



Farmington City Planning Commission

November 18, 2021



FARMINGTON CITY

H. JAMES TALBOT
MAYOR

BRETT ANDERSON
SHAWN BEUS
SCOTT ISAACSON
AMY SHUMWAY
REBECCA WAYMENT
CITY COUNCIL

SHANE PACE
CITY MANAGER

PLANNING COMMISSION MEETING

Thursday November 18, 2021

Public Meeting - Farmington City Hall

160 S. Main Street, Farmington, Utah.

Study Session: 6:45 p.m., **Regular Session: 7:00 p.m.**

Farmington City Planning Commission meetings, including this meeting, are open to the public. If you wish to view the regular session online, the link to the live hearings and to comment electronically can be found on the Farmington City website at www.farmington.utah.gov. If you wish to email a comment for any of the listed public hearings, you may do so at crowe@farmington.utah.gov by 5 p.m. on the day listed above.

- 7:00
1. Introduction of Lyle Gibson
 2. Approval of Minutes (11/04/2021)
 3. City Council Report

SUBDIVISION/MASTER PLAN AND ZONING AMENDMENT APPLICATION

- 7:10
4. Aaron Mueller/Teton Range LLC – Applicant is requesting Final plat and Final PUD Master Plan approval for the proposed Farmington Ridge Planned Unit Development (PUD) (1.59 acres), consisting of 6 lots at 1386 S 200 E. in the R-4 zone. (S-11-21)

ZONE TEXT AMENDMENT

- 7:20
5. Farmington City (Public Hearing) – Applicant is requesting an amendment to the Zoning Ordinance to create the position of a hearing officer to act in the place of the Board of Adjustment when necessary. (ZT-21-21).

OTHER BUSINESS

- 7:30
6. Miscellaneous, correspondence, etc.
 - a. A proposed meeting date change for December 2021
 - b. Draft Calendar for 2022
 - c. Other

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 November 15, 2021

Carly Rowe, Planning/Recording Secretary

**FARMINGTON CITY
PLANNING COMMISSION**
November 04, 2021
ELECTRONIC MEETING

REGULAR SESSION

Present: Chairman Alex Leeman; Commissioners Greg Wall, Erin Christensen (via Zoom), Larry Steinhorst and Mike Plaizier. **Staff:** Community Development Director David Petersen, City Planner/GIS Specialist Shannon Hansell, and Planning Secretary Carly Rowe. **Excused:** Commissioner John David Mortensen and Vice Chair Rulon Homer.

Chairman **Alex Leeman** opened the meeting at 7:05 PM.

Item #1 Minutes

Mike Plaizier made a motion to approve the minutes from October 7 and 23, 2021. **Greg Wall** seconded the motion, which was unanimously approved.

Item #2 City Council

No City Council was held this week due to Election Day; the next meeting will be held November 16, 2021.

SUBDIVISION, PROJECT MASTER PLAN & ZONING AMENDMENT APPLICATION(S)

Item #3 Daniel Barton (Public Hearing) – Applicant is requesting recommendation of a schematic subdivision for the proposed Kirkham Orchard subdivision, located at approximately 975 North Compton Road. The property is zoned LR-F (Large Residential – Foothill) and a 13,700 square-foot portion of the rear property is zoned A-F (Agriculture – Foothill). The applicant is also requesting to rezone the A-F zoning to LR-F. (S-20-21, Z-4-21)

City Planner/GIS Specialist **Shannon Hansell** presented this agenda item. Kirkham Orchard is a proposed subdivision located at approximately 975 N. Compton Road. The 2.45-acre property consists of 13,700 sf portion of A-F zoning, with the majority of the property being zoned LR-F. The applicant is requesting that five lots be created via subdivision, which requires a zone change for the small A-F portion to LR-F. Tonight they are being considered for Schematic Subdivision and Zone Change recommendation. A special exception is also being requested, as the access to proposed Lot 3 crosses proposed Lot 4.

Applicant **Daniel Barton** (975 N. Compton Road, Farmington, Utah) and his wife have occupied the home currently on the lot for three years. His wife is the granddaughter of Milo Kirkham, who built the house in 1977. They have been renovating the home and landscaping the property. They want to create a subdivision with some newer single-family custom homes. It makes sense for the homes to be on Compton so the sewer can drain there. Lot 3 would be flag lots, to preserve the orchard in the northwest corner of Lot 4.

Greg Wall questioned the drainage. **Barton** indicated he had spoken with the City Engineer **Chad Boshell** regarding that issue.

Alex Leeman opened and closed the Public Hearing at 7:11 PM, due to no comments from the public.

Leeman mentioned the three items the Commissioners must consider: 1) A zone change to change the zoning on the corner of the existing lot from A-F to LR-F. 2) Schematic Subdivision Plan, or layout and placement of the lots, access road, etc. This is the first opportunity for review. After the City Council's consideration, the applicant would have to return to the Commission for Final Plat and Subdivision approval. 3) Special Exception, if they get the first two, to access Lot 3 using a shared driveway. The Commission is the recommending body on Items 1 and 2, but the deciding body on Item 3. The proposal depends on all three items.

Wall said it is good the access easement has been drawn with the underground utility easement underneath. This means overhead utilities are not allowed. He would like a condition that there be a reciprocal maintenance agreement put in place for those who benefit from the private shared access. This would require a recorded document referencing what percentage of responsibility each lot is.

Barton said there used to be overhead power and electrical lines on the south of the property. The power meter is at the southeast corner of Lot 5. The overhead lines were removed but a transformer remains on the southeast corner. **Wall** said it would be wise to get an easement on the plat, as currently the only utility easement is in the 28-foot private drive of "Kirkham Circle". This is something that needs to be noted on the plat.

Barton said the utility buildings currently on the property are going to be torn down, including the barn on Lot 2 and 3. The applicant anticipates a road on the corner of the circular driveway near the existing home that goes onto Lot 3. However, the applicant doesn't anticipate selling Lot 3 in the foreseeable future.

MOTION

Greg Wall made a motion that the Planning Commission recommend approval for the Kirkham Orchard schematic subdivision plan and rezone to the City Council; and grant, as the approving body, a special exception granting access across one building lot, all subject to all applicable Farmington City ordinances and development standards, with supplemental information 1-3 (vicinity map, schematic subdivision plan, and existing zoning plan), and added conditions:

1. Applicant record a reciprocal access maintenance agreement for the private road (future Kirkham Circle) for the lots that will benefit from it.
2. Any electrical or utility easements to serve lots on the west shall be added to the plats before the final plat is recorded.

Findings for Approval 1-2:

1. The rezone and schematic subdivision plan are consistent with the City's General Land Use Plan and Zoning Ordinance.
2. The lot sizes proposed are similar to those of surrounding subdivisions and properties.

Mike Plaizier seconded the motion, which was unanimously approved.

Item #4 Maverik/Cassie Younger – Applicant is requesting consideration of a Project Master Plan (PMP) application, accompanying Development Agreement (DA), Schematic Subdivision plan, and Schematic Site Plan for a proposed Maverik convenience store, located at approximately 1100 W Park Lane (2.25 acres) in the RMU (Residential Mixed Use) and GMU (General Mixed Use) zone(s). (PMP-1-21)

Hansell presented this agenda item. Maverik has been in process with the City, determining how to best place the gas station they have proposed for Park Lane and 1100 West. Many of the traditional aspects of gas station design do not align with Chapter 18 Mixed Use Development Standards. As a PMP part of the larger Evan's PMP, the Maverik is asking to use section 11-28-140, to compromise with the City on the design development of the site. The Planning Commission tabled the item on February 18, 2021. The City Council approved the initial layout and concept on March 2, 2021, and tabled the PMP/DA, schematic subdivision and schematic site plan.

On October 7, 2021, the Planning Commission tabled the item citing improvements to the elevations. The suggestions added to the motion:

1. Add a "dog house" on the south side or a corner of the south side;
2. Windows or faux windows on the sides and rear of the building; and
3. Trellis or element that adds depth to the east side of the building. North is the entrance and south is the rear.

Hansell said the applicant has added a trellis. Faux windows have been added to the back and side of the building, as well as a dog house added to the corner facing Park Lane and the future Commerce Drive. Staff felt this addressed the Commission's earlier comments.

Applicant **Cassie Younger** on behalf of Maverik described some of the awnings that have been added to the plans. Terraces have been added to the patio on the west side. The awnings are 5 feet long and are slatted underneath to match the patio terraces. The accent terrace awning on the back side is 3 feet long. There is additional signage and accent lighting along the perimeter of the property.

Greg Wall thanked **Younger** for adding the pergolas above the outdoor tables, and asked about the faux windows. **Younger** said they would be blacked out glass. For the dog house, **Wall** was hoping for something on the southwest corner or south side facing Park Lane, more like the one in Logan that is bigger. He liked the sign being moved and centered. **Younger** said they wanted to keep the doghouse accent over the door and keep the attention on the front entrance. Having two dog houses above the roof line didn't work architecturally and stylistically. It looked clunky and asymmetrical. They liked it over the door and the accent over the patio area. She feels there is no need to highlight the back of the building with pillars and an overhang from a doghouse. Cost is a reason to avoid the back doghouse as well. Highlighting the side plaza entrance makes more sense. **Leeman** said he likes having the doghouse over the side door. He was disappointed not to see more of an architectural improvement on the back side, although the faux windows improve it a lot. Enlarging and centering the Maverik sign on the back is an improvement.

Plaizier said they have made a lot of improvements that were asked of them, and he is satisfied. It makes sense to have the doghouse over the entrance door. **Steinhorst** said he also likes the improvements. **Wall** said he likes the improvements also, but

wants a pitched truss on the south along Park Lane. He wants the Maverik to come, especially the ethanol-free gas that is unavailable anywhere else in Farmington. This will be a good location for the business. He wants this location to be the standard.

Hansell said it would look awkward to see the doghouse on the backside, as it serves no purpose. What the applicant did was a compromise. **Leeman** said when it comes to aesthetics, where the ordinance gives the Commission discretion, it is difficult. He personally has a limit to how far the Commission can go. He wants an improvement over the regular, run-of-the-mill quality, but there is such a thing as going too far with preferences. There is an outer limit where discussion becomes inappropriate. **Wall** said considering the location in Logan with a doghouse on the corner, the building is pulled all the way to the corner. Farmington's is not, as room was left for the pergolas and picnic tables. Therefore, he is satisfied with it how it is.

Commissioner **Erin Christensen** said personally she thinks the back and west side is a little lacking for her. Landscaping could add a little interest to that view of the building. However, the applicant has done enough of what the Commission has asked. **Wall** pointed to the landscaping plan, where landscaping is proposed between the sidewalk and the building. From a landscaping perspective, it will look good from Park Lane without obstructing the view. **Christensen** isn't opposed to the City Council looking at another element on that side, but she is fine with it how it is.

MOTION

Greg Wall made a motion that Planning Commission recommend approval for the Schematic Subdivision plan, PMP/DA, and Schematic Site Plan, subject to all applicable Farmington City ordinances and development standards, and including Supplemental Information 1-5 (vicinity map, updated elevations, PMP/DA, schematic plan, and site plan).

Findings for Approval 1-6:

1. The initial layout was approved by the Planning Commission and City Council.
2. The developer has worked with the City to provide the requested updates to the elevations, and Staff is satisfied with these updates.
3. The applicant has provided essential mixed-use elements to their plan, including bringing the building to the frontage, a complete landscape plan, and a plaza for pedestrians and customers alike.
4. The gas station provides a relatively interconnected travel system for multiple modes of transportation, including bicycles and pedestrians.
5. The patio defines a public space, creating high quality public realm.
6. The public comment received by the City has been favorable to the Maverik.

Larry Steinhorst seconded the motion, which was unanimously approved.

Item #5 Wasatch Farmington Holdings, LLC – Applicant is requesting recommendation for a Project Master Plan (PMP)/Development Agreement (DA) for the proposed Canopy Square (formerly named Farmington 20) mixed use project, and schematic site plan approval---and recommendation(s) for schematic subdivision and a zone text change for the City's regulating plan, related thereto. The project (approximately 20 acres) is located at approximately 1400 W. Burke Lane in the OMU (Office Mixed-Use) zone. (S-17-21, PMP-3-21, SP-6-21, ZT-21-21)

****The applicant asked to be taken off the meeting the day of -- but the agenda could not be amended per the City's 24-hour notice requirement. When they request to be back on the agenda, a new notice will appear on the website****

ADJOURNMENT

Greg Wall made a motion to adjourn at 7:57 PM. **Mike Plaizier** seconded the motion, which was unanimously approved.

Alex Leeman, Chairman

WORK SESSION: A work session will be held at 6:00 p.m. in Farmington City Hall, 160 South Main Street. The public is welcome to attend. The agenda for the work session will be as follows:

1. Shepard Lane Exchange Road Name (North Station Lane)
2. Discussion on Water Conservation Plan
3. Pre-Disaster Mitigation Plan

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, November 16, 2021, at 7:00 p.m.** The meeting will be held at the Farmington City Hall & electronically over Zoom for the public, 160 South Main Street, Farmington, Utah.

Farmington City Council meetings, including this meeting, are open to the public. In consideration of the COVID-19 pandemic, members of the public wishing to attend this meeting are encouraged to listen to the meeting on line. The link to listen to the meeting live and to comment electronically can be found on the Farmington City website at www.farmington.utah.gov. If you wish to email a comment for any of the listed public hearings, you may do so at hbouck@farmington.utah.gov.

The agenda for the meeting shall be as follows:

CALL TO ORDER:

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

CANVASS:

7:05 Canvass for General Election held November 2, 2021

REMARKS:

7:10 County Commissioner Lorene Kamalu

PRESENTATION:

7:20 Plaque Presentation to Outgoing Councilmembers and Mayor

PUBLIC HEARING:

7:30 Schematic Subdivision and Zone Change Ordinance - Kirkham Orchard Subdivision

7:40 Project Master Plan/Development Agreement and Schematic Subdivision – Maverik

7:50 Project Master Plan/Development Agreement, Regulating Plan Amendment, Schematic Subdivision Plan – The Everly

8:00 600 N Street Vacation

NEW BUSINESS:

- 8:15 Resolution Adopting the Water Conservation Plan
- 8:30 UDOT Contract to Purchase Land for WDC Right-of-Way
- 8:40 Davis County Pre-Disaster Mitigation Plan - Resolution

SUMMARY ACTION:

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

- 8:50 Minute Motion Approving Summary Action List
1. Approval of Minutes from October 19, 2021
 2. Approval of Minutes from October 26, 2021
 3. Improvements Agreement – Farmington Orthostar LLC

GOVERNING BODY REPORTS:

- 8:55 City Manager Report
1. Fire Activity Report for August
 2. Building Activity Report for October

- 9:05 Mayor Talbot & City Council Reports

ADJOURN

CLOSED SESSION

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

***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 due to a disability, please contact Heidi Bouck, City Recorder at 801-939-9209, at least 24 hours in advance of the meeting.

I hereby certify that I posted a copy of the foregoing Notice and Agenda and emailed copies to media representatives on November 10, 2021.

DATED this 10th day of November, 2021.

FARMINGTON CITY CORPORATION

By: Heidi Bouck
Heidi Bouck, City Recorder

Posted November 10th 2021



Planning Commission Staff Report November 18, 2021

Item 4: Farmington Ridge Planned Unit Development (PUD) – Final Plat and Final PUD Master Plan

Public Hearing:	No
Application No.:	S-11-21
Property Address:	1386 S 200 E
General Plan Designation:	LDR (Low Density Residential)
Zoning Designation:	R-4 (Multi-Family Residential)
Area:	1.59 Acres
Number of Lots:	6
Property Owner:	Teton Range LLC
Agent:	Aaron Mueller

Request: *Applicant is requesting approval for final plat and final PUD master plan for Farmington Ridge PUD.*

Background Information

Farmington Ridge PUD is a six lot subdivision of a 1.59 acre parcel located in the R-4 zone. Early in the process, a major talking point among the DRC was the feasibility of the long-term private maintenance of the street configuration as shown in the schematic plan. The Planning Commission tabled the project on July 15, 2021. After, the developer returned with a new configuration, a cul-de-sac with six lots surrounding. On August 5, 2021, the Planning Commission recommended approval for the schematic subdivision plan, and preliminary PUD master plan. The City Council approved the same, as well as an enabling ordinance to place a PUD overlay on September 7, 2021. The Planning Commission reviewed and approved the preliminary plat on October 7, 2021.

Suggested Motion

Move that that Planning Commission approve the final plat and Final PUD Master Plan for Farmington Ridge PUD, subject to all applicable Farmington City ordinances and development standards, and conditions of the approval for schematic subdivision plan and preliminary PUD master plan, as well as the preliminary plat and any remaining items for the Final PUD Master Plan.

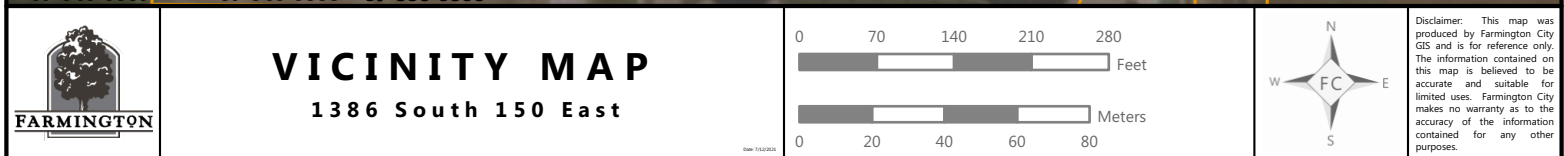
Findings for Approval:

1. Farmington Ridge PUD follows the General Plan and Zoning Ordinance.
2. The Preliminary Plat is consistent with the Schematic Subdivision plan and Preliminary PUD Master Plan.

3. At public hearings, the layout and lot number of Farmington Ridge PUD received mostly favorable comment from the neighborhood.

Supplemental Information

1. Vicinity Map
2. Final Plat and Final PUD Master Plan





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801. 217. 3727

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PROJECT NAME:
MUELLER
FARMINGTON 1

LOCATION INFO:
LOT #
101
SUBDIVISION
SUBNAME
SUBNAME
CITY
CITYNAME
STATE
UTAH

CLIENT NAME:
MR. AND MRS.
CLIENT

PLAN NAME:
PLANNAME

ORIGINAL RELEASE:
JAN 1, 2007

REVISION DATES
XX/XX/XXXX
XX/XX/XXXX
XX/XX/XXXX
XX/XX/XXXX

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FRONT
REAR
ELEVATIONS

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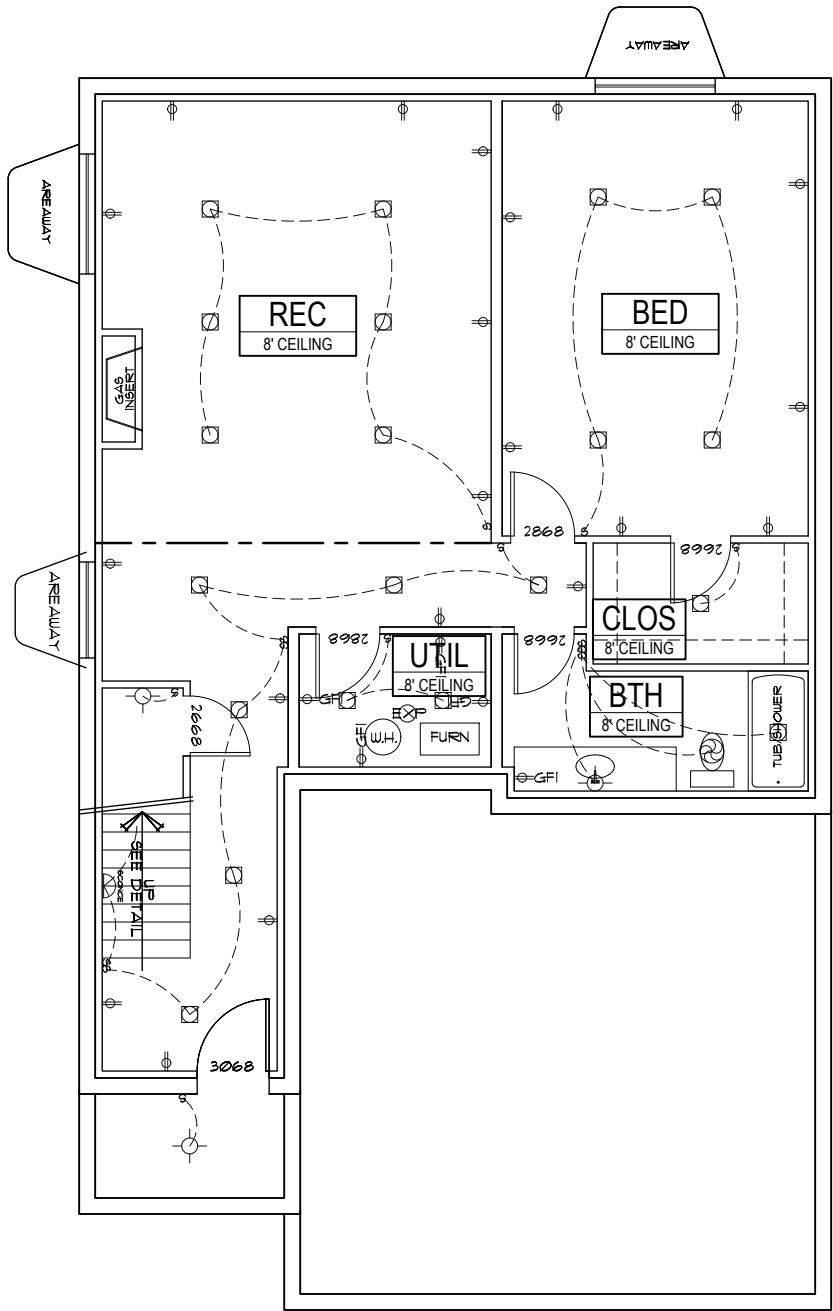
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



BASEMENT FLOOR PLAN

SCALE: 1/8" = 1'-0"



VERTICAL REFERENCE NOTE

IN THESE PLANS THE POSITION OF THE FINISHED MAIN FLOOR IS DETERMINED TO BE 100'-0" AS A BASE REFERENCE.

FROM THAT POSITION THESE PLANS WILL INDICATE ANY FEATURE ABOVE THE MAIN FLOOR AS A NUMBER HIGHER THAN 100'-0". THESE FEATURES INCLUDE BUT ARE NOT LIMITED TO CEILINGS, FLOORS, WINDOW POSITIONS, ETC.

THE BOTTOM OF THE FLOOR FRAMING SYSTEM OF THE MAIN FLOOR (INCLUDING ANY AND ALL SILL PLATES) SHALL BE REFERENCED AT 99'-0". IT IS UNDERSTOOD THAT IT IS LIKELY THAT THE DISTANCE BETWEEN THE MAIN FLOOR AND THE BOTTOM OF THE FLOOR FRAMING SYSTEM INCLUDING THE SILL PLATE WOULD BE A DIFFERENT DIMENSION THAN 1'-0". THESE PLANS, HOWEVER, DETERMINE THAT POSITION TO BE 99'-0" TO SIMPLIFY THE MATH OF THE PROJECT AND MAKE IT EASIER TO DETERMINE FEATURES THAT EXIST LOWER THAN THE FINISHED MAIN FLOOR.

THEREFORE, FEATURES OF THIS BUILDING ARE CALLED OUT IN REFERENCE TO TWO POSITIONS, THE FINISHED MAIN FLOOR AND THE BOTTOM OF THE MAIN FLOOR FRAMING SYSTEM. NUMBERS ABOVE 100'-0" INDICATE FEATURES ABOVE FINISHED FLOOR AND NUMBERS 99'-0" AND BELOW INDICATE FEATURES BELOW THE FLOOR FRAMING SYSTEM.

AFF. IS AN INDICATION OF A FEATURE THAT EXISTS IN RELATION TO ITS DISTANCE ABOVE THE FINISHED FLOOR.

ELECTRICAL SCHEDULE

	CEILING MOUNTED INCANDESCENT
	WALL MOUNTED INCANDESCENT
	INCANDESCENT PULL CORD LIGHT
	SMALL APERATURE RECESSED LIGHT
	LARGE APERATURE RECESSED LIGHT
	EXTERIOR RATED FLOOD LIGHT
	SCONCE AS PER OWNER
	FLOURESCENT LIGHT
	FLOOR HALL OR STAIR LIGHT
	TRACK LIGHTS
	CEILING FAN W/ LIGHT
	CEILING FAN
	EXHAUST FAN
	EXHAUST FAN W/ LIGHT
	EXHAUST FAN W/ HEATER
	SMOKE DETECTOR W/BATT BACKUP
	CARBON MONOXIDE DETECTOR
	110 VOLT DUPLEX OUTLET
	220 VOLT OUTLET
	110 VOLT GROUND FAULT INTERRUPTER
	110 VOLT WATERPROOF GFI OUTLET
	PHONE JACK
	TELEVISION CABLE JACK
	MULTI-MEDIA OUTLET (CAT 5E WIRING W/ 4 PORT OUTLET)
	NORMAL SWITCH

WINDOW TYPE NOTE

ALL SLIDERS AND SINGLE HUNG WINDOWS ARE ASSUMED TO OPEN 50% UNLESS OTHERWISE INDICATED

KEY TO TYPE

SH	-SINGLE HUNG	S	-SLIDER
C	-CASEMENT	F	-FIXED
AW	-AWNING		

SHEETROCK NOTE

BECAUSE OF THE STYLE AND SPECIFIC ARCHITECTURE DO NOT USE ANY ROUNDED CORNERS IN THE FINISH OF ANY OF THE SHEETROCK IN THIS PROJECT UNLESS SPECIFICALLY INSTRUCTED BY THE HOMEOWNER. UNLESS OTHERWISE INSTRUCTED, USE ONLY SHARP CORNER TRIM IN THE COMPLETION OF THE SHEETROCK OF THIS PROJECT.



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PROJECT NAME:
MUELLER
FARMINGTON 1

LOCATION INFO:
LOT #
101
SUBDIVISION
SUBNAME
SUBNAME
CITY
CITYNAME
STATE
UTAH

CLIENT NAME:
MR. AND MRS.
CLIENT

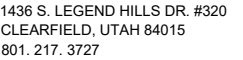
PLAN NAME:
PLAN NAME

ORIGINAL RELEASE:
JAN 1, 2007

REVISION DATES
XX/XX/XXXX
XX/XX/XXXX
XX/XX/XXXX
XX/XX/XXXX

BASEMENT
FLOOR
PLAN

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PLAN NAME

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JAN 1, 2007

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PAGE 9 OF 23

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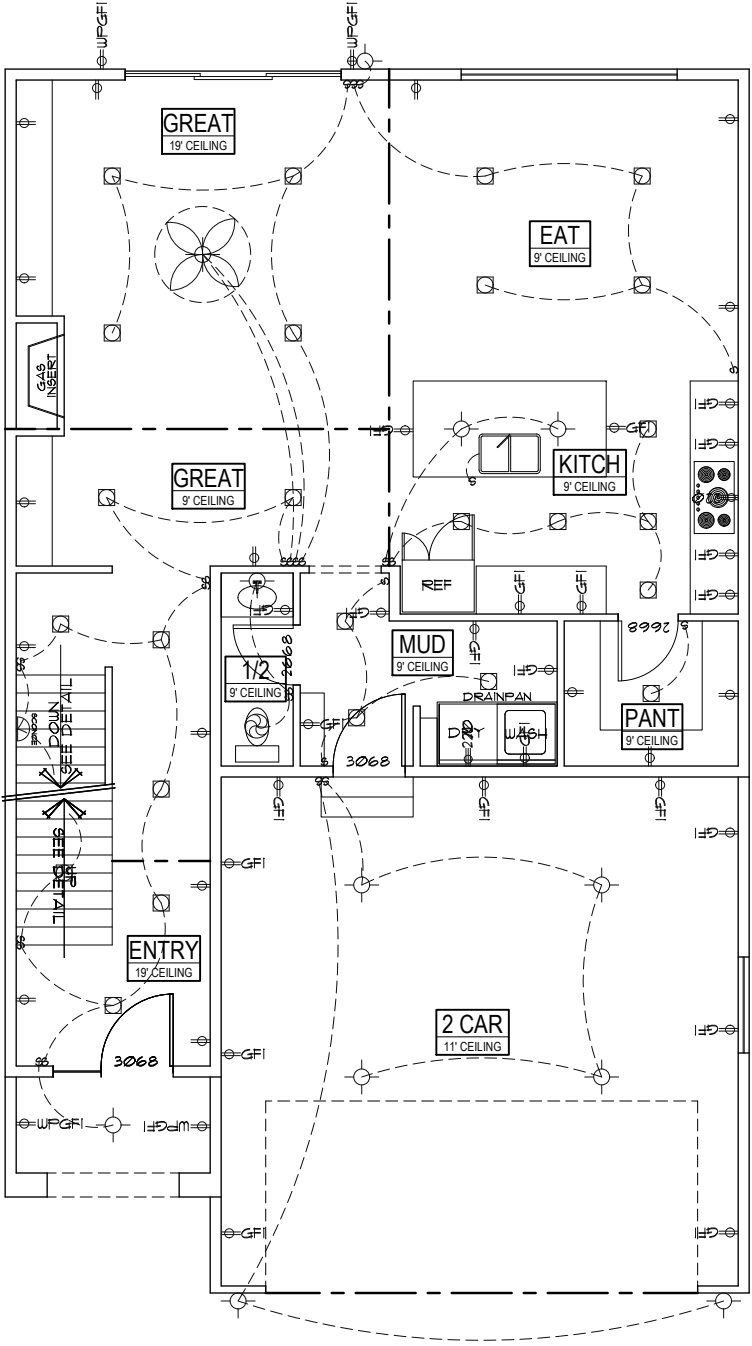


SCALE: 1/8" = 1'-0"



MAIN FLOOR PLAN

SCALE: 1/8" = 1'-0"



1027 SQ. FT. ON 6/23/21

VERTICAL REFERENCE
NOTE

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	SMALL APERTURE RECESSED LIGHT
	LARGE APERTURE RECESSED LIGHT
	EXTERIOR RATED FLOOD LIGHT
	SCONCE AS PER OWNER
	FLOURESCENT LIGHT
	FLOOR HALL OR STAIR LIGHT
	TRACK LIGHTS
	CEILING FAN W/ LIGHT
	CEILING FAN
	EXHAUST FAN
	EXHAUST FAN W/ LIGHT
	EXHAUST FAN W/ HEATER
	SMOKE DETECTOR W/BATT BACKUP
	CARBON MONOXIDE DETECTOR
	110 VOLT DUPLEX OUTLET
	220 VOLT OUTLET
	110 VOLT GROUND FAULT INTERRUPTER
	110 VOLT WATERPROOF GFI OUTLET
	PHONE JACK
	TELEVISION CABLE JACK
	MULTI-MEDIA OUTLET (CAT 5E WIRING W/ 4 PORT OUTLET)
	NORMAL SWITCH

WINDOW TYPE NOTE

ALL SLIDERS AND SINGLE HUNG WINDOWS ARE ASSUMED TO OPEN 50% UNLESS OTHERWISE INDICATED

KEY TO TYPE

SH	-SINGLE HUNG	S	-SLIDER
C	-CASEMENT	F	-FIXED
AW	-AWNING		

SHEETROCK NOTE

BECAUSE OF THE STYLE AND SPECIFIC ARCHITECTURE DO NOT USE ANY ROUNDED CORNERS IN THE FINISH OF ANY OF THE SHEETROCK IN THIS PROJECT UNLESS SPECIFICALLY INSTRUCTED BY THE HOMEOWNER. UNLESS OTHERWISE INSTRUCTED, USE ONLY SHARP CORNER TRIM IN THE COMPLETION OF THE SHEETROCK OF THIS PROJECT.



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CLEARFIELD, UTAH 84015
801. 217. 3727

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PROJECT NAME:
MUELLER
FARMINGTON 1

LOCATION INFO:
LOT #
101
SUBDIVISION
SUBNAME
SUBNAME
CITY
CITYNAME
STATE
UTAH

CLIENT NAME:
MR. AND MRS.
CLIENT

PLAN NAME:
PLAN NAME

ORIGINAL RELEASE:
JAN 1, 2007

REVISION DATES
XX/XX/XXXX
XX/XX/XXXX
XX/XX/XXXX
XX/XX/XXXX

MUELLERFARM1-M-XXXX-3-21-A

MAIN
FLOOR
PLAN

A3 | 3

LANDSCAPE - PLANTING SCHEDULE					
COUNT	KEY	BOTANICAL NAME	COMMON NAME	SIZE	COMMENTS
Tree - Deciduous					
3	CR	Celtis reticulata	Western Hackberry	2" Cal.	
1	LTA	Liriodendron tulipifera 'Aureomarginatum'	Majestic Beauty Tulip Tree	2" Cal.	
1	MSS	Malus 'Spring Snow'	Spring Snow Crabapple	2" Cal.	
6	PCP	Prunus cerasifera 'Crimson Pointe'	Crimson Pointe Plum	2" Cal.	
Tree - Conifer					
1	AC	Abies concolor	White Fir	6 HT.	
2	PFV	Pinus flexilis 'Vanderwolf's Pyramid'	Vanderwolf's Pyramid Limber Pine	6 HT.	
8	PM2	Pinus monophylla	Singleleaf Pinon	6 HT.	
Shrub					
43	BTk	Berberis thunbergii 'Kobold'	Kobold Barberry	5 Gal.	
14	CXH	Cytisus x Hollandia	Hollandia Broom	5 Gal.	
9	JC	Juniperus communis	Common Juniper	5 Gal.	
19	JXP	Juniperus x pfitzeriana 'Monsar' SEA OF GOLD	Sea of Gold Juniper	5 Gal.	
32	MRE	Mahonia repens	Creeping Mahonia	5 Gal.	30" O.C. Spacing
5	RAG	Rhus aromatica 'Gro-Low'	Gro-Low Sumac	5 Gal.	
15	JCA	Rhus glabra var. cismontana	dwarf smooth sumac	5 Gal.	
17	SGR	Salvia Greggii 'Red'	Red Autumn Sage	5 Gal.	
17	SJW	Spiraea japonica 'Walburna'	Magic Carpet Japanese Spirea	5 Gal.	
4	SYA	Symphoricarpos albus	Common Snowberry	5 Gal.	Excellent for Slope Stabilization
Perennial					
10	HC	Hemerocallis 'Cosmopolitan'	Daylily	1 Gal.	
21	HEM.R	Hemerocallis 'Happy Returns'	Happy Returns	1 Gal.	
Ornamental Grass					
27	CAK	Calamagrostis acutifolia 'Karl Foester'	Karl Foester Feather Reed Grass	1 Gal.	

SITE DEVELOPEMENT LEGEND			
--- 4262 ---	EXISTING CONTOURS		RETAINING WALL
--- 4262 ---	PROPOSED CONTOURS		CONCRETE SLAB
	PROPERTY LINE		MULCH - SAFETY SURFACE
	PROJECT LIMIT LINE		MULCH - BARK
---	SETBACK LIMIT LINE		MULCH - DECORATIVE ROCK
---	UTILITY LINE - GAS		CONCRETE MOWCURB
---	UTILITY LINE - POWER		CHAINLINK FENCE
---	UTILITY LINE - SEWER		EXISTING TREE - TO REMAIN
	UTILITY LINE - WATER		PROPOSED TREE
---	SCORE JOINT		DECORATIVE BOULDERS
	N 5142.29 E 4918.32		
	30%		
	RETAINING WALL - BOULDER		

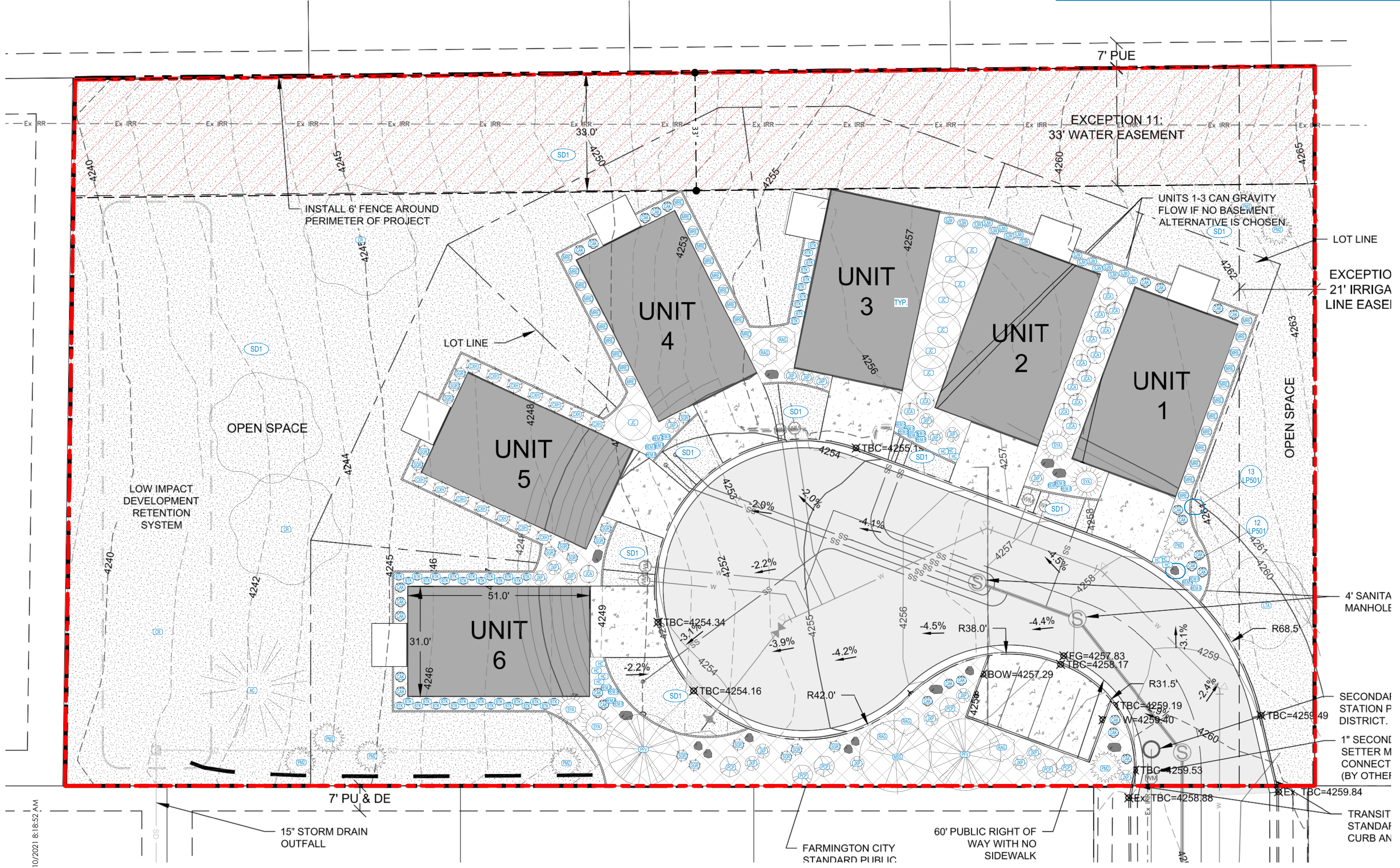
- ### PLANTING GENERAL NOTES
- CONTRACTOR SHALL BE RESPONSIBLE FOR BECOMING AWARE OF ALL RELATED EXISTING CONDITIONS, UTILITIES, PIPES, AND STRUCTURES, ETC. PRIOR TO BIDDING AND CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ALL UTILITY COMPANIES FOR FIELD LOCATION OF ALL UNDERGROUND UTILITY LINES, INCLUDING DEPTHS, PRIOR TO ANY EXCAVATION. CONTRACTOR SHALL TAKE SOLE RESPONSIBILITY FOR ANY AND ALL COST OR OTHER LIABILITIES INCURRED DUE TO DAMAGE OF SAID UTILITIES/ STRUCTURES/ETC.
 - IF CONFLICTS ARISE BETWEEN SIZE OF AREAS AND PLANS, CONTRACTOR IS REQUIRED TO CONTACT OWNERS REPRESENTATIVE FOR RESOLUTION. FAILURE TO MAKE SUCH CONFLICTS KNOWN TO THE OWNERS REPRESENTATIVE WILL RESULT IN CONTRACTORS LIABILITY TO RELOCATE THE MATERIALS.
 - PLANT NAMES MAY BE ABBREVIATED ON THE DRAWINGS. SEE PLANT LEGEND FOR ABBREVIATIONS, BOTANICAL NAMES, SIZES, ESTIMATED QUANTITIES (IF GIVEN) AND OTHER REMARKS.
 - IT IS THE CONTRACTOR'S RESPONSIBILITY TO FURNISH ALL PLANT MATERIALS FREE OF PESTS OR PLANT DISEASES. PRE-SELECTED OR "TAGGED" MATERIAL MUST BE INSPECTED BY THE CONTRACTOR AND CERTIFIED PEST AND DISEASE FREE. IT IS THE CONTRACTOR'S OBLIGATION TO MAINTAIN AND WARRANTY ALL PLANT MATERIALS PER THE SPECIFICATIONS. ALL PLANTS SHALL BE SUBJECT TO OWNERS APPROVAL PRIOR TO INSTALLATION.
 - PROVIDE MATCHING SIZES AND FORMS FOR EACH SPECIES OF TREES AND PLANTS INSTALLED GRID OR SPACED EQUALLY IN ROWS AS SHOWN ON DRAWINGS. ADJUST SPACING (EQUAL TO EQUAL) AS NECESSARY. SUBJECT TO ACCEPTANCE BY THE OWNERS REPRESENTATIVE.
 - THE LANDSCAPE CONTRACTOR SHALL TAKE ALL NECESSARY SCHEDULING AND OTHER PRECAUTIONS TO AVOID WINTER, CLIMATIC, WILDLIFE, OR OTHER DAMAGE TO PLANTS. THE CONTRACTOR SHALL INSTALL THE APPROPRIATE PLANTS AT APPROPRIATE TIME TO GUARANTEE LIFE OF PLANTS FOR 12 MONTHS AFTER INSTALLATION.
 - CONTRACTOR SHALL GUARANTEE ALL LANDSCAPE WORK FOR 1 YEAR FROM SUBSTANTIAL COMPLETION.
 - CONTRACTOR SHALL IMPORT A MINIMUM OF 12" THICK TOPSOIL TO ALL PLANTING AREAS.
 - PLACE 4" THICK SHREDDED BARK MULCH IN ALL SHRUB, PERENNIAL/ ANNUALS PLANTING AREAS.
 - PROVIDE A FIVE (5) FOOT DIAMETER SAUCER UNDER ALL TREES PLANTED IN TURF AREAS WITH 4" OF SHREDDED BARK MULCH.
 - PROVIDE LANDSCAPE BOULDERS OF QUANTITY INDICATED AND PLACED AS SHOWN. 30% - 40% OF BOULDERS TO BE BURIED BELOW SURFACE OF MULCH / COBBLE. BOULDER PLACEMENT TO BE APPROVED BY LANDSCAPE ARCHITECT ON SITE.
 - ALL PLANT MATERIAL HOLES SHALL BE DUG TWICE THE DIAMETER OF THE ROOTBALL AND 6 INCHES DEEPER. EXCAVATED MATERIAL SHALL BE REMOVED FROM THE SITE.
 - TREES LESS THAN A TWO-INCH CALIPER MUST BE DOUBLE-STAKED UNTIL THE TREES MATURE TO A TWO-INCH CALIPER.
 - PLANT BACKFILL MIXTURE SHALL BE COMPOSED OF 3 PARTS TOPSOIL TO 1 PART HUMUS ADDITIVE, ON-SITE PRIOR TO INSTALLATION, AND SHALL BE ROTARY MIXED.
 - TURF SOD TO BE DROUGHT TOLERANT FESCUE BLEND.

PLANTING MATERIALS LEGEND	
	TURFGRASS AREAS 9 LP501 TURFGRASS AREAS SHALL BE A WATER-WISE 50/50 BLEND OF KENTUCKY BLUEGRASS AND PERENNIAL RYE GRASS CUT SOD, INSTALLED OVER A PREPARED SUBGRADE OF FOUR INCHES (4") OF SCREENED AND COMPACTED TOPSOIL. ONCE IRRIGATION AND FINISH GRADING HAS BEEN COMPLETED, INSTALL SOD WITHIN TWENTY-FOUR (24) HOURS OF DELIVERY AND DO NOT ALLOW SOD TO DRY OUT. LIGHTLY WET TOPSOIL PRIOR TO INSTALLATION OF SOD BUT AVOID CREATING MUDDY CONDITIONS. ALL TREES WITHIN TURFGRASS AREAS SHALL BE PLANTED WITHIN A FIVE-FOOT (5') DIAMETER TREE RING AND COVERED WITH SHREDDED BARK MULCH.
	SHREDDED BARK MULCH PLANTER BED AREAS 14 LP501 PLANTER BED AREAS SHALL BE CONSTRUCTED WITH TWELVE INCHES (12") OF SCREENED, SANDY LOAM TOPSOIL INSTALLED ON TOP OF SUB-GRADE MATERIAL. PLANTER BED AREAS SHALL BE FINISHED WITH CHOCOLATE BROWN SHREDDED HARDWOOD BARK MULCH, OR AS APPROVED BY OWNER. SHREDDED BARK MULCH SHALL BE INSTALLED TO AN AVERAGE DEPTH OF FOUR (4") AND SHALL COMPLETELY COVER ALL PLANTER BED AREAS. PRIOR TO INSTALLATION OF BARK MULCH, IT IS RECOMMENDED THAT DEWIT PROS WEED BARRIER BE APPLIED TO THE PLANTER BED AREAS. ALL TREES AND SHRUBS WITHIN BARK MULCH PLANTER BED AREAS SHALL BE WATERED WITH POINT-SOURCE DRIP IRRIGATION.
	CONCRETE MOW CURB 13 LP501 CONCRETE MOW CURBING SHALL BE CAST-IN-PLACE, SLIP FORMED GRAY CONCRETE, OR AS APPROVED BY OWNER. INSTALL CONCRETE MOW CURBING ONCE ROUGH AND FINISH GRADING HAS BEEN COMPLETED, BUT PRIOR TO INSTALLATION OF IRRIGATION, PLANT MATERIALS AND SOD. SAW CUT CONTROL JOINTS SHALL BE EVENLY SPACED AT APPROXIMATELY TEN FEET ON CENTER (10' O.C.).

LANDSCAPE - SITE MATERIAL SCHEDULE			
TAG	AREA	MATERIAL	DESCRIPTION
SD1	39,127 SF	SITE - LAWN (SEEDED)	
SD7	7,308 SF	SITE - MULCH - BARK	DARK BROWN COLOR

LANDSCAPE - EDGING SCHEDULE		
TAG	LENGTH	DESCRIPTION
E1	719' - 5.34"	CONCRETE MOWCURB - 0'-6"

1 5.0 - LANDSCAPE - PLANTING PLAN
1/16" = 1'-0"



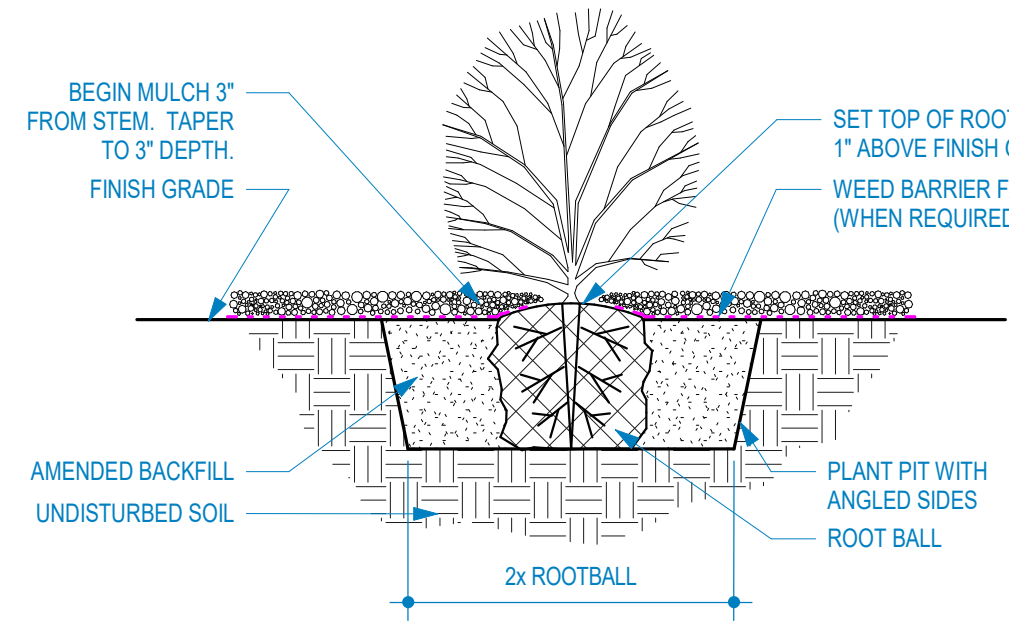
Revisions:

ANDREWS HOME DESIGN GROUP
192 EAST 200 NORTH, SUITE 202
ST. GEORGE, UT 84770
PHONE: 888-826-3632
CELL: 805-304-7006
www.AndrewsHomeDesign.com

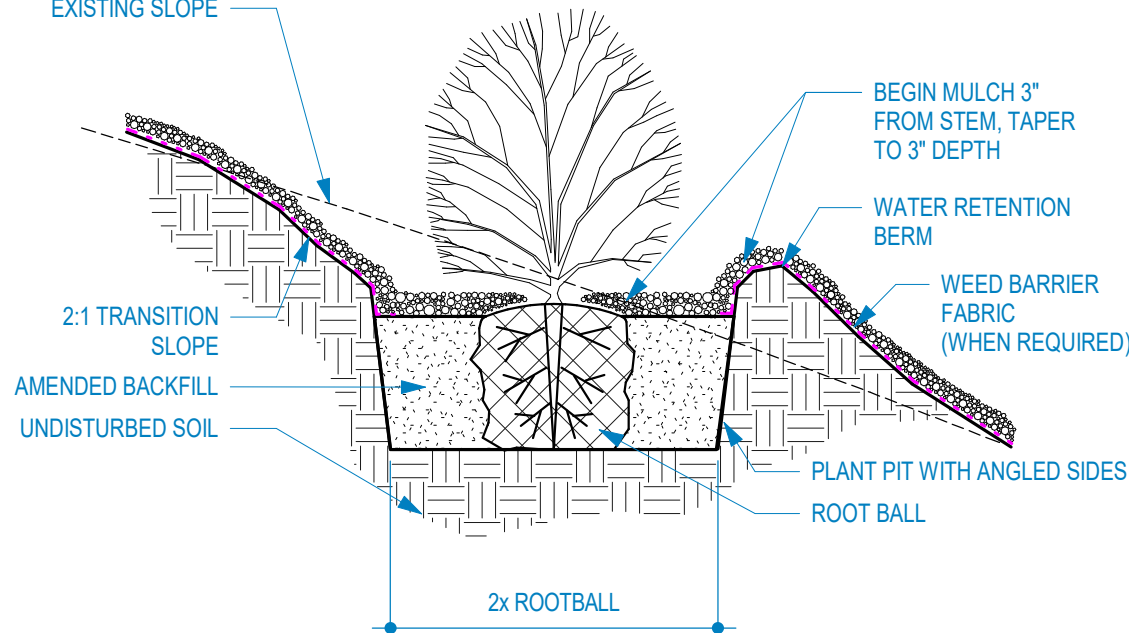
Sheet: LANDSCAPE PLAN
Project: FARMINGTON RIDGE SUBDIVISION
FARMINGTON CITY, UT

Project No: 21058
Date: 2021.09.10

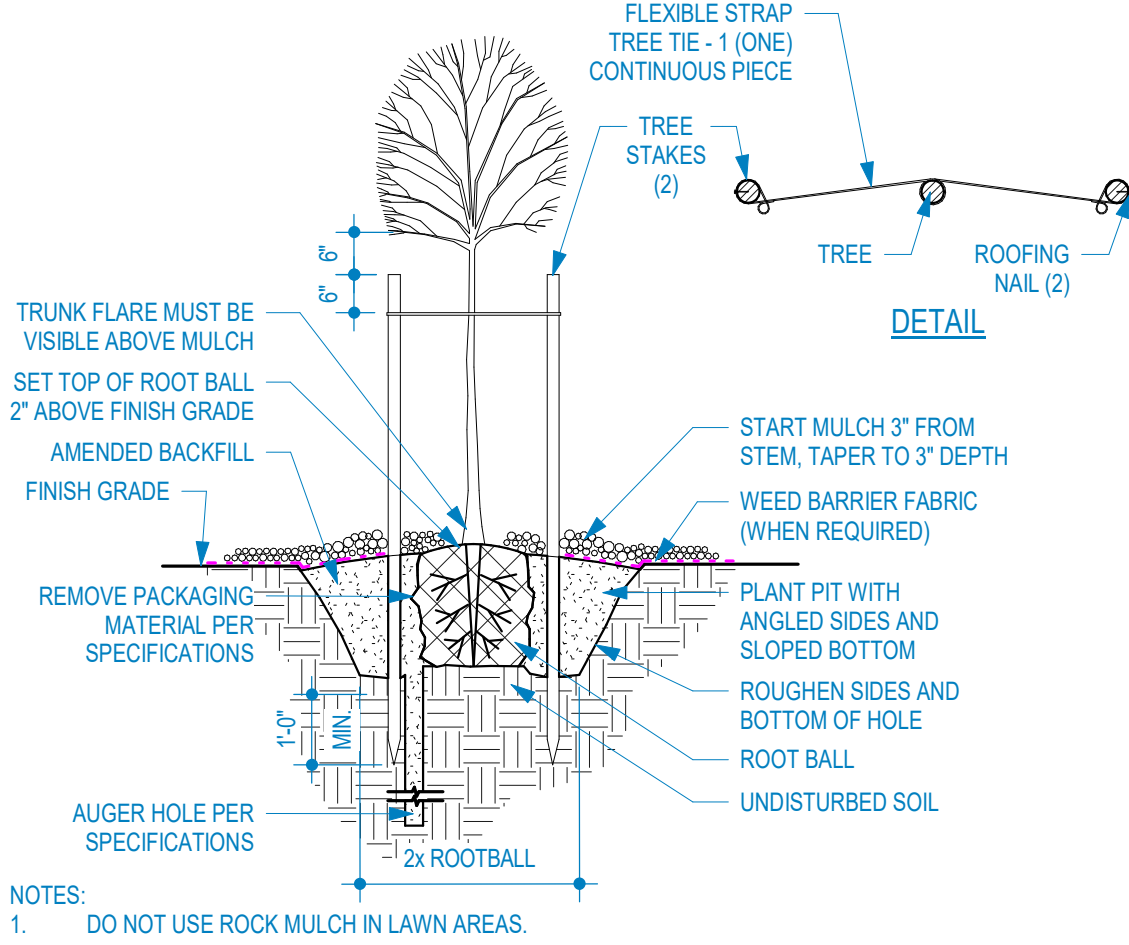
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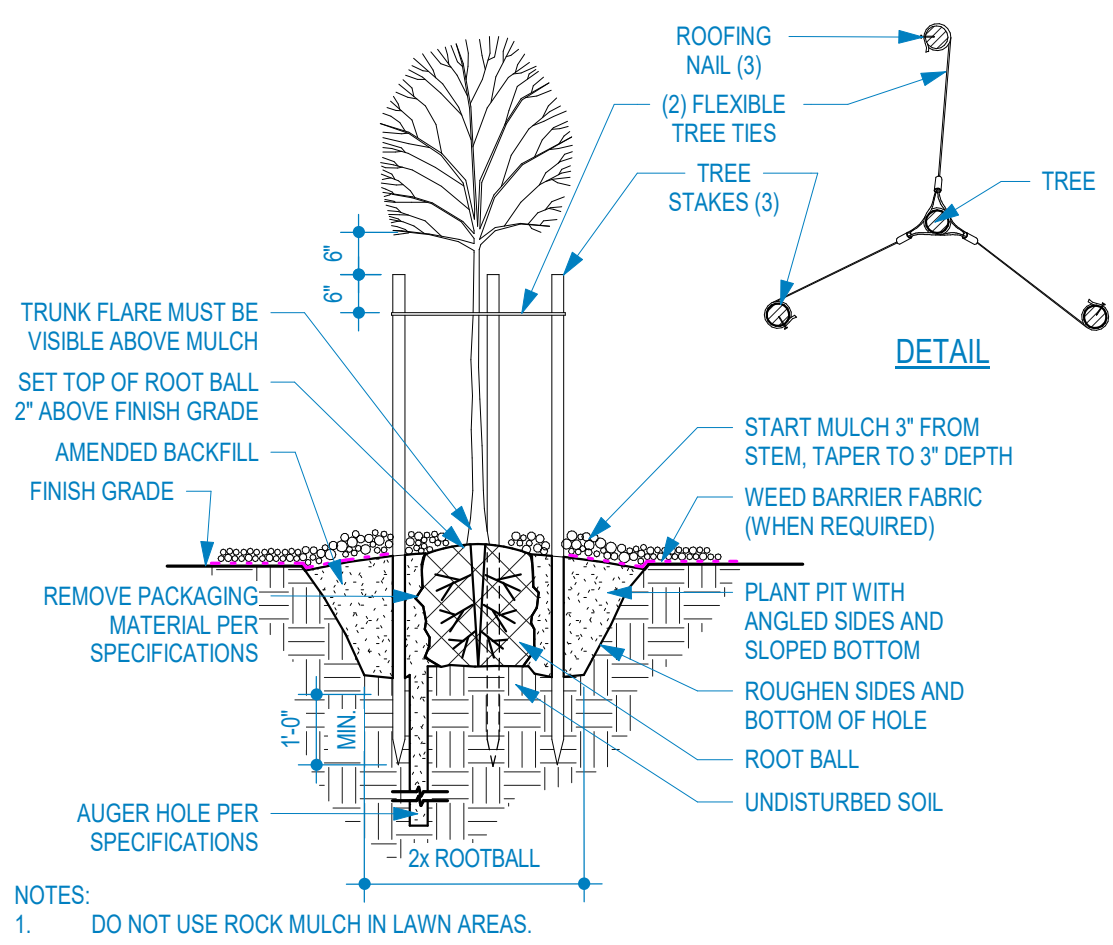
1 PLANT. - SHRUB DETAIL
1/2" = 1'-0"



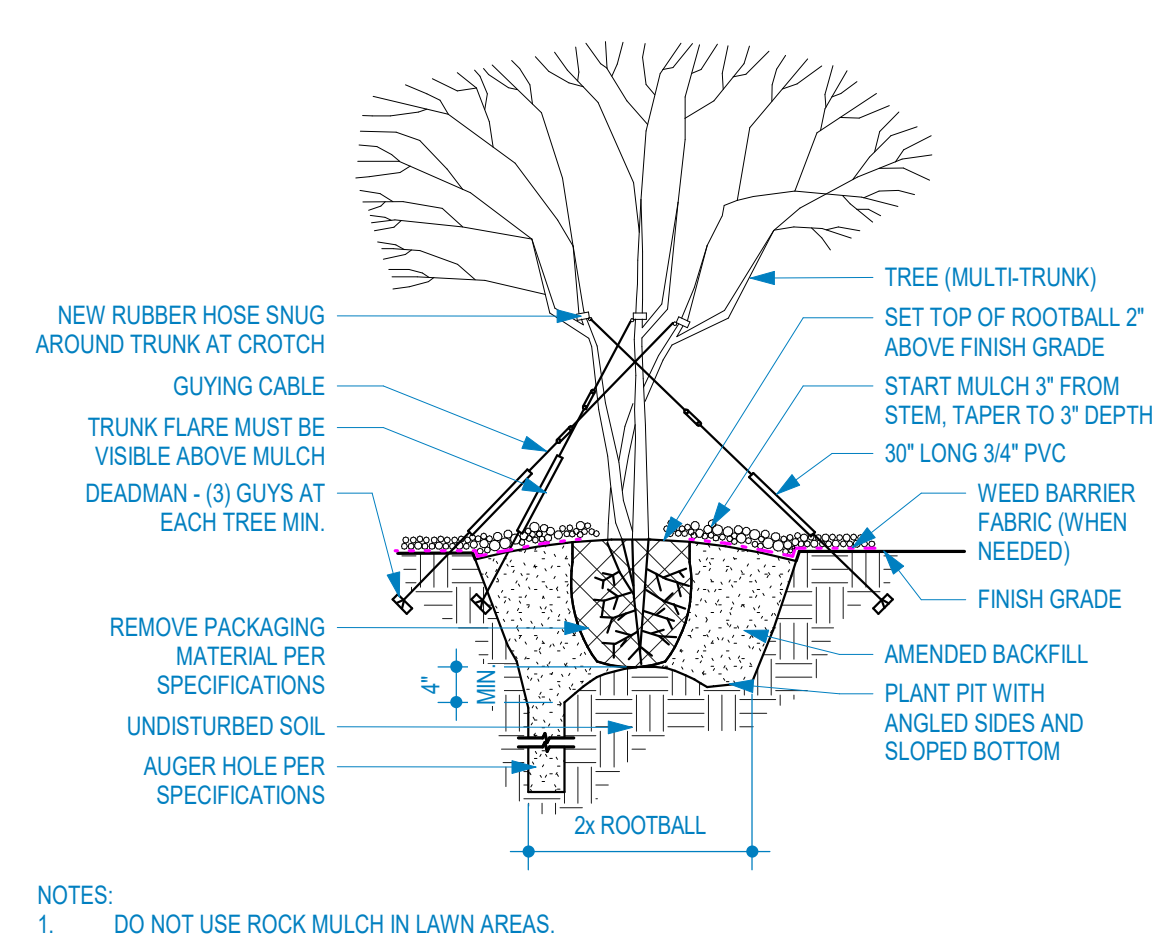
2 PLANT. - SLOPE DETAIL
1/2" = 1'-0"



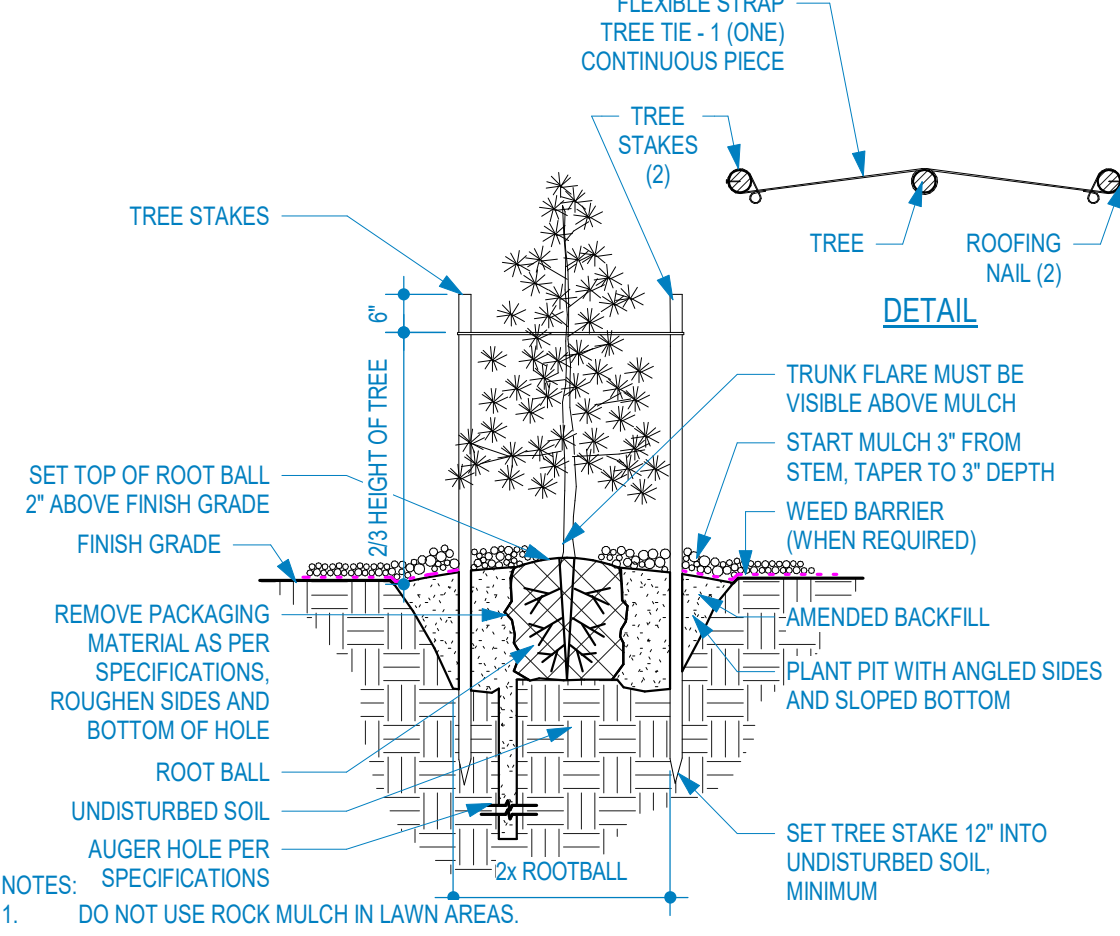
3 PLANT. - TREE AND STAKING
3/8" = 1'-0"



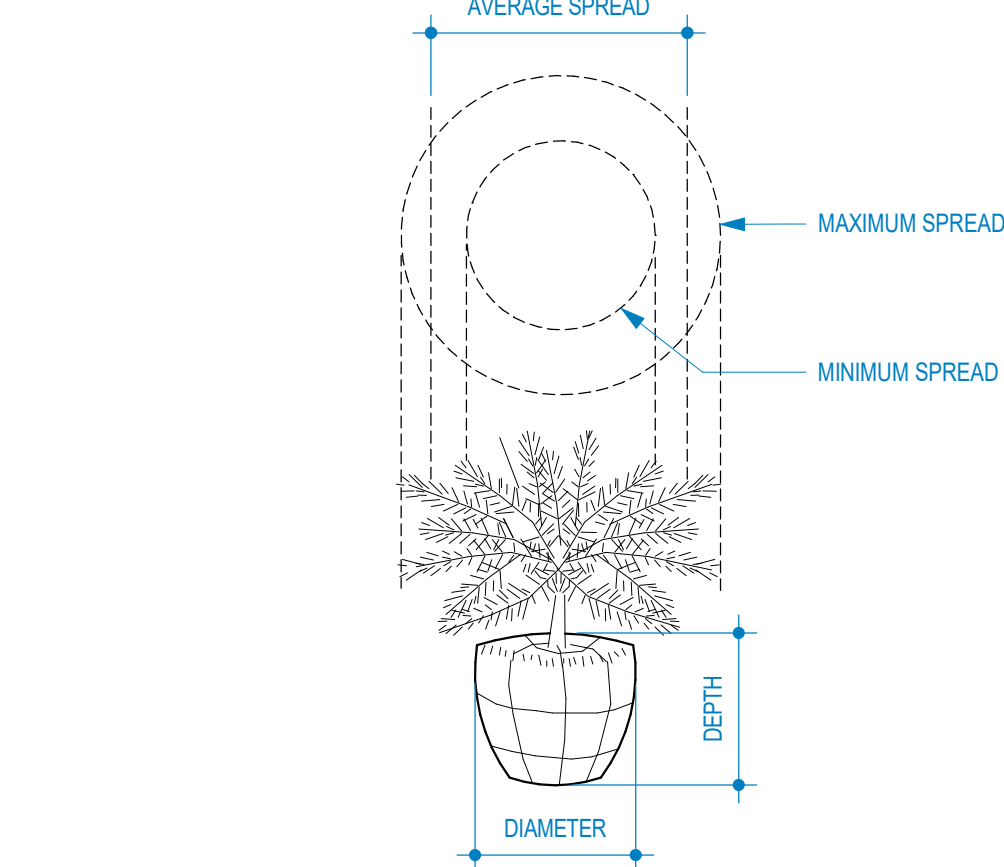
4 PLANT. - TREE AND STAKING - WINDY
3/8" = 1'-0"



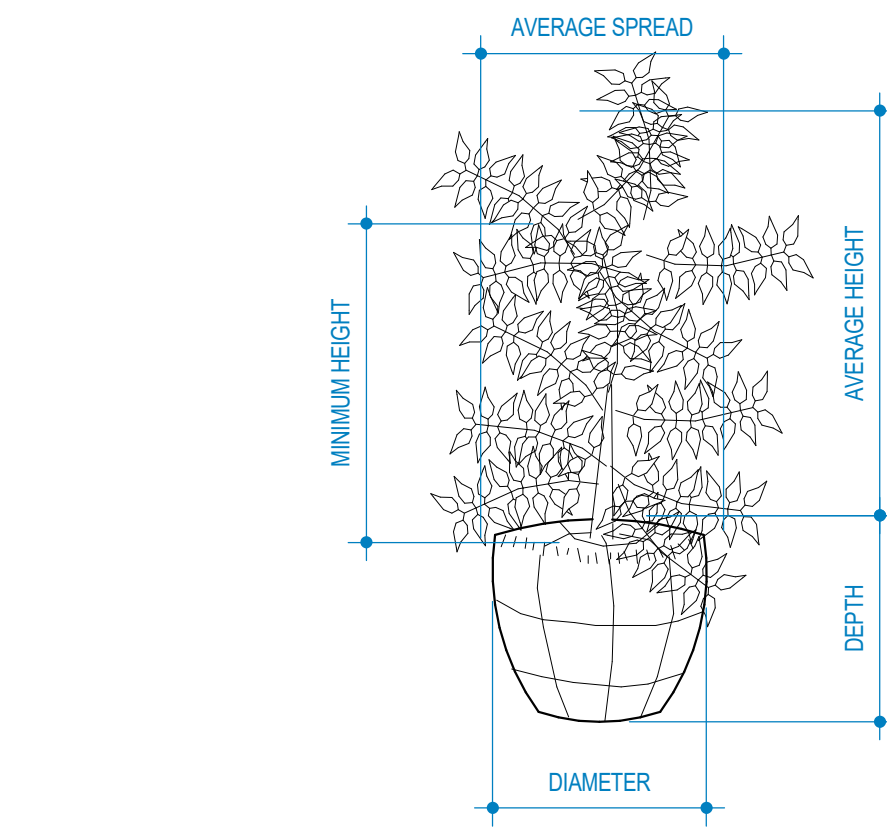
5 PLANT. - TREE GUYING (MULTI-TRUNK TREE)
3/8" = 1'-0"



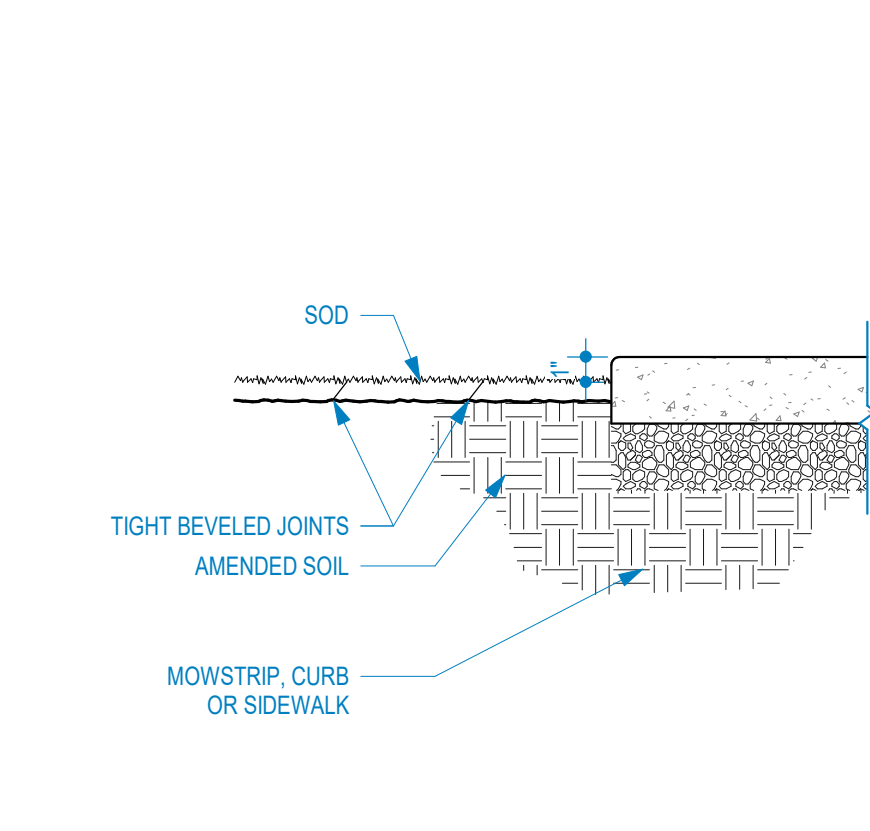
6 PLANT. - EVERGREEN TREE AND STAKING
3/8" = 1'-0"



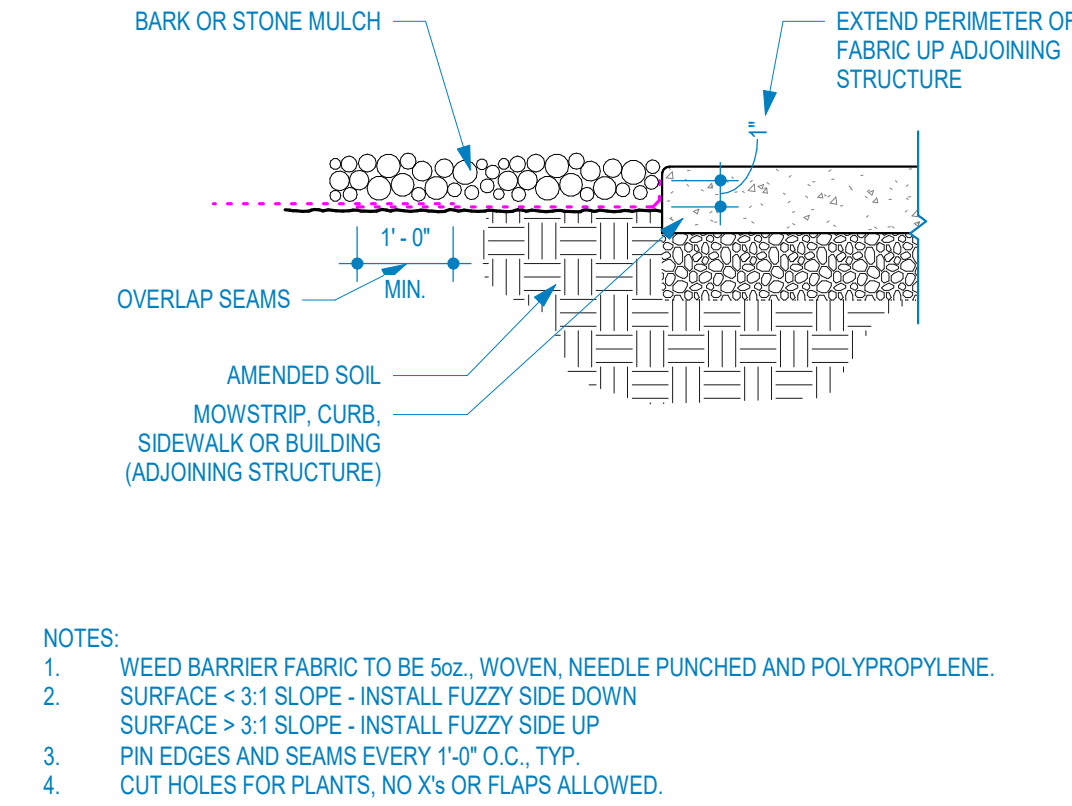
7 PLANT. - TYP. MEAS. PROSTRATE
3/8" = 1'-0"



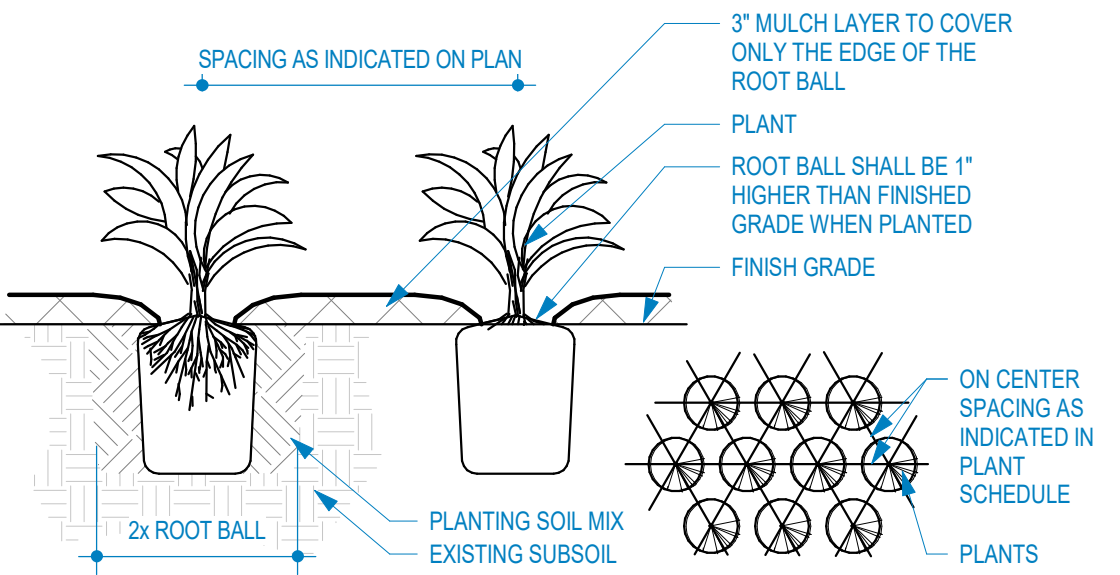
8 PLANT. - TYP. MEAS. BROAD UPRIGHT
1/2" = 1'-0"



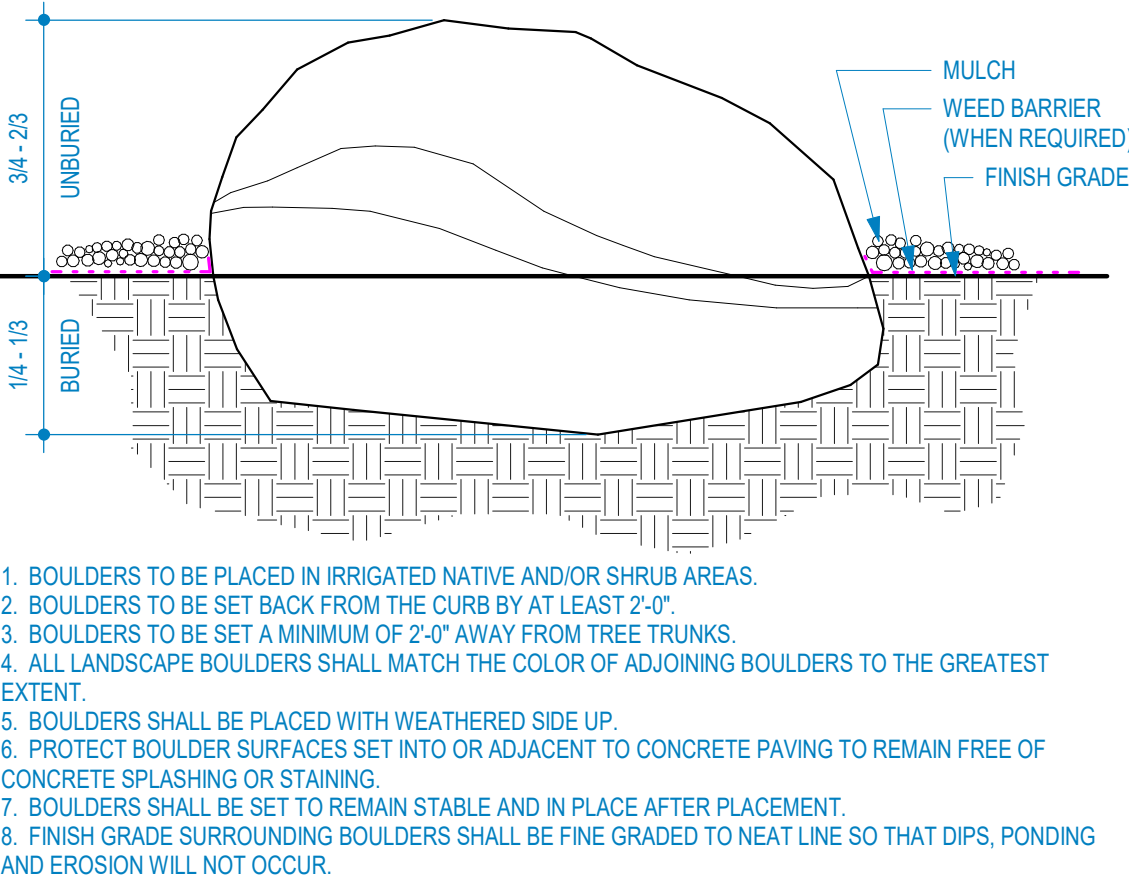
9 PLANT. - SOD INSTL.
1/2" = 1'-0"



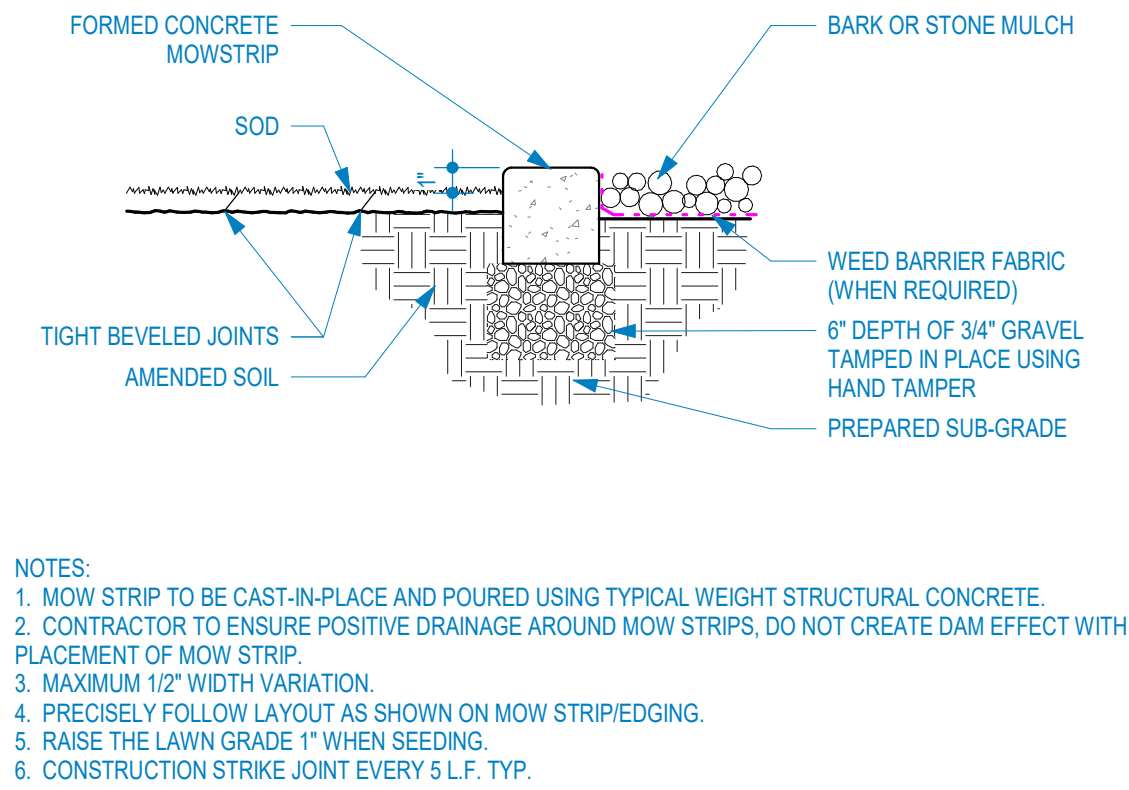
10 PLANT. - WEED BARRIER INSTL.
1/2" = 1'-0"



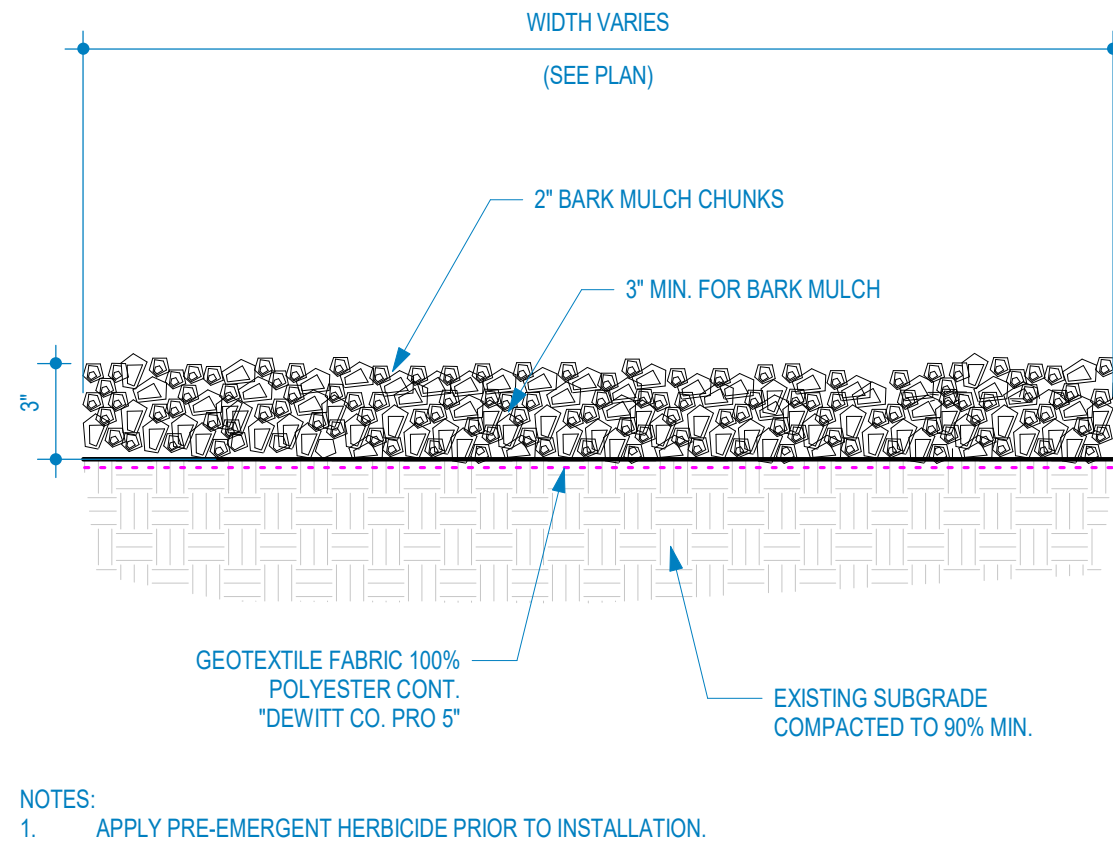
11 PLANT. - PERENNIAL PLANTING
1" = 1'-0"



12 SITE - BOULDER PLACEMENT DETAIL
1/2" = 1'-0"



13 EDGING - CONCRETE MOW CURB
1/2" = 1'-0"



14 PLANT. - MULCH - BARK
1 1/2" = 1'-0"

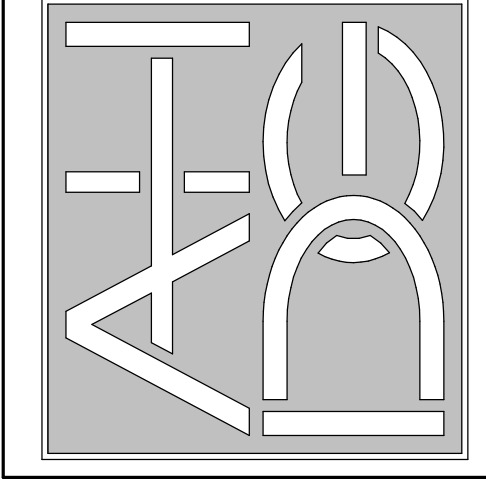


Revisions:

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Sheet: PLANTING DETAILS
Project: FARMINGTON RIDGE SUBDIVISION
FARMINGTON CITY, UT

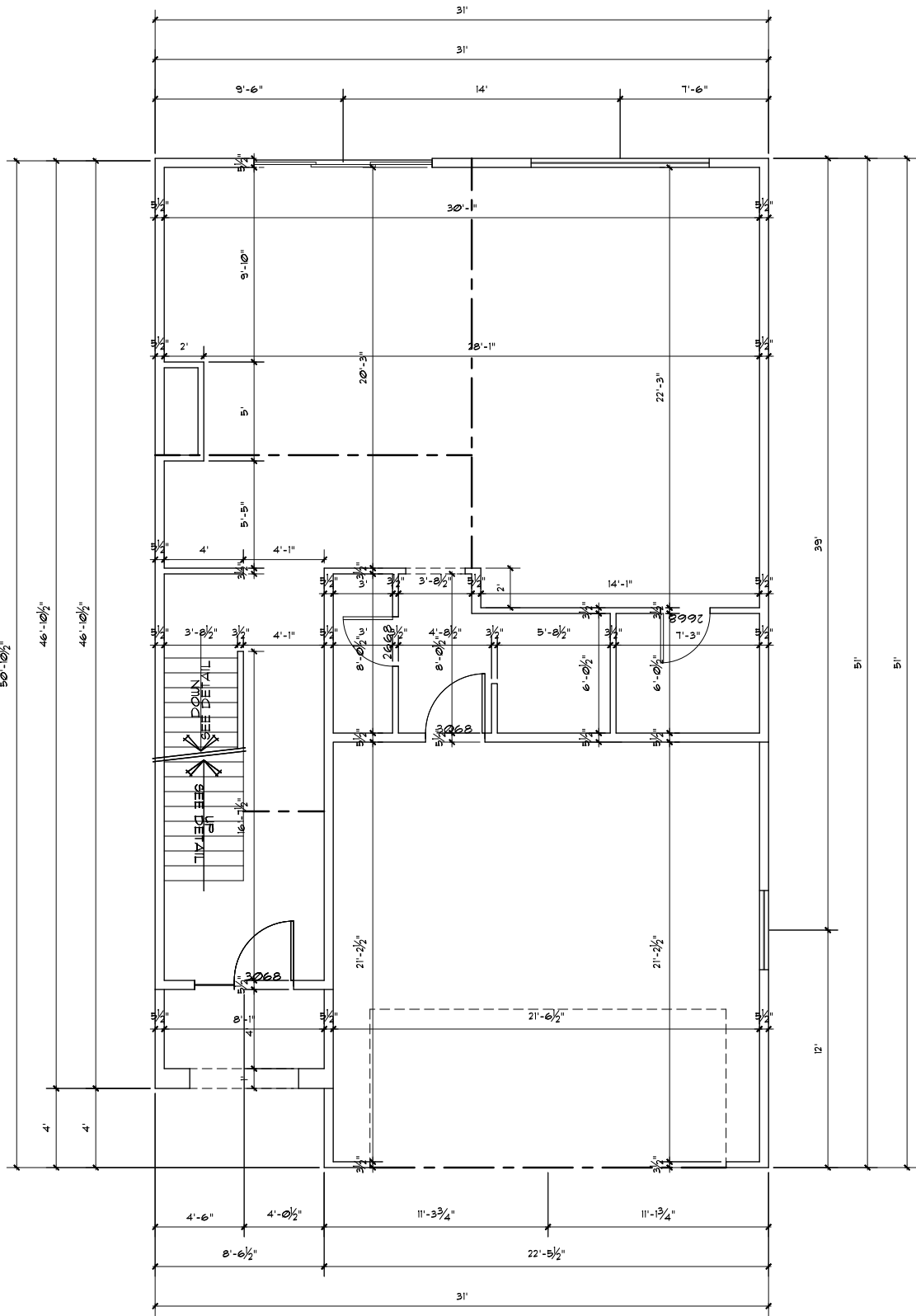
Project No: 21058
Date: 2021.09.09

LP501
PERMIT SET



MAIN FLOOR WALL FRAMING PLAN

SCALE: 1/8" = 1'-0"



VERTICAL REFERENCE
NOTE

IN THESE PLANS THE POSITION OF THE FINISHED MAIN FLOOR IS DETERMINED TO BE 100'-0" AS A BASE REFERENCE.

FROM THAT POSITION THESE PLANS WILL INDICATE ANY FEATURE ABOVE THE MAIN FLOOR AS A NUMBER HIGHER THAN 100'-0". THESE FEATURES INCLUDE BUT ARE NOT LIMITED TO CEILINGS, FLOORS, WINDOW POSITIONS, ETC.

THE BOTTOM OF THE FLOOR FRAMING SYSTEM OF THE MAIN FLOOR (INCLUDING ANY AND ALL SILL PLATES) SHALL BE REFERENCED AT 99'-0". IT IS UNDERSTOOD THAT IT IS LIKELY THAT THE DISTANCE BETWEEN THE MAIN FLOOR AND THE BOTTOM OF THE FLOOR FRAMING SYSTEM INCLUDING THE SILL PLATE WOULD BE A DIFFERENT DIMENSION THAN 1'-0". THESE PLANS, HOWEVER, DETERMINE THAT POSITION TO BE 99'-0" TO SIMPLIFY THE MATH OF THE PROJECT AND MAKE IT EASIER TO DETERMINE FEATURES THAT EXIST LOWER THAN THE FINISHED MAIN FLOOR.

THEREFORE, FEATURES OF THIS BUILDING ARE CALLED OUT IN REFERENCE TO TWO POSITIONS, THE FINISHED MAIN FLOOR AND THE BOTTOM OF THE MAIN FLOOR FRAMING SYSTEM. NUMBERS ABOVE 100'-0" INDICATE FEATURES ABOVE FINISHED FLOOR AND NUMBERS 99'-0" AND BELOW INDICATE FEATURES BELOW THE FLOOR FRAMING SYSTEM.

AFF. IS AN INDICATION OF A FEATURE THAT EXISTS IN RELATION TO ITS DISTANCE ABOVE THE FINISHED FLOOR.



1436 S. LEGEND HILLS DR. #320
CLEARFIELD, UTAH 84015
801. 217. 3727

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PROJECT NAME:
**MUELLER
FARMINGTON 1**

LOCATION INFO:
LOT #
101
SUBDIVISION
SUBNAME
SUBNAME
CITY
CITYNAME
STATE
UTAH

CLIENT NAME:
**MR. AND MRS.
CLIENT**

PLAN NAME:
PLAN NAME

ORIGINAL RELEASE:
JAN 1, 2007

REVISION DATES
XX/XX/XXXX
XX/XX/XXXX
XX/XX/XXXX
XX/XX/XXXX

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MAIN FLOOR
WALL FRAMING
PLAN

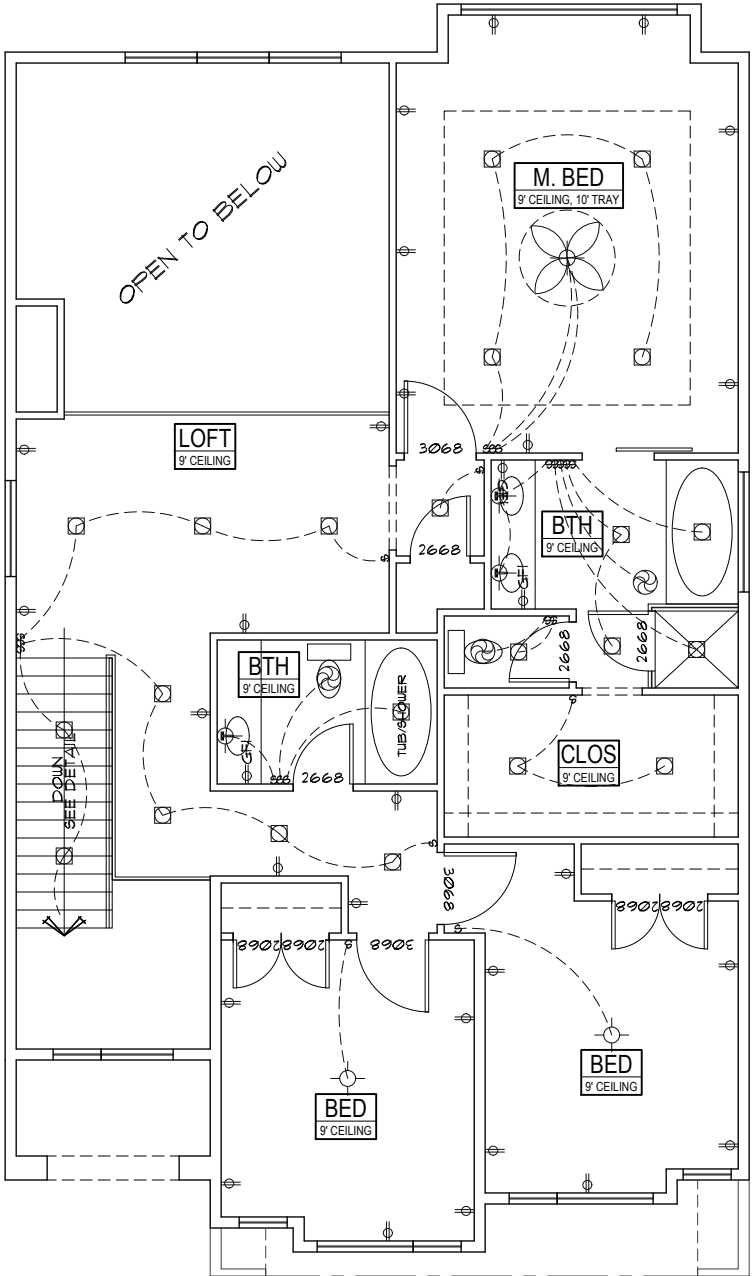
A3 | 4



UPPER FLOOR PLAN

SCALE: 1/8" = 1'-0"

1130 SQ. FT. ON 6/23/21



VERTICAL REFERENCE
NOTE

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ELECTRICAL SCHEDULE

	CEILING MOUNTED INCANDESCENT
	WALL MOUNTED INCANDESCENT
	INCANDESCENT PULL CORD LIGHT
	SMALL APERATURE RECESSED LIGHT
	LARGE APERATURE RECESSED LIGHT
	EXTERIOR RATED FLOOD LIGHT
	SCONCE AS PER OWNER
	FLOURESCENT LIGHT
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WINDOW TYPE NOTE

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KEY TO TYPE
SH -SINGLE HUNG S -SLIDER
C -CASEMENT F -FIXED
AW -AWNING



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FARMINGTON 1

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CLIENT

PLAN NAME:
PLAN NAME

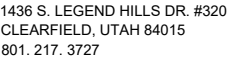
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XX/XX/XXXX
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MUELLERFARM1-M-XXX-3-21-A

UPPER
FLOOR
PLAN

A3 | 5



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PROJECT NAME:
MUELLER
FARMINGTON 1

LOCATION INFO:

LOT #
101
SUBDIVISION
SUBNAME
SUBNAME
CITY
CITYNAME
STATE
UTAH

CLIENT NAME:
MR. AND MRS.
CLIENT

PLAN NAME:
PLAN NAME

ORIGINAL RELEASE:
JAN 1, 2007

REVISION DATES

XX/XX/XXXX
XX/XX/XXXX
XX/XX/XXXX
XX/XX/XXXX

MUELLERFARM-M-XXX-3-21-A

UPPER FLOOR WALL FRAMING PLAN

A3 | 6

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IN THESE PLANS THE POSITION OF THE FINISHED MAIN FLOOR IS DETERMINED TO BE 100'-0" AS A BASE REFERENCE.

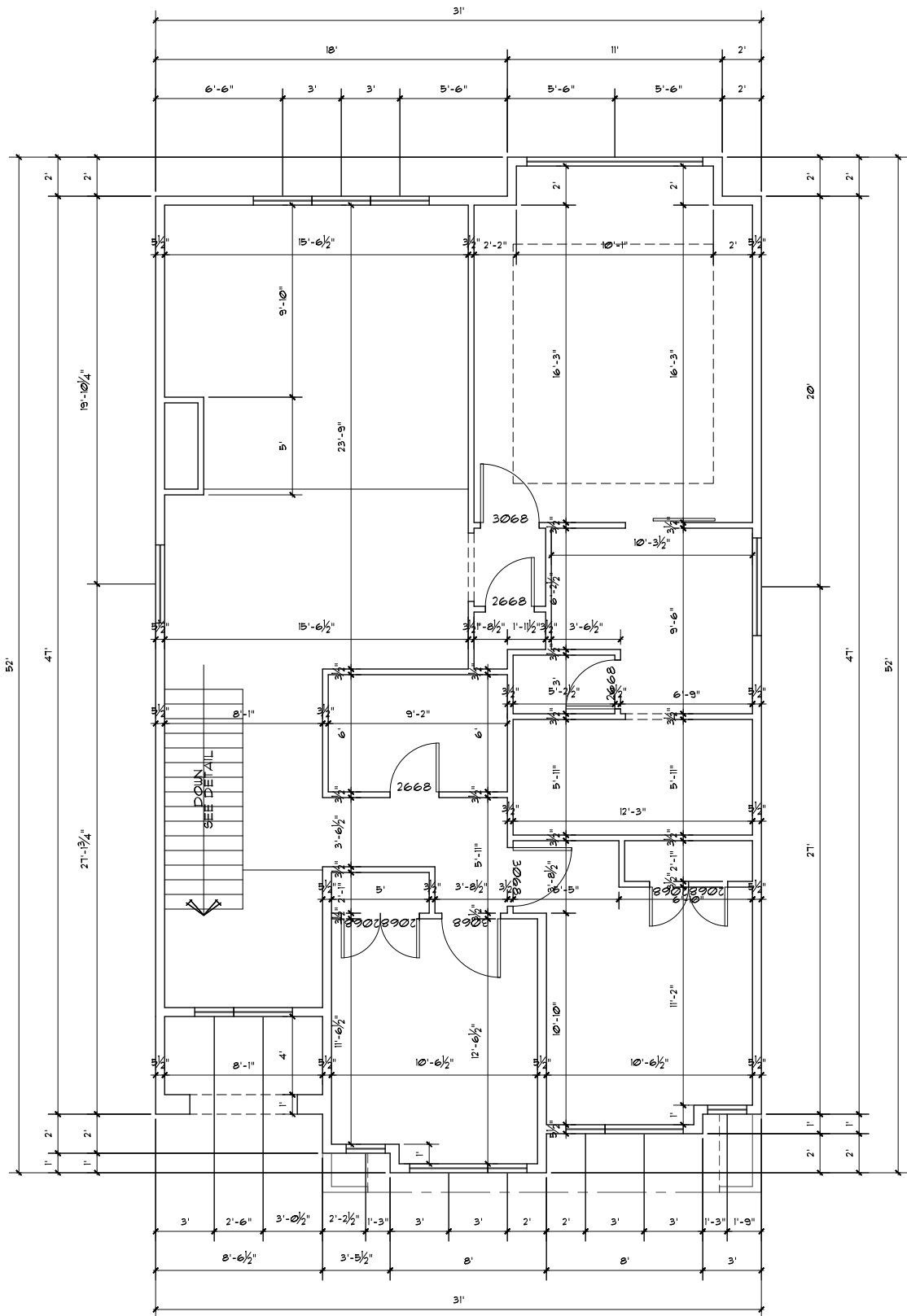
IN THESE PLANS THE POSITION OF THE FINISHED MAIN FLOOR IS DETERMINED TO BE 100'-0" AS A BASE REFERENCE.

FROM THAT POSITION THESE PLANS WILL INDICATE ANY FEATURE ABOVE THE MAIN FLOOR AS A NUMBER HIGHER THAN 100'-0". THESE FEATURES INCLUDE BUT ARE NOT LIMITED TO CEILINGS, FLOORS, WINDOW POSITIONS, ETC.

THE BOTTOM OF THE FLOOR FRAMING SYSTEM OF THE MAIN FLOOR (INCLUDING ANY AND ALL SILL PLATES) SHALL BE REFERENCED AT 99'-0". IT IS UNDERSTOOD THAT IT IS LIKELY THAT THE DISTANCE BETWEEN THE MAIN FLOOR AND THE BOTTOM OF THE FLOOR FRAMING SYSTEM INCLUDING THE SILL PLATE WOULD BE A DIFFERENT DIMENSION THAN 1'-0". THESE PLANS, HOWEVER, DETERMINE THAT POSITION TO BE 99'-0" TO SIMPLIFY THE MATH OF THE PROJECT AND MAKE IT EASIER TO DETERMINE FEATURES THAT EXIST LOWER THAN THE FINISHED MAIN FLOOR.

THEREFORE, FEATURES OF THIS BUILDING ARE CALLED OUT IN REFERENCE TO TWO POSITIONS, THE FINISHED MAIN FLOOR AND THE BOTTOM OF THE MAIN FLOOR FRAMING SYSTEM. NUMBERS ABOVE 100'-0" INDICATE FEATURES ABOVE FINISHED FLOOR AND NUMBERS 99'-0" AND BELOW INDICATE FEATURES BELOW THE FLOOR FRAMING SYSTEM.

AFF. IS AN INDICATION OF A FEATURE THAT EXISTS IN RELATION TO ITS DISTANCE ABOVE THE FINISHED FLOOR.



UPPER FLOOR WALL FRAMING PLAN

SCALE: 1/8" = 1'-0"



Planning Commission Staff Report November 18, 2021

Item 5: Zone Text Amendment—Hearing Officer

Public Hearing:	Yes
Application No.:	ZT-21-21
Property Address:	NA
General Plan Designation:	NA
Zoning Designation:	NA
Area:	NA
Number of Lots:	NA
Property Owner:	NA
Applicant:	Farmington City

Request: Applicant is requesting a recommendation to amend the Zoning Ordinance to create the position of a hearing officer to act in the place of the Board of Adjustment where necessary.

Background Information

The Farmington City Zoning Ordinance provides a great deal of flexibility to property owners. In addition to opportunities to request a variance to the Board of Adjustment (BOA), the ordinance allows the Zoning Administrator to also consider variances, under limited circumstances; moreover, several years ago the City enacted special exception provisions which provides authority to the Planning Commission to consider such things as exceptions to fixed dimensions as per criteria set forth in the ordinance. Furthermore, appeals to administrative determinations related to code enforcement, and other issues, are now already heard by a hearing officer.

The last time the BOA convened to consider an application was August 24, 2017 (BOA-5-17), and even before this date the BOA met sporadically. Under such circumstances it is hard to keep and maintain a consistent and well trained five-member board. Many communities have implemented a hearing officer approach to act in place of a BOA. It is recommended that Farmington do the same, but not discontinue the BOA altogether, instead allowing the City Manager, at his or her sole discretion to appoint a hearing officer if necessary.

Suggested Motion

Move that the Planning Commission recommend that the City Council enact Section 11-5-045 as set forth in this staff report which will create the position of a Hearing Officer to act in place of the Board of Adjustment---subject to final review of the proposed text by the City Attorney.

Findings:

1. The amendment is consistent with State Law, the Farmington City General Plan, and the purpose of the Zoning Ordinance.
2. It provides the opportunity a well trained and experienced individual to hear applications that cannot be considered by the Zoning Administrator.
3. The amendment results in increased flexibility for the property owner.

Note: The entire Chapter 5 of the Zoning Ordinance is displayed below to better provide context for the proposed Section 11-5-045 in red.

CHAPTER 5

BOARD OF ADJUSTMENT

SECTION:

11-5-010: Creation

11-5-020: Board Members

11-5-030: Organization And Meetings

11-5-040: Powers And Duties Of Board

11-5-045: Hearing Officer

11-5-050: Zoning Administrator's Determinations

11-5-060: Appeals

11-5-070: Nonconforming Use Of Buildings, Structures And Land

11-5-080: Variances

11-5-010: CREATION:

A board of adjustment is hereby created pursuant to Utah Code Annotated section 10-9a-701 et seq., as amended. (Ord. 2009-08, 2-3-2009; amd. 2016 Code)

11-5-020: BOARD MEMBERS:

A. Appointment: The board of adjustment shall consist of five (5) members and two (2) alternate members, each to be appointed by the mayor, with the advice and consent of the city council. Each member shall serve for a term of five (5) years, with the terms beginning on January 1 and so arranged that the term of not more than one member will expire each year. Terms of each of the members shall expire December 31 in the last year of the term. Alternate members shall serve a term of one year, beginning on the day of appointment. Any member or alternate member may be removed for cause by the city council, upon written charges and after public hearing, if such public hearing is requested.

B. Vacancies: Vacancies on the board occurring for reasons of death, resignation, removal or disqualification shall be promptly filled by the city council for the unexpired term of such member.

C. Planning Commission Member: One member, but not more than one, of the planning commission shall be a member of the board of adjustment. The planning commission member appointed to the board shall serve for one calendar year and may be reappointed for additional terms. (Ord. 2009-08, 2-3-2009)

11-5-030: ORGANIZATION AND MEETINGS:

A. Chairperson: At the beginning of each year, the board of adjustment shall elect one of its members to act as chairperson for the year. At meetings where the chairperson is absent, the board shall elect a temporary or acting chairperson for that particular meeting.

B. Meetings: Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.

C. Records: The board shall keep minutes of its proceedings showing the members present and the vote of each member upon each question. The board shall also keep records of its examinations and other official actions. Records of the board shall be filed in the city office and be available for public review.

D. Decisions: All decisions of the board shall be based upon the finding of fact and every finding shall be supported in the record of the meetings of the board. The concurring vote of three (3) members of the board shall be necessary to decide in favor of the applicant on any matter before the board.

E. Rules Of Procedure: The board of adjustment may adopt rules of procedure not inconsistent with this title and/or state law. (Ord. 2009-08, 2-3-2009)

11-5-040: POWERS AND DUTIES OF BOARD:

The board of adjustment shall have the power and duty to hear and decide:

A. Appeals: The board shall hear and decide appeals from any order, requirement, determination or decision of the zoning administrator. Such appeals may be made by any person aggrieved, or by any officer, department, board or bureau of the city which is affected by such order, requirement, decision or determination. The appeal shall be made in accordance with section 11-5-060 of this chapter and the rules adopted by the board.

B. Nonconforming Uses: Nonconforming use determinations, other than those decided by the zoning administrator as provided in this title, and applications for the expansion of a nonconforming use shall be determined by the board. These determinations shall be made as provided in section 11-5-070 of this chapter, state law and the rules adopted by the board.

C. Variances: The board shall have the power to hear and decide all applications for variance from this title, except for allowing a use in a zone which is not specifically listed as a permitted or conditional use, such decisions shall be made in accordance with section 11-5-080 of this chapter, state law and the rules adopted by the board. (Ord. 2009-08, 2-3-2009)

11-5-045: HEARING OFFICER:

The City Manager, at his or her sole discretion, and with the advice of the Community Development Director, may appoint a hearing officer to act in the place of the board of adjustment. Once appointed, the hearing officer shall have all the powers and duties of the board of adjustment set forth in this chapter and elsewhere in this title and the Farmington City code.

11-5-050: ZONING ADMINISTRATOR'S DETERMINATIONS:

The zoning administrator may decide certain matters as designated by the board, consistent with guidelines established by this chapter, state law and rules adopted by the board. Pursuant to that authority, the zoning administrator may decide all cases which are routine in nature, uncontested and do not impact the character of the neighborhood; or are primarily brought about as a result of recent changes in this title which create a large number of nonconforming structures or uses. The specific types of decisions the zoning administrator is authorized to make shall include:

- A. Setback Variances: Variances to setback requirements in which the proposed reduction is not more than twenty five percent (25%) of the normal required setback;
- B. Parking Variances: Variances to parking requirements where a reduction in the number of parking spaces is not more than ten percent (10%) of the normal requirement;
- C. Nonconforming Use Determination: Determination of a nonconforming use which can be verified by substantial evidence. "Substantial evidence", for the purpose of this section, shall mean official documents, such as written correspondence from a public body or agency, receipts, permits, tax notices or other property information which may establish the truth of the matter asserted by the applicant;
- D. Additions, Alterations: Consider additions or alterations to existing buildings or structures which are nonconforming as to yard regulations, provided the addition follows the existing wall lines and does not increase the extent of the nonconformity;
- E. Change In Status: Consider a change in status of a nonconforming use to a less intense use than that which exists;
- F. Final Review And Approval: Final review and approval of plans where the board has required that a final plan be submitted, which includes all requirements imposed by the board as conditions of granting an approval. (Ord. 2009-08, 2-3-2009)

11-5-060: APPEALS:

Appeal may be made to the board of adjustment by the city or any person aggrieved by a final decision, determination or requirement of the zoning administrator made under the provisions of this title. All appeals shall be made as follows:

- A. Filing: The appeal shall be made within fifteen (15) days of the action or decision being appealed from by filing a written notice of appeal, along with a designated fee, with the zoning administrator and board of adjustment;

B. Notice Of Appeal: The notice of appeal shall specify, in detail, the action and grounds upon which the applicant or other interested parties deem themselves aggrieved. A notice which fails to specify grounds for appeal may be summarily dismissed by the board with or without prejudice;

C. Records: All papers constituting the record upon which the action being appealed is based shall be transmitted to the board of adjustment;

D. Notice; Hearing; Decision: The board of adjustment shall set the appeal for hearing to be held within a reasonable time from the date the appeal is received. Public notice of the appeal hearing shall be given as required by law and according to policies adopted by the board. Written notice of the date set for hearing shall be mailed to the appellant at least seven (7) days prior to the hearing. An applicant may appear in person or may be represented by an attorney or other authorized agent at any meeting of the board. Written authorization shall be required for an agent. After hearing the appeal, the board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from. An affirmative vote of three (3) members of the board shall decide any matter under consideration;

E. Stay Of Proceedings: The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the board. Said stay shall exist unless the zoning administrator certifies to the board, after the notice of appeal has been filed, that by reason of facts stated in the notice, the stay would cause imminent peril to life or property. In such a case, proceedings shall not be stayed except by restraining order granted by the district court on application, notice and due cause shown;

F. Further Relief: The city, or any person aggrieved by any decision of the board, may bring and maintain a plenary action for relief in any court of competent jurisdiction, provided the petition for such relief is presented to the court within thirty (30) days after the date of the hearing at which the decision of the board was rendered. (Ord. 2009-08, 2-3-2009)

11-5-070: NONCONFORMING USE OF BUILDINGS, STRUCTURES AND LAND:

A. Determinations Of Nonconforming Buildings And Uses: All matters regarding the nonconforming use of buildings and land shall be determined by the board of adjustment, except as otherwise provided herein. Upon application, and after a public hearing on the matter, the board shall determine if the use or building is nonconforming in respect to the provisions of this title. The zoning administrator may determine routine and uncontested requests to verify nonconforming uses as provided in section 11-5-050 of this chapter and according to rules adopted by the board.

B. Nonconforming Lots Of Record: The requirements of this title as to minimum lot area or lot width shall not be construed to prevent the development of any lot or parcel of land for a use allowed in the zone in which the lot or parcel is located; provided, that the property has access to a public street and is a legally divided lot, held in separate ownership, at the time such requirements became effective. The zoning administrator shall make a determination as to the nonconformity of such lots based on documentation submitted by the lot owner. Reduction in required yards for such lots shall require variances, which shall be requested and processed as outlined in this chapter.

C. Nonconforming Use Of Open Land: A nonconforming use of land lawfully existing on the effective date of this title may be continued, provided such nonconforming use shall not be expanded or extended into any other open land, except as provided herein. The board, after holding a public hearing, may allow the expansion of a nonconforming use of land, provided such change is in harmony with the surrounding neighborhood and meets the intent of the master plan and this title. Reasonable conditions may be attached to the approval in order to ensure neighborhood compatibility. If said nonconforming use is discontinued for a continuous period of one year or more, the use shall be considered to be abandoned and any future use of such land shall conform to the provisions of the zone in which it is located.

D. Alteration Of Nonconforming Buildings And Structures: Buildings and structures which are determined to be nonconforming in respect to setbacks or height may be continued. Additions or structural alterations may be made to the extent that they are required by law. In addition, the board, after holding a public hearing, may allow an enlargement or structural alteration, provided such change is in harmony with the surrounding neighborhood and meets the intent of the master plan and this title. Reasonable conditions may be attached to the approval in order to ensure neighborhood compatibility. If a nonconforming building or structure is removed or destroyed, every future use of the land on which the building or structure was located shall conform to the provisions of this title.

E. Nonconforming Use Of Structures And Buildings: The nonconforming use of any structure or building lawfully existing on the effective date of this title or amendment may be continued as provided in this chapter. A nonconforming use may be extended to include the entire floor area of the existing structure or building in which it was conducted at the time the use became nonconforming. If said nonconforming use is discontinued for a continuous period of one year or more, the use shall be considered abandoned and any future use of such structures and buildings shall conform to the provisions of the zone in which they are located.

F. Change In Status Of Nonconforming Use: A nonconforming use may be succeeded, upon approval by the zoning administrator, by a less intense and more restrictive nonconforming use of a more desirable nature. Such change must be effected within one year from the first day on which the previous use is discontinued. After a change to a less intensive use occurs, the use shall not change back to a more intensive use.

G. Reconstruction Of Nonconforming Building Or Structure Partially Destroyed:

1. A nonconforming building or structure, other than a dwelling of two (2) dwelling units or less, damaged or destroyed to the extent of not more than fifty percent (50%) of its reasonable replacement value at the time of its destruction by fire, explosion, other casualty, act of God or action of a public enemy, may be restored. Occupancy or use of such building or structure which existed at the time of such partial destruction may be continued subject to the provisions of this chapter.

2. A nonconforming dwelling of two (2) dwelling units or less which has been damaged or destroyed by fire, explosion, other casualty, act of God or action of a public enemy, may be restored or reconstructed to the same nonconforming building or structure as existed before such damage or destruction, provided there is no increase in any nonconformity. The city must issue a building permit for such restoration or reconstruction within one year of the damage or destruction, and construction shall be carried on without interruption.

H. Amortization Of Nonconforming Uses: The board may provide for the timely modification or removal of a nonconforming use of land for open storage or signs deemed to be incompatible with the surrounding neighborhood. A reasonable period may be granted in which the nonconforming use shall be modified or removed to comply with the master plan and this title. (Ord. 2009-08, 2-3-2009)

11-5-080: VARIANCES:

A. Authorized: The board of adjustment may authorize upon appeal, variance from the provisions of this title where it can be shown that due to special circumstances the literal enforcement of this title would result in undue hardship to the property owner. Special circumstances that warrant a variance shall apply to a specific parcel of property and include such things as exceptional narrowness, shallowness or shape of the property; exceptional topographic conditions; or other extraordinary and exceptional situations or conditions. Hardship, as used herein, shall be distinguished from a mere inconvenience to the property owner or a desire to reduce financial costs. In granting a variance, the board may affix any conditions it feels are necessary to carry out the intent of this title.

B. Variance Criteria: Unless otherwise provided in this title, the board may grant a variance from the requirements of any provision of this title to the extent that such a grant shall be consistent with the provisions of this section. Each case shall be considered only on its individual merits; a previous variance shall not be deemed to set a precedent.

1. The appeal authority may grant a variance only if:

- a. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title;
- b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
- c. Granting a variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
- d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
- e. The spirit of this title is observed and substantial justice done.

2. Variances must also meet the following criteria:

a. In determining whether or not enforcement of this title would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship:

- (1) Is located on or associated with the property for which the variance is sought; and
- (2) The circumstance is peculiar to the property and not from conditions that are general to the neighborhood.

b. In determining whether or not enforcement of this title would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic. In this context, personal, family or financial difficulties, loss of prospective profits or neighboring violations are not hardships justifying a variance.

c. In determining whether or not there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances:

- (1) Relate to the hardship complained of; and
- (2) Deprive the property of privileges granted to other properties in the same zone.

C. Additional: Additional variance standards and criteria:

1. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

2. Variances run with the land.

3. The variance will not authorize a use other than those uses specifically allowed as permitted or conditional uses in the zone in which the subject property is located.

4. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:

a. Mitigate any harmful effects of the variance; or

b. Serve the purpose of the standard or requirement that is waived or modified. (Ord. 2009-08, 2-3-2009)

[illegible]