADING SPACES:

A. Ingress And Egress: Adequate ingress and egress to all uses shall be provided as follows: (Ord. 1994-26, 6-15-1994)

1. Residential driveways shall be not more than twenty feet (20') in width when serving as access to two (2) properly designated spaces, or thirty feet (30') in width when serving as access to three (3) properly designated parking spaces as measured at the front or side corner property line. "Properly designated parking spaces" shall include spaces in a garage, carport or on a parking pad located to the side of a dwelling and not located within the minimum front yard setback. Additional driveway width for access to a rear yard, for more than three (3) properly designated parking spaces, or for multiple-family residential developments, may be reviewed by the planning commission as a conditional use (no fee shall be required). Residential driveways shall be designed at a width which is the minimum necessary to provide adequate access to designated parking spaces. (Ord. 2011-10, 5-17-2011)
2. Not more than one driveway for each separate street frontage shall be permitted on lots occupied by a one-family or two-family dwelling, except under the following circumstances:
  - a. On lots with at least the minimum width required in the zone, one additional driveway may be permitted providing that the sum of the width of both driveways does not exceed the maximum widths specified in subsection A1 of this section;
  - b. For lots having at least fifty feet (50') of width in excess of the minimum required width, one additional driveway, not exceeding sixteen feet (16') in width, may be permitted.
3. A maximum of one driveway for each one hundred feet (100') of public street frontage shall be allowed for commercial and industrial uses. Said driveways shall be not more than thirty six feet (36') in width. Minimum widths of driveways shall be not less than sixteen feet (16') for one-way traffic or twenty four feet (24') for two-way traffic. Planter strips designed to separate one-way entering and exiting traffic, which are not less than four feet (4') or more than twelve feet (12') in width, shall not be included in computing the total width of driveways and do not constitute a separation of driveways as regulated by subsection B of this section.
4. Driveways shall not exceed a slope of fourteen percent (14%). (Ord. 2005-51, 10-19-2005)
5. Driveways shall have direct access to a public street for a building lot. Subject to satisfaction of the provisions of section [11-3-045](#) of this title and the grant of a special exception, direct access for a building lot may include access over one adjacent building lot, provided both building lots have full frontage on a public street, an access easement has been recorded acceptable to the city, and the full face of any dwelling unit located on both building lots fronts or is fully exposed to the public street. (Ord. 2014-07, 3-4-2014)

B. Driveway Spacing:

1. Individual driveways or circular driveways on residential lots shall be spaced not less than forty feet (40') apart on the same lot and shall be not less than six feet (6') from side property lines unless otherwise approved by the zoning administrator. (Ord. 2005-11, 4-6-2005)
2. Individual driveways on commercial or industrial developments shall be spaced not less than forty feet (40') apart on the same lot and shall be not less than fifteen feet (15') from side

property lines except under the following circumstances:

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

C. Distance From Intersections: No residential driveway shall be located closer than thirty feet (30') to the intersection of two (2) streets. This measurement shall be made from the intersection of the right of way lines of such streets. For commercial uses, industrial uses and apartments with seventeen (17) or more parking spaces, the driveway shall be no closer than forty feet (40') to the intersection of two (2) streets. (Ord. 1994-26, 6-15-1994)



## Planning Commission Staff Report March 8, 2018

---

### Item 7: Miscellaneous Zoning Ordinance Amendments

Public Hearing:	Yes
Application No.:	ZT-2-18
Property Address:	NA
General Plan Designation:	NA
Zoning Designation:	NA
Area:	NA
Number of Lots:	NA
Applicant:	Farmington City

Request: *Applicant is requesting a recommendation of approval of amendments to the Zoning Ordinance.*

---

#### Background Information

The proposed text amendments to Chapters 7, 10, 13, 18, and 28 of the Zoning Ordinance are as follows: **a)** Amending Section 11-7-040(E) & (F), clarifying authority in permitted and conditional uses; **b)** Amending Section 11-10-040(H)(1) establishing ADUs in agriculture zones as being subordinate in height and area to the main dwelling; **c)** Amending Sections 11-13-020 and 11-13-030 moving secondary dwelling units from a conditional use to a permitted use; **d)** Amending Section 11-18-040(D)(1) requiring that any pedestrian walkway used to define a block face be a legislative and discretionary decision; **e)** Amending Section 11-28-120(I)(6) removing the requirement that “other temporary use exemptions” receive written approval from the City Council, and replacing it with City Manager approval; **f)** Amending Section 11-28-200 regulating secondary dwelling units.

#### **a) Amending Section 11-7-040(E) & (F), clarifying authority in permitted and conditional uses.**

City ordinance is ambiguous and contradictory on who has the authority in the review of site plans, conditional uses, and permitted uses. Staff is recommending amending this Section of the Zoning Ordinance to clarify the code as follows:

#### **11-7-040: SITE DEVELOPMENT PLAN REVIEW PROCESS:**

- A. Submission: The applicant shall prepare and make a submission to the city consistent with the standards contained in this chapter, the general plan and other ordinances and resolutions. The applicant shall not engage in any site development or building construction until the necessary approvals, as outlined herein, have been obtained. (Ord. 2006-28, 4-19-2006)
- B. Referral To Entities: Proposed site plans shall be delivered by the applicant to such city departments, special districts, governmental boards, bureaus, utility companies and other agencies, which will need to provide facilities and services to the site, for their information and comment. The planning department is responsible for coordinating the comments received from all public and private entities, and shall decide which agencies to refer proposed site plans to.
- C. ~~Site Plan Planning Commission~~ Review: The planning department shall review the site plan for conformance with the standards outlined herein; for conformance with the comprehensive plan and this title; for environmental impacts which may be associated with the design; and shall process the site plan and reports as provided in this chapter.
- D. City Engineer, Public Works Director: The city engineer and public works department shall review the site plan and make recommendations concerning: flood control requirements; engineering requirements for street widths, grades and alignments; sewer and water requirements; whether the proposed public improvements conform to the requirements of this chapter and other applicable ordinances; and shall be responsible for the approval and inspection of all public improvements.
- E. ~~City Planner Permitted Uses~~: The city planner shall review all applications for ~~single-family and two-family dwellings, and residential~~ permitted uses in ~~all zones agricultural and single-family residential zones, including applications for duplexes~~. If desired, an applicant may request a review by the planning commission of a permitted use. This provision is intended to resolve conflicts or differences of opinion between the applicant and city staff concerning the requirements or interpretation of this chapter. (Ord. 1991-27, 7-17-1991)
- F. ~~Planning Commission Conditional Uses~~: The planning commission shall review all conditional uses. The planning commission shall also review all multiple-family residential, commercial, commercial recreation, office, agricultural use or industrial permitted uses which are subject to the requirements of this chapter, unless such review is waived by the commission and is delegated to the planning department. A notice shall be sent to all adjacent property owners within five hundred feet (500') of the subject property for all site plan reviews considered by the planning commission. After adequate review, an application may be approved, approved with conditions, continued for further study or disapproved for the use and/or site plan. (Ord. 2010-39, 9-21-2010)

**b) Amending Section 11-10-040(H)(1) establishing ADUs in agriculture zones as being subordinate in height and area to the main dwelling.**

All agriculture zones covered in Chapter 10 of the Zoning Ordinance allow for accessory buildings to exceed the height and area of the main building; this is because these zones allow for large accessory buildings such as barns that are larger than the main building. The zone also allows for an accessory dwelling unit through conditional use permit approval; because of this, a property owner could build an accessory dwelling unit that is larger than the main home. Staff recommends that the ordinance be amended as follows:

## 11-10-040: LOT AND SETBACK STANDARDS:

---

### H. Accessory Buildings And Structures:

1. Accessory buildings, except those listed in subsection H2 of this section, 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 feet (5') from all property lines and shall be fifteen feet (15') 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. (Ord. 2014-33, 10-7-2014)
2. 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 feet (10') to any side or rear boundary line or fifty feet (50') to any public street or to any dwelling on adjacent properties. This provision shall not apply to pastures. (Ord. 2015-16, 5-26-2015)
3. A detached accessory building, or other architecturally compatible structure as approved by the planning commission after a public hearing is held, may be located in the side or side corner yard of a lot, providing that a separation is maintained from the residence in compliance with applicable building codes, and all front, side corner and side setbacks are provided as specified in this section and the rear setback is provided as specified in subsection H1 of this section. In no event shall an accessory building encroach into the front yard beyond the nearest corner of the main building. (Ord. 2016-14, 6-7-2016)
4. 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 nonagricultural commercial business shall be allowed.
5. *(Accessory buildings which contain or constitute) an accessory dwelling unit shall, without exception, be subordinate in height and area to the main building.*

### c) Amending Sections 11-13-020 and 11-13-030 moving secondary dwelling units from a conditional use to a permitted use.

Currently, secondary dwelling units are a conditional use in the multi-family residential zones, and are only allowed as part of a single-family residence per Section 11-2-020 which defines secondary dwelling units as: *“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. A maximum of one (1) secondary dwelling unit shall be allowed per home, and the owner shall live on-site.”* There is an inconsistency in the ordinance, because two-family dwellings are a permitted use in Chapter 13, but requiring a single-family home to go through a conditional use permit to add a secondary dwelling unit renders it a two-family dwelling (as defined in Section 11-2-020), and therefore requires a property owner to take an additional step that should be entitled to them through the ordinance. Additionally, because secondary dwelling units are restricted to single-family homes, there is no risk of a duplex in an R-2 zone adding a third unit (making it a tri-plex). It also bears mentioning that although both a single-family residence with a secondary dwelling unit, and a duplex are two-family dwellings, there is one significant difference: whereas a single-family residence with a secondary dwelling unit requires the

owner to live on-site, the duplex does not, and both units of a duplex may be rented out; making a secondary dwelling unit potentially less impactful than a duplex. Staff is recommending the amendment as follows:

**11-13-020: PERMITTED USES:**  

The following are permitted uses in multiple-family residential zones. No other permitted uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

Agriculture.

Class A animals.

Home occupations complying with the home occupation chapter of this title, except as specified in section [11-13-030](#) of this chapter.

Residential facilities for the disabled.

Signs complying with [title 15](#) of this Code.

**Secondary dwelling unit.**

Single-family dwellings.

Two-family dwellings.

Uses customarily accessory to a listed permitted use. (Ord. 2017-13, 5-16-2017)

**11-13-030: CONDITIONAL USES:**

The following are conditional uses in multiple-family residential zones. No other conditional uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

Apartment dwelling group.

Class B animals.

Class D animals.

Daycare center.

Dwelling, accessory (only in the R-2 Zone).

Dwellings, five- to eight-family in R-8 Zone only (may exceed density standard established by section [11-13-040](#) of this chapter as approved by the Planning Commission up to a maximum density of 15 dwelling units per acre).

Dwellings, four-family (R-4 and R-8 Zones only).

Dwellings, three-family (R-4 and R-8 Zones only).

Greenhouses, private with no retail sales.

Home occupations, as identified in section [11-35-040](#) of this title.

Private school or hospital.

Professional offices (except in R-2 Zones).

Public uses.

Public utility installations (except lines and rights-of-way).

Quasi-public uses.

Residential facilities for the elderly.

~~Secondary dwelling unit.~~

Temporary uses. (Ord. 2017-13, 5-16-2017)

**d) Amending Section 11-18-040(D)(1) requiring that any pedestrian walkway used to define a block face be a legislative and discretionary decision.**

In the mixed-use districts, a block face may be defined by a pedestrian walkway provided that the right-of-way for the walkway be at least the same width as a local road, or 32'. However, staff feels that there is potential to abuse this provision in the ordinance because it is currently an administrative decision, i.e. any property owner has the right to pursue this option by ordinance. Additionally, using the pedestrian walkway in this manner is an exception, and should have additional oversight from the City. Staff would like to give the City more discretion and make this a legislative decision on when to allow for the use of a pedestrian walkway to define the block face through site plan review.

**11-18-040: REGULATING PLAN:**

---

D. Street Network Design: The street network, street standards and street type hierarchy form the basis of the regulating plan. The street network is designed to provide connectivity and adaptability throughout the mixed use districts as the area develops over time. New development shall follow the street network design; however, if minor realignments are necessary due to environmental and/or physical conditions, they will be evaluated during the development plan review process. Major alternative alignments or flexibility with the street network design may be proposed through the project master plan process; provided, that the following provisions are met:

1. Maximum Block Size: The maximum perimeter of any block may not exceed two thousand feet (2,000') in the Residential, General and Transit Mixed Use Districts, and two thousand eight hundred feet (2,800') in the Open Space and Office Mixed Use Districts. Each block face may not exceed seven hundred feet (700'). Block faces may be defined by any of the street types, including pedestrian walkways, that are dedicated public rights-of-way or easements, with the exception of

alleys. However, if a pedestrian walkway is used to define a block of the maximum size then the right-of-way for the walkway must be equal to that of the neighborhood (local) road, and the City shall find that there is appropriate consideration, in the form of benefit to the City or the public, from the proposed exception and/or other appropriate reasons that justify the determination of the City to allow for pedestrian walkways to be used as a block face, and the applicant must obtain City approval as part of a Development Plan Application set forth in Section 11-18-070.

**e) Amending Section 11-28-120(I)(6) removing the requirement that “other temporary use exemptions” receive written approval from the City Council, and replacing it with City Manager approval.**

Due to the customary nature of “other temporary use exemptions”, requiring all of these types of uses and activities as listed in Section 11-28-120(I) to obtain written permission from the City Council is onerous, and should be delegated to staff, namely, the City Manager. The proposed amendment to the Zoning Ordinance is as follows:

### **11-28-120: TEMPORARY USE OF LAND AND STRUCTURES:**

---

I. Exempt Uses: The following temporary uses are exempt from the provisions of this section:

1. Nonprofit Fundraising: Fundraising events of nonprofit organizations which last not more than three (3) consecutive days, including such things as bake sales or car washes, but not including larger events such as outdoor carnivals, swap meets, or arts and crafts sales;
2. Temporary Sales Activities: Temporary sales activities involving the display of new retail products on the site of the business which sells such products, provided the display area is within ten feet (10') of the main building, does not exceed thirty (30) square feet and six feet (6') in height, and does not extend into a public right of way or occupy required parking spaces or landscaped areas;
3. Garage, Yard Sales: Garage sales, yard sales or boutiques that occur not more than four (4) times a year, with each event lasting not more than seventy two (72) hours;
4. Seasonal Fruit, Vegetable Stands: Seasonal fruit and vegetable stands selling produce grown on the premises are permitted subject to compliance with other applicable provisions of this title and the sign ordinance;
5. Community Events: Community events which are sponsored and/or approved by the City city;
6. Other Approved Exemptions: Other exemptions as specifically approved in writing by the city council City Manager. (Ord. 2009-49, 10-6-2009)

**f) Amending Section 11-28-200 regulating secondary dwelling units.**

With the proposed change outlined in sub-item c above, Section 11-28-200 of the Zoning Ordinance also needs to be updated allowing for secondary dwelling units to be permitted or conditional uses as appropriate and determined by the requirements of the underlying zone. Staff is also recommending the provision requiring that secondary dwelling units have a separate utility meter be removed, as this is a building permit issue, and does not belong in the purview of the Zoning Ordinance.

## **11-28-200: SECONDARY DWELLING UNITS:**

Secondary dwelling units may be allowed as a permitted or conditional use in various zones as designated in this title.

A. Purpose: The purposes of this section and any rules, regulations, standards and specifications adopted pursuant hereto are:

1. Minimal Impacts: To accommodate such housing in residential neighborhoods with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion and compatible scale and appearance of residential buildings.
2. Decline In Quality: To prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, building code violations and associated decline in quality of residential neighborhoods.
3. Terms And Conditions: To set forth standardized terms and conditions for secondary dwellings and procedures for review and approval of the same.

B. Conditional Use Permit: Secondary dwellings may be permitted as a conditional **or a permitted use in any** as designated **by the underlying zone found** in this title. **In those zones where a secondary dwelling unit requires conditional use permit approval,** Applications for a secondary dwelling shall be submitted and reviewed as a conditional use permit in accordance with [chapter 8](#) of this title.

C. Standards: The following standards and conditions shall apply to all secondary dwellings, in addition to any terms and conditions of approval as imposed by the Planning Commission during the conditional use permit process:

1. Location: A secondary dwelling shall only be allowed as part of a single-family dwelling and shall be secondary and subordinate to such single-family dwelling.
2. Number: A maximum of one (1) secondary dwelling shall be allowed per single-family home. Secondary dwellings shall contain no more than one (1) dwelling unit.
3. Parking: At least one (1) off street parking stall shall be provided for the secondary dwelling. Such parking stall shall be in addition to all off street parking requirements for the primary single-family dwelling on the lot and shall conform with the City parking standards specified in this title.

~~4. Utility Metering: No separate utility metering for the secondary dwelling shall be allowed.~~

~~4. 5.~~ Design And Character: The secondary dwelling shall be clearly incidental and secondary to the single-family dwelling, there should be no significant alteration to the exterior of the single-family dwelling to accommodate the secondary dwelling and such secondary dwelling shall

not adversely affect the residential character of the surrounding neighborhood. A secondary dwelling shall be designed in such a way that neighbors or passersby would not, under normal circumstances, be aware of its existence.

5. ~~6.~~ Size: The secondary dwelling shall be equal to or subordinate in floor area to the remaining floor area occupied by the single-family dwelling.
6. ~~7.~~ Construction Codes: The secondary dwelling shall comply with all construction, housing and building codes in effect at the time the secondary dwelling is constructed and shall comply with all procedures and requirements of the City building regulations.
7. ~~8.~~ Occupants: The secondary dwelling shall be occupied exclusively by one (1) family.
8. ~~9.~~ Ownership: Either the single-family dwelling or secondary dwelling shall be owner occupied.
9. ~~10.~~ Absentee Owner: Temporary absentee property ownership may be allowed due to unforeseen circumstances, such as military assignments, employment commitments, family obligations and quasi-public service. Notwithstanding the foregoing, the maximum time period allowed for absentee property ownership shall not exceed four (4) years. In the event such absentee property ownership occurs, the property owner may rent both the secondary dwelling and the primary dwelling.

D. Site Development: Upon approval of a conditional use permit for a secondary dwelling, an application for site development shall be submitted in accordance with the provisions of [chapter 7](#) of this title. (Ord. 2017-13, 5-16-2017)

#### **Suggested Motion:**

Move that the Planning Commission recommend approval of the proposed amendments to the Zoning Ordinance as set forth in the March 8, 2018 staff report, subject to all standards of the Farmington City ordinance.

#### Findings:

- a. The ordinance is currently ambiguous and inconsistent as to who reviews and approves different permitted and conditional uses, and site plans; this zone text amendment clarifies the ordinance.
- b. Because many accessory uses in the agriculture zones require buildings such as barns or sheds that exceed the height and/or area of the main building, accessory dwelling units are currently not required to be subordinate to the primary residence. This amendment ensures that all (*buildings containing*) accessory dwelling units are indeed an accessory use, and are subordinate in height and area to the main building.
- c. Amending the ordinance making secondary dwelling units a permitted use in the multi-family residential zones is making the ordinance more consistent with itself, as two-family dwellings are already listed as permitted in these zones. The definition of secondary dwelling units precludes the use of secondary dwelling units to add an additional unit of density to a multi-family structure or

two-family dwelling dwelling, and requires that the single-family residence with the secondary dwelling unit be owner-occupied.

- d. Requiring all pedestrian walkways in the mixed-use zones to be discretionary and have findings related thereto, makes their use in this manner an exception rather than allowed through administrative review; it gives the City more power to approve/deny such applications based on their merit on a case-by-case basis.
- e. Requiring temporary uses that are simple and benign in nature, such as non-profit fundraises, yard sales, and community events to obtain written approval by the City Council is onerous and time-consuming; the decision should be administrative and delegated to staff, in this case the City Manager.
- f. Amending secondary dwelling units to be permitted and conditional uses, determined by the zone makes the ordinance more consistent and non-contradictory.

### **Applicable Ordinances**

1. Title 11, Chapter 2 – Definitions
2. Title 11, Chapter 7 – Site Development
3. Title 11, Chapter 10 – Agriculture Zones
4. Title 11, Chapter 13 – Multiple-Family Residential Zones
5. Title 11, Chapter 18 – Mixed Use Districts
6. Title 11, Chapter 28 – Supplementary and Qualifying Regulations