

FARMINGTON CITY, UTAH

ORDINANCE NO. 2025 - 51

AN ORDINANCE AMENDING SECTION 11-3-045 OF FARMINGTON CITY CODE TO REMOVE PUBLIC HEARING REQUIREMENTS FOR SPECIAL EXCEPTIONS TO BUILDING HEIGHT AND DRIVEWAY WIDTH

WHEREAS, the State of Utah has relocated the Municipal Land Use, Development, and Management act within state code during a 2025 interim session; and

WHEREAS, in order to appropriately and accurately reference the location of applicable code where previously reference by City Ordinance; and

WHEREAS, the Planning Commission held a public hearing in which the text changes proposed to the Zoning Ordinance were thoroughly reviewed and recommended that this ordinance be approved by the City Council; and

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

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

Section 1. Amendment. The specific sections identified in Exhibit A attached hereto are amended as identified.

Section 4. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. Effective Date. This ordinance shall take effect immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

PASSED AND ADOPTED by the City Council of Farmington City, State of Utah, on this 9th day of December, 2025.

FARMINGTON CITY


Brett Anderson, Mayor

ATTEST:

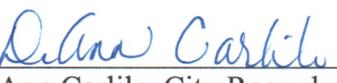

DeAnn Carlile, City Recorder



Exhibit A:

11-3-045: SPECIAL EXCEPTIONS:

A. A special exception is:

1. An activity or use incidental to or in addition to a principal use permitted in a zoning district;
2. An adjustment to a fixed dimension standard permitted as an exception to the requirements of this title;

3. A transfer of development right (TDR), or rights, established because of blight which results in an additional lot, or lots, or a dwelling unit, or units;

4. An adaptive reuse of a building or structure eligible, or that may be eligible, for the National Register of Historic Places so long as the adaptive reuse does not compromise such eligibility; or

A special exception requires careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site. This section sets forth procedures for considering and approving special exceptions to the provisions of this title.

B. Authority: When expressly provided for under the provisions of this title, the Planning Commission is authorized to approve special exceptions to the provisions of this title in accordance with the terms and provisions set forth in this section. When pertaining to an adjustment to the height of a building, the Planning Commission may authorize an adjustment of up to twenty percent (20%) of the prescribed requirement.

C. Initiation: A property owner, or the owner's agent, may request a special exception to the provisions of this title in accordance with the procedures set forth herein.

D. Procedure: An application for a special exception shall be considered and processed as follows:

1. A complete application shall be submitted to the Zoning Administrator in a form established by the City along with any fee established by the City's fee schedule. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any.

b. The address and parcel identification of the subject property.

c. The zone, zone boundaries and present use of the subject property.

d. A complete description of the proposed special exception.

e. A plot plan showing the following:

(1) Applicant's name;

(2) Site address;

(3) Property boundaries and dimensions;

(4) Layout of existing and proposed buildings, parking, landscaping and utilities;

and

(5) Adjoining property lines and uses within one hundred feet (100') of the subject property.

f. Such other and further information or documentation as the Zoning Administrator may deem necessary for a full and proper consideration and disposition of a particular application.

2. After the application is determined to be complete, the Zoning Administrator shall schedule a public hearing before the Planning Commission, except in cases of driveway width and building height, where no public hearing shall be required. Notice of public hearings shall be given as required by law and according to policies established by the commission. The Planning Commission shall take action on the application within a reasonable time after the filing of a complete application.

3. A staff report evaluating the application shall be prepared by the Zoning Administrator.

4. The Planning Commission shall hold a public hearing, except as provided in D2 above, and thereafter shall approve, approve with conditions or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform to the special exception to approval standards.

5. After the Planning Commission makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.

6. A record of all special exceptions shall be maintained in the Office of the Zoning Administrator.

E. Approval Standards: The following standards shall apply to the approval of a special exception:

1. Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the special exception, upon the City as a whole, or upon public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the motion authorizing the special exception.

2. The Planning Commission shall not authorize a special exception unless the evidence presented establishes the proposed special exception:

a. Will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;

b. Will not create unreasonable traffic hazards;

c. Is located on a lot or parcel of sufficient size to accommodate the special exception.

F. Effect Of Approval: A special exception shall not authorize the establishment of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any approvals or permits that may be required by this title or other applicable provisions of this Code.

G. Amendments: The procedure for amending a special exception shall be the same as the original procedure set forth in this section.

H. Expiration: Subject to an extension of time, a special exception which is not exercised within one hundred eighty (180) days shall expire and have no further force or effect. (Ord. 2002-48, 12-11-2002; amd. Ord. 2018-11, 3-6-2018; Ord. 11-12-2019; Ord. 2021-13, 5-18-2021; Ord. 2022-8, 1-18-2022; Ord. 2025-37, 7-15-2025)