



HISTORIC BEGINNINGS • 1847

Farmington City Planning Commission

February 6, 2014



FARMINGTON CITY

H. JAMES TALBOT
MAYOR

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

DAVE MILLHEIM
CITY MANAGER

AGENDA PLANNING COMMISSION MEETING

February 6, 2014

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

Study Session: 6:30 p.m. – Conference Room 3 (2nd Floor)

Regular Session: 7:00 p.m. – City Council Chambers (2nd Floor)

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

1. Minutes
2. City Council Report

SUBDIVISION/ZONE CHANGE APPLICATIONS

3. Jared Darger (Public Hearing) – Applicant is requesting recommendation for plat amendment and minor subdivision approval for the Meadow View Subdivision Amendment #1 consisting of 5 lots on 1.32 acres located at 1525 West 425 North in an AE Zone. (S-1-14)
4. Chris Ensign - Applicant is requesting a recommendation for Preliminary Plat approval for The Farmington Bungalows Subdivision (10 lots) on 3.2 acres located at approximately 50 South and 300 West in an OTR zone. (S-15-13)

ZONING TEXT CHANGE APPLICATION

5. Farmington City (Public Hearing) – Applicant is requesting amendments to the Zoning and Subdivision Ordinances (ZT-9-13 and ZT-8-93) by:
 - a. Deleting the word “minimum” in 11-28-070;
 - b. Striking Section 11-35-103(15) which makes the sale of firearms a prohibited use under Home Occupations.

OTHER BUSINESS

6. Miscellaneous, correspondence, etc.
 - a. Flag Lot Discussion
 - b. Public Notice Process Discussion
 - c. Other

7. 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 January 31, 2014



Eric Anderson
Associate City Planner

**FARMINGTON CITY
PLANNING COMMISSION MEETING**

January 23, 2014

WORK SESSION

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

Harv Jeppsen – Applicant is requesting a recommendation for approval of the Jeppsen Minor Subdivision consisting of 4 lots located at 1530 N Main Street in an R Zone (S-9-13)

Eric Anderson said this Subdivision will include 4 lots rather than 5 as listed in the staff report, and the minimum lot size in the R zone is 16,000 square feet. There was discussion regarding the waivers that will be required and other related issues.

Miscellaneous – 1100 W Cross Section

David Petersen explained that Park Lane will be realigned in the next few months, and Davis County plans to install a sidewalk on the east side of 1100 W. The City will have 40 feet of right of way which will allow for a center turn lane and a bike lane. The Traffic Engineer has recommended that the Planning Commission approve the cross section, and the City Council will give final approval. Henry Walker Homes has Schematic Plan approval for a large mixed-use project in the area. **Rebecca Wayment** asked if Henry Walker Homes has seen the cross section, and **David Petersen** said they have and their plans were drawn to match it.

REGULAR SESSION

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

#1 – Minutes of the January 9, 2014 Planning Commission Meeting

Motion:

Mack McDonald made a motion to approve the Minutes. **Rebecca Wayment** seconded the motion which was unanimously approved.

#2 – City Council Report

- The Elliot Metes and Bounds Subdivision was approved;
- Spring Creek Village was denied by a 3-2 vote;
- The Brentwood Estates Schematic Plan was tabled;
- The Final plat and Final PUD Master Plan for Phase 3 of Chestnut Farms was approved.

SUBDIVISION/ZONE CHANGE APPLICATION

#3 – Harv Jeppsen – Applicant is requesting a recommendation for approval of the Jeppsen Minor Subdivision consisting of 4 lots located at 1530 N Main Street in an R Zone (S-9-13)

Eric Anderson explained that this is a Minor Subdivision because there are less than 10 lots and no dedicated roads. Two of the four lots are new, and the applicant will be required to obtain several waivers, including an 80-foot buffer from Main Street, 10% open space, and the homes will face Main Street. Staff is recommending approval of the Subdivision. There was some discussion regarding flag lots, and **David Petersen** mentioned that **Eric Anderson** is working on a flag lot study which will be shared with the Commission at their next meeting.

Harv Jeppsen, 727 Leonard Lane, said his family will own all of the homes in this Subdivision and he thanked the Commissioners for their service.

Motion:

Kent Hinckley made a motion that the Planning Commission recommend that the City Council approve the enclosed Plat for the Jeppsen Minor Subdivision subject to all applicable Farmington City development standards and the following conditions:

1. The applicant must obtain a waiver from the City Council for the open space requirement concurrent with final plat approval;
2. There must be a fire hydrant located within at least 150' from the nearest corner of the proposed building on the flag lot and proof of this location must be approved to City Staff's satisfaction prior to issuance of a building permit;
3. The applicant must obtain waivers of Section 11-12-100(b)&(d) of the Zoning Ordinance.

Kris Kaufman seconded the motion which was unanimously approved.

Findings for Approval:

1. Lot dimensions comply with the standards set forth in the Zoning and Subdivision ordinances.
2. All lots front an existing fully improved public right of way (Main Street).
3. The proposed flag lot meets all applicable City standards according to Section 12-7-030-(10) of the Zoning Ordinance.
4. The City will receive comparable compensation for lost open space which enables the creation of the smaller lot size.

ZONING TEXT CHANGE APPLICATION

#4 – Farmington City (Public Hearing) Applicant is requesting amendments to the Zoning and Subdivision Ordinances (ZT-9-13 and ZT-8-93) by:

- a. **Clarifying direct access (driveway) standards of building lots in Section 11-32-106(1)(e):** The standards specify that a “building lot” must have frontage on a public street. However, “lot” is not subject to the same standard and will be replaced with “building lot”.
- b. **Modifying correctional/detention facilities, drug or alcohol rehabilitation facilities, etc. as a “not permitted” use in Section 11-18-105:** The uses stated in the “Civic Uses” chart will be eliminated to allow time for the City to update its ordinances accordingly.
- c. **Removing all residential uses in the Office Mixed Use District (OMU) in Section 11-18-105:** “Artist Studio” will be identified as “Not Permitted” in the OMU zone and the phrase “Residential facilities for the elderly and handicapped” will be changed to “Residential facilities for people with disabilities.”
- d. **Changing the City’s local street cross-section standard in Section 12-7-040:** The City will amend its local street cross-section as outlined in the chart included in the staff report.
- e. **Reconsidering PUDs as a conditional use in Section 11-27-030 and appropriate zone districts where PUDs may be allowed and other chapter references related thereto:** PUDs should not be listed as a conditional use in many chapters because they constitute a legislative act, not an administrative act, and will be deleted in Chapter 10 (Agricultural Zones), Chapter 11 (Single-Family Residential Zones), Chapter 13 (Multiple-Family Residential Zones), Chapter 14 (BP Zones), Chapter 15 (BR Zones), Chapter 16 (C Zone), Chapter 17 (OTR Zone), Chapter 19 (CMU Zone), Chapter 20 (NMU Zone), Chapter 22 (B Zone). Chapter 27 (PUD) should be updated to include the possibility of PUDs in all these zones.
- f. **Adding an historic preservation standard in lieu of the 10% common open space requirement for PUDs in 11-27-120(g):** The City is recommending that property owners be given more flexibility by considering historic preservation as an option in lieu of open space.
- g. **Amending Sections 11-30-105(7)(e) and 11-32-106(1)(d) regarding driveway slope:** This will allow property owners to exceed the 14% slope standard; the slope will be the average slope of the two outside edges of the driveway. **Kris Kaufman** said if the slope is measured from the point of entrance to the garage it will average 14%, but if the flat section is ignored, it may exceed 14%. It was determined that this issue needs further study.

- h. Deleting the word “minimum” in 11-28-070:** The entire rear yard area should be considered with regards to any detached building a property owner may wish to construct.
- i. Providing a “rear of dwelling” standard for accessory buildings in 11-11-060(a):** It will state that “accessory buildings shall be located to the rear of the dwelling.”
- j. Amending Section 11-28-230 of the Zoning Ordinance to require performance bonds for demolitions (ZT-9-13):** A building permit must be obtained prior to the demolition of an old building, if there will be a replacement building, a cash performance bond will be required.
- k. Striking Section 11-35-103(15) which makes the sale of firearms a prohibited use under Home Occupations:** Staff recommended tabling this item pending further clarification from the City Attorney.

Karolyn Lehn asked if there was a time element with the bond, and **Heather Barnum** asked if the bond would apply to state agencies and about the definition of historical preservation. **Mr. Petersen** replied that there would not be a defined time—only a cash deposit—and the City would try to hold itself, the State, and the County to the same standard. There are four well-defined classes for any historical building and this action would apply to either the first or second.

Public Hearing:

The Public Hearing was opened at 8:16 p.m. There were no comments and it was closed.

Motion:

Rebecca Wayment made a motion to recommend approval of the proposed amendments to the Zoning and Subdivision Ordinances as set forth in the January 23, 2014 staff report: a, b, c, d, e, f, i, and j and to table g, h, and k pending further review by staff and clarification from the City Attorney and the following amendments: b – strike the correctional detention facilities uses as shown; c – remove the artist studio to a use allowed in Commercial as opposed to Residential and change the wording to “residential facilities for people with disabilities” and include it as a permitted use in the OMU zone; and to include Findings 1-5 and 10 and to strike Findings 6-9.

Findings for Approval:

1. The existing Section 11-32-106(1)(e) implies that the lots referenced therein are limited to building lots because buildings lots are the only lot type which require frontage. The amendment makes clear this distinction.
2. Eliminating correction facilities, etc. and deferring to federal requirements to guide these land uses will ensure immediate compliance with the law, and provide time to appropriately and deliberately update City ordinances accordingly.
3. The office/business park area will be maintained as a non-residential zone.

4. Consideration of a PUD overlay is a legislative act and may be applied with discretion. As a conditional use one may misconstrue consideration of a PUD as an administrative act which must be approved so long as such requests meet reasonable standards. The proposed amendment resolves this inconsistency within the ordinance.
5. An historic preservation standard in lieu of the open space requirement provides more available options to the property owner while allowing the City to achieve goals set forth in the General Plan.
6. The new ordinance provides greater flexibility to the property owner regarding accessory building size (but in residential zones only); and placement thereof for lots with “L” shaped main buildings.

Mack McDonald seconded the motion which was unanimously approved.

OTHER BUSINESS:

Miscellaneous, correspondence, etc.

- **1100 W Cross Section** – This Cross Section prepared by City Traffic Engineer **Tim Taylor** was discussed during the work session.

Motion:

Kent Hinckley made a motion to recommend that the City Council approve the proposed 1100 W Cross Section as set forth on the exhibit prepared by WCEC Engineers, Inc. The motion was seconded by **Karolyn Lehn** and unanimously approved.

- **David Church article, “The Planning Commission – One Attorney’s View”** – **David Petersen** said this was an excellent article and encouraged the Commissioners to read it.

ADJOURNMENT

Motion:

At 8:30 p.m. **Mack McDonald** made a motion to adjourn the meeting which was unanimously approved.

Brett Anderson, Chairman
Farmington City Planning Commission

CLOSED SESSION: A closed session will be held at 5:00 p.m. to discuss litigation.

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 purpose of the work session will be to answer any questions the City Council may have on agenda items. The public is welcome to attend.

FARMINGTON CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, February 4, 2014, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

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

The agenda for the meeting shall be as follows:

CALL TO ORDER:

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

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS

7:05 Executive Summary for Planning Commission held January 23, 2014

7:10 Invitation to Citizens Academy

PUBLIC HEARINGS:

7:15 Preliminary Plat and Preliminary (PUD) Master Plan for the Kestrel Bay Estates
PUD Subdivision

7:35 Cottages at Rigby Road Schematic Plan, Annexation and Zone Designation Related
Thereto (Ovation Homes)

PRESENTATION OF PETITIONS AND REQUESTS:

8:00 Pedestrian I-15 Crossing Proposal

SUMMARY ACTION:

9:00 Minute Motion Approving Summary Action List

1. Approval of Minutes from January 21, 2014
2. Eastwood Cove Subdivision Improvements Agreement

3. Modification to 1100 West Street Cross Section
4. Resolution Adopting Amended Development Standards
5. Jeppsen Minor Subdivison

GOVERNING BODY REPORTS:

9:05 City Manager Report

1. EDCU Match Grant
2. Verizon Cell Tower request for Skate Park
3. UTA Storm Drain
4. TDR Sending Zone Density Totals
5. Benchland Water District – Annexing Project
6. Public Works Expansion Plans

9:20 Mayor Talbot & City Council Reports

ADJOURN

CLOSED SESSION

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

DATED this 30th day of January, 2014.

FARMINGTON CITY CORPORATION

By: 
Holly Gadd, City Recorder

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

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



Planning Commission Staff Report February 6, 2014

Item 3: Jared Darger Plat Amendment and Minor Subdivision

Public Hearing:	Yes
Application No.:	S-1-14
Property Address:	1525 West 425 North
General Plan Designation:	RRD (Rural Residential Density)
Zoning Designation:	AE (Agricultural Estates)
Area:	1.316 acres
Number of Lots:	5
Property Owner:	Jared Darger/Northstar Homes
Agent:	n/a

Request: *Recommendation for plat amendment approval of a minor subdivision.*

Background Information

Jared Darger owns an un-platted parcel bounded by 425 North on the south, 1525 West on the east and Meadow View Phase 1 to the west. On September 27, 2013 the plat was recorded with the County for the Meadow View Conservation Subdivision Phase 1 consisting of 19 lots. Now, the applicant is wanting to further subdivide Parcel C of the plat into 5 parcels through amending the plat for Meadow View Phase 1. The proposed parcels range in size from 9,741 to 12,340 s.f. and conforms to all of the required lot dimensions and setbacks for conservation subdivisions in an AE zone.

The applicant provided the 25-30% open space as required for the Meadow View Conservation Subdivision and exhausted the total lot bonus related thereto. Now he is requesting a transfer of development rights (TDR), from this parcel to the City's regional park, as per Section 11-12-110 of the Zoning Ordinance. This section was enacted by the City Council last fall; at that time the Planning Commission recommended the same while reviewing the applicant's proposal set forth in this staff report. The applicant is currently in negotiations with the City Manager determining the terms and monetary value of the TDR, but including the finalization of this transfer should be a condition.

Suggested Motion

Move that the Planning Commission recommend that the City Council approve the enclosed Plat Amendment and minor subdivision subject to all applicable Farmington City development standards and ordinances and the following conditions: the applicant must pay a TDR fee to the

City for a monetary sum as decided by the City Manager through negotiations with the applicant prior to plat amendment approval, and enter into an agreement with the City Council as per the ordinance.

Findings for Approval

1. Lot dimensions comply with the standards set forth in the Zoning and Subdivision ordinances.
2. All lots front an existing fully improved public r.o.w. (425 North).
3. The City will receive compensation through a TDR to transfer/acquire open space at the regional park site.

Supplemental Information

1. Vicinity map.
2. Proposed subdivision and plat amendment.
3. Meadow View Phase 1 Plat
4. Section 11-12-110 of the Zoning Ordinance.

Farmington City



Meadow View

A Conservation Subdivision

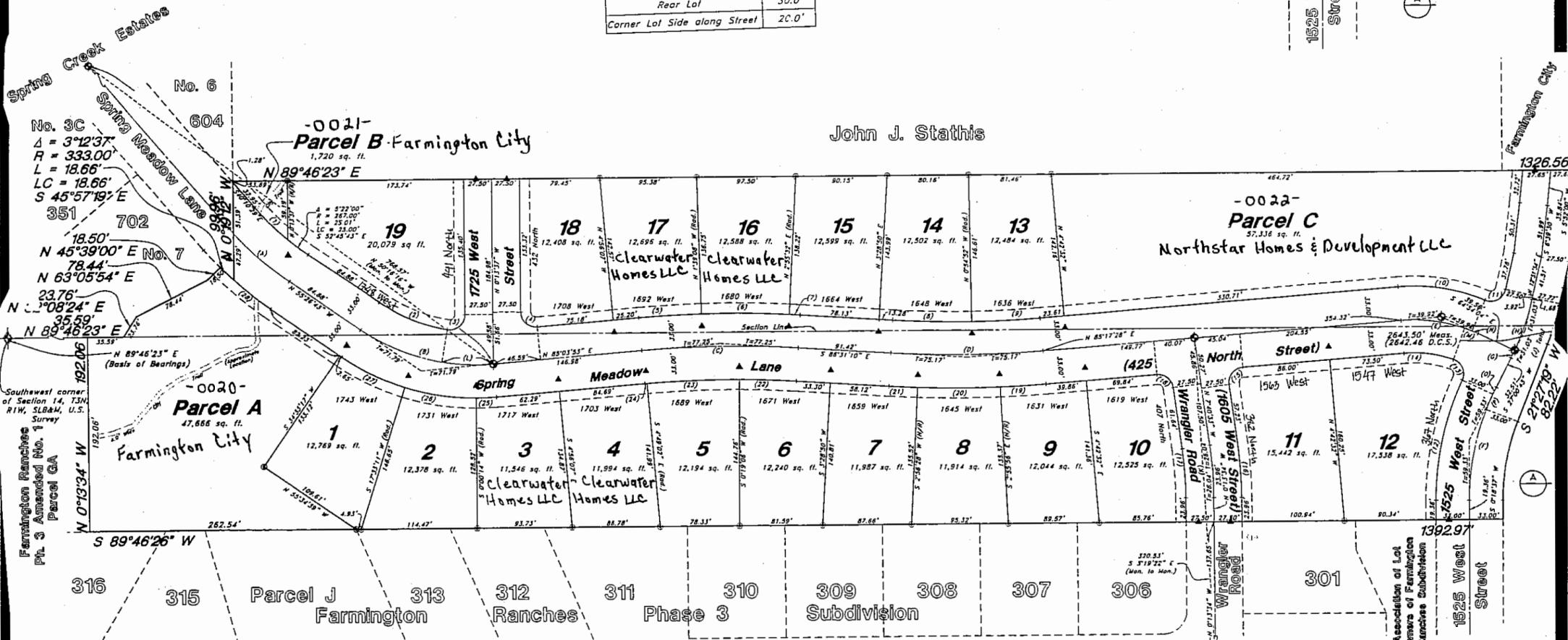
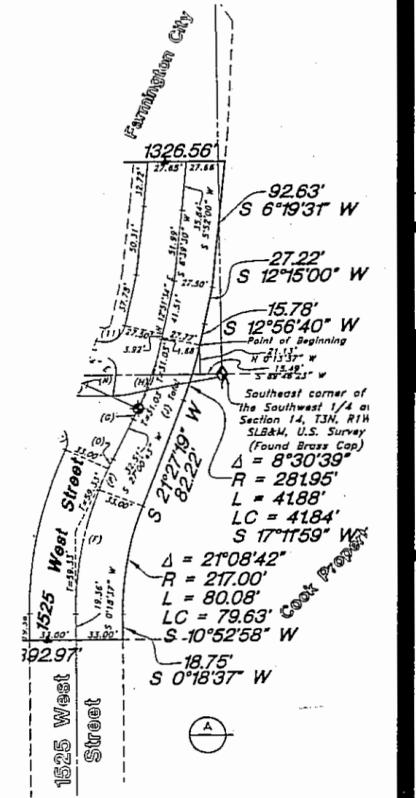
A part of the Southwest 1/4 of Section 14, and the Northwest 1/4 of Section 23, T3N, R1W, SLB&M, U.S. Survey
Farmington City, Davis County, Utah

Northstar Homes & Development LLC
owns All Lots Not Marked

- LEGEND**
- ▲ Set Nail & Washer
 - ⊙ Set Rebar & Cap
 - ⊕ Fencepost
 - ⊙ Set Hub & Tack
 - ⊙ Monument to be set
 - (Rad.) Radial Line
 - (N/R) Non-Radial Line
 - D.C.S. Davis County Survey
 - Existing Fence Line
 - ⊙ Section Corner

Required Setbacks

Location of Setback	Distance
Front Lot	30.0'
Side Lot	10.0'
Rear Lot	30.0'
Corner Lot Side along Street	20.0'



PROPERTY LINE CURVE DATA

(1)	(2)	(3)	(4)	(5)	(6)
Δ = 3°12'37"	Δ = 2°14'03"	Δ = 89°32'52"	Δ = 84°41'36"	Δ = 8°16'58"	Δ = 4°34'40"
R = 333.00'	R = 187.00'	R = 15.00'	R = 15.00'	R = 1053.00'	R = 1053.00'
L = 18.66'	L = 22.91'	L = 22.91'	L = 22.91'	L = 86.33'	L = 86.33'
LC = 35.00'	LC = 44.00'	LC = 44.00'	LC = 44.00'	LC = 171.00'	LC = 171.00'

CENTERLINE CURVE DATA

(1)	(2)	(3)	(4)	(5)	(6)
Δ = 14°28'12"	Δ = 39°29'24"	Δ = 87°24'55"	Δ = 87°11'23"	Δ = 28°48'28"	Δ = 28°48'28"
R = 300.00'	R = 200.00'	R = 1050.00'	R = 1050.00'	R = 150.00'	R = 150.00'
L = 73.85'	L = 137.85'	L = 154.23'	L = 154.23'	L = 75.00'	L = 75.00'
LC = 78.65'	LC = 138.13'	LC = 154.09'	LC = 154.09'	LC = 75.18'	LC = 75.18'

- NOTES:**
- 10' wide Public Utility Easement as indicated by dashed lines, except as otherwise shown.
 - Foundation drains must be able to gravely discharge, not depend upon sump pumps.
 - A soil report has been prepared and submitted to the City by the developer.

GREAT BASIN ENGINEERING INC.
5746 SOUTH 1475 EAST OGDEN, UTAH 84403
MAIN (801) 224-4818 S.L.C. (801) 521-0222 FAX (801) 292-7864
WWW.GREATBASINENGINEERING.COM

PREFIX
08-525
LAST #
0022



SCALE:
1" = 100'

DEVELOPMENT: MEADOW VIEW (A CONSERVATION SUBD.)
CITY: FARMINGTON LOTS: 1 THRU 19 & PARCELS A, B, & C

SW 1/4 SEC. 14, T3N R1W &
NW 1/4 SEC. 23, T3N R1W
S.L.M. DAVIS COUNTY, UTAH

FILE #5330
R-09-27-13

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

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

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

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

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

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

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

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

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

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

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

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

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

11-12-120 Use Regulations.

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

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

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

- (1) Permitted Uses. The following uses are permitted in conservation



Planning Commission Staff Report February 6, 2014

Item 4: Preliminary Plat for the Farmington Bungalows Subdivision

Public Hearing:	No
Application No.:	S-15-13
Property Address:	50 South 300 West
General Plan Designation:	LDR (Low Density Residential)
Zoning Designation:	OTR (Original Townsite Residential)
Area:	3.2 Acres
Number of Lots:	10
Property Owner:	Michael White/Bentley/Gill
Applicant:	Chris Ensign

Request: *Applicant is requesting approval of a Preliminary Plat for the Farmington Bungalows Subdivision.*

Background Information

The applicant, Chris Ensign, is requesting Preliminary Plat approval for a 10-lot conventional subdivision on 3.2 acres located at approximately 50 South 300 West. The underlying zone for this property is an OTR zone. One of the lots in the subdivision (Lot 10) is also located in the Clark Lane Historic District and the south boundary of the project abuts the rear yard of Farmington Junior High School. There is an existing house on Lot 10 and Davis County records show that the house was built in 1954.

Initially, the applicant proposed a cul-de-sac entering off of State Street. At the public hearing on October 10th, the Planning Commission determined that a road alignment off of State Street would create corner lots for the Johnsons and Sonzinis. The proposed road alignment would also create potential conflicts with those property owners due to nuisances associated with traffic. The item was tabled on October 10th and again on October 24th to give the applicant time to meet with adjacent property owners and to pursue possible alternatives to a State Street access.

The applicant pursued the recommendations proposed by the Planning Commission and revised his schematic plan with the access road coming off of 300 West, he subsequently received a recommendation for approval at the November 14th Planning Commission and City Council approval at the December 3rd meeting. Additionally, the applicant has acquired, or is in the process of possibly

acquiring, additional property owned by the Ballantynes and the Bentleys. The proposed 300 West access road is preferable for many reasons, including:

- 1- The impact to adjacent neighbors from the road will be less impactful because there is more space for a side buffer;
- 2- The rhythm of State Street, which adds to the historic character of that district will not be impacted by a break in that rhythm from an access road;
- 3- Although the traffic impact to State Street would have been minimal, concentrating the limited additional traffic onto an existing local road is preferable to adding another access point onto State;
- 4- This new alignment, along with the possible acquisition of the rear portion of the Bentley property has allowed the applicant to create more lots (10 instead of 7) and remain a conventional subdivision in the OTR zone.

There is currently a home on the northern portion of the parcel and the property is owned by Michael White. The applicant is proposing that eventually the existing home may be demolished and a new home be built in its place. In discussions with a representative of the Farmington Historic Preservation Commission, it appears that this house is both a non-contributing structure to the historic district and falls outside of the period of significance. Notwithstanding this, Section 11-39-105(f)(2) states that “proposed repairs, alterations, additions, relocation or demolitions to Historic Resources listed on the Register requiring a building permit are subject to review by the Historic Preservation Commission and shall receive a “Certificate of Historic Appropriateness.” Even though the existing home itself is not in the Historic Register, the underlying Clark Lane Historic District is, and therefore a Certificate of Historic Appropriateness may be required to replace the existing home. Additionally, Chapter 11-17-070 of the Zoning Ordinance establishes “New Construction Design Guidelines.” While the houses on the interior of the proposed subdivision should try and meet all of the requirements established therein, it is highly recommended that the proposed house on State Street, because of its prominence and location between two historic homes should “request a recommendation from an ad hoc architecture committee established by the City Council or the Farmington City Historic Preservation Commission.”

The current subdivision configuration shows that the lot widths for Lots 1, 2, 4 and 6 are 70-75’, but the required lot width in the OTR zone is 85’. Nevertheless, according to Section 11-17-040 of the Zoning Ordinance “the Zoning Administrator may reduce the minimum lot width standards,” by no more than fifteen feet and only if the proposed width shall be compatible with the character of the district. In order to come into compliance with the City’s zoning ordinance, these lot widths may need to be adjusted.

Suggested Motion:

Move that the Planning Commission approve the Schematic Plan for the Farmington Bungalows subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant continues to work with the City and other agencies to address any outstanding issues remaining with regard to the Schematic Plan, including but not limited to conforming with required lot widths of the underlying OTR zone and storm drainage;
2. Street width cross-section must be 56’;

3. If the applicant replaces the existing home on State Street, then the proposed dwelling on State Street shall receive a recommendation for approval from an ad hoc architectural review committee as established by the City Council or the Farmington City Historic Preservation Committee;
4. The proposed dwellings on Lots 1-9 must be consistent with the surrounding OTR Zone as determined through staff review of proposed building elevations prior to Final Plat, in cooperation with the Historic District Commission.

Findings for Approval:

1. The property is identified as Low Density Residential on the General Plan, and the proposed schematic plan is consistent with that designation.
2. The General Plan also states that the City should “recognize and preserve Farmington’s heritage of pioneer buildings and traditions for the enrichment of its present and future citizens.” The property is in the Clark Lane Historic District, and the applicant will receive a Certificate of Appropriateness before demolition of the existing home takes place.
3. Specific to the schematic plan only, and the recommended conditions of approval, the plan complies with all Zoning and Subdivision Ordinance requirements, and other appropriate regulations.
4. Staff will ensure that the homes will fit in with the historic character of the underlying Clark Lane District.

Supplemental Information

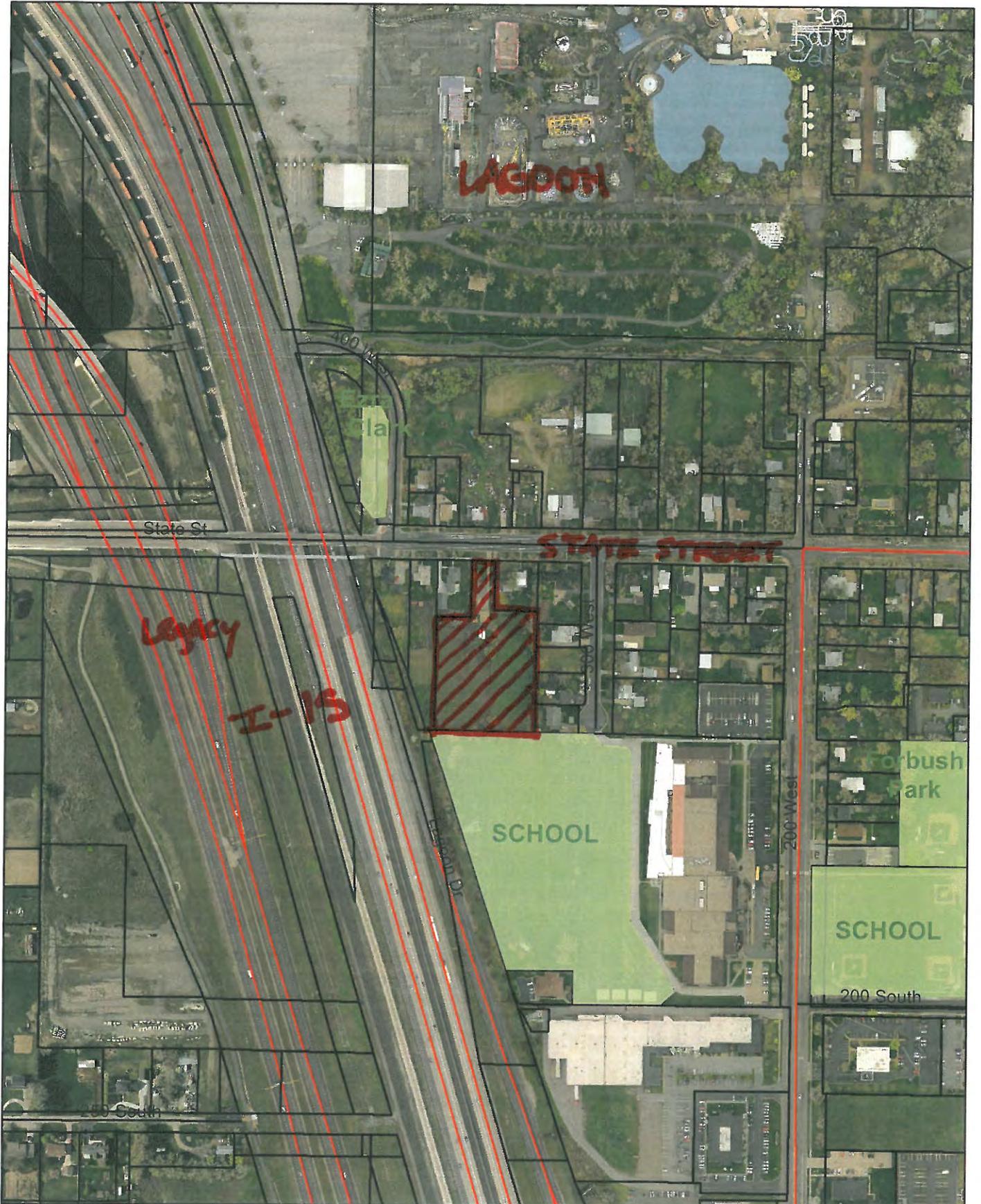
1. Vicinity Map
2. Farmington Bungalows Preliminary Plat
3. Clark Lane Historic District Map
4. Chapter 11-17-070 of the Zoning Ordinance

Applicable Ordinances

1. Title 12, Chapter 6 – Major Subdivisions
2. Title 12, Chapter 7 – General Requirements for All Subdivisions
3. Title 11, Chapter 17 – Original Townsite Residential Zone
4. Title 11, Chapter 39 – Historic Buildings and Sites



Farmington City



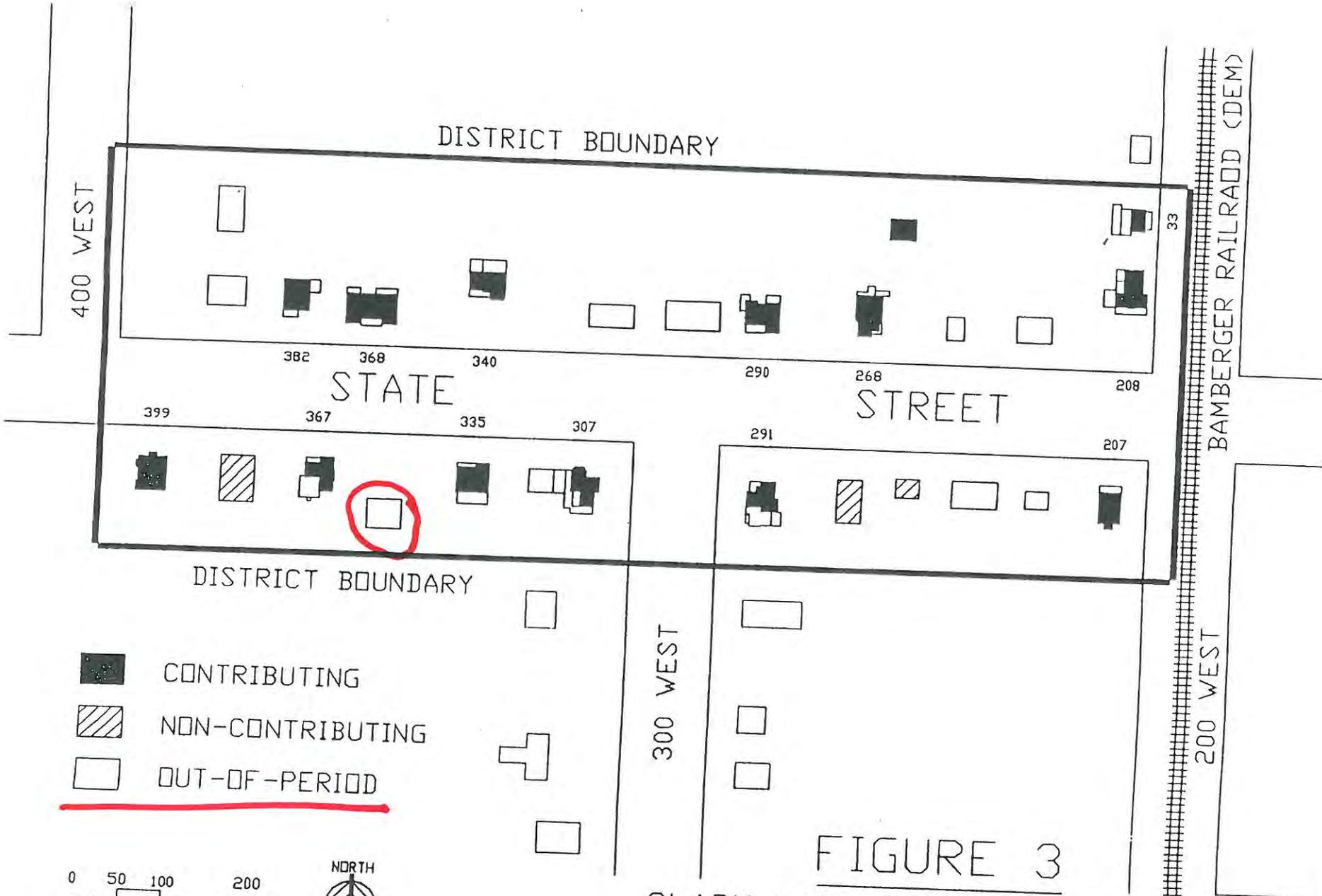


FIGURE 3
 CLARK LANE HISTORIC DISTRICT
 FARMINGTON, UTAH
 MARCH 1994

CHAPTER 17

ORIGINAL TOWNSITE RESIDENTIAL ZONE (OTR)

- 11-17-010 Purpose.**
- 11-17-020 Permitted Uses.**
- 11-17-030 Conditional Uses.**
- 11-17-040 Minimum Lot and Setback Standards.**
- 11-17-050 Accessory Buildings and Structures (Including Attached or Detached Garages).**
- 11-17-060 Fences.**
- 11-17-070 New Construction Design Guidelines.**

11-17-010 Purpose.

The purpose of this zone is to conserve and protect the beauty and historic character of the original townsite residential area of Farmington City through conservation of neighborhoods which reflect distinctive features of the original townsite, to promote the public welfare by keeping the original townsite area a desirable and attractive place in which to live, and to assure compatibility of design of new residential units, additions, remodels, and accessory structures. In order to assure compatibility with the purpose of this zone, these provisions shall also extend to existing or proposed conforming or non-conforming land uses such as commercial, public, and industrial land uses that are situated within the boundaries of the Original Townsite Residential (OTR) Zone.

11-17-020 Permitted Uses.

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

- (1) Agriculture;
- (2) Class "A" animals;
- (3) Class "B" animals (as provided herein);
- (4) Home occupations complying with the provisions of Section 11-35-103;
- (5) Single-family dwellings; and

11-17-030 Conditional Uses.

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

- (1) Class “D” animals;
- (2) Day-care center;
- (3) Dwelling, Accessory;
- (4) Dwelling, Secondary;
- (5) Greenhouses, private with no retail sales;
- (6) Home occupations requiring a conditional use permit under Section 11-35-040;
- (7) Private school;
- (8) Public uses (as provided herein);
- (9) Public utility installations (except lines and rights-of-way) (as provided herein);
- (10) Quasi-public uses (as provided herein);
- (11) Residential facilities for the elderly; and
- (12) Residential facilities for the handicapped.
- (13) Single-family residential planned unit development (PUD)

11-17-040 Minimum Lot and Setback Standards.

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

Zone	Lot Area	Lot Width		Front	Side	Side Corner	Rear
		Interior	Corner				
OTR	10,000 s.f. for each single-family	85'	95'	30'	10' min., total 22'	20'	30'

(2) Class “B” animals are permitted in the OTR Zone only if the area of the lot is twenty thousand (20,000) square feet or larger. Class B animals shall be limited to not more than one (1) horse or cow and not more than two (2) sheep or goats for each twenty thousand (20,000) square feet of a lot.

(3) Public uses, Public utility installations, and Quasi-public uses are only allowed on lots less than 40,000 square feet in size.

(4) Special Standards for Lot Width. Certain large, wide, and deep lots presently exist in the OTR zone. City records show that between 1969 and 1986 the minimum lot width in the original townsite area was seventy (70) feet. Furthermore, for all the years prior to World War II, no minimum lot width or lot size standards existed at all in the original townsite area. Consequently scores of lots exist in this area with frontages less than eighty-five (85) feet in width. The purpose of this section is to provide special standards for narrower lot width for the subdivision of large, wide lots located in the OTR zone. A property owner may subdivide a parcel of land in the OTR zone resulting in a lot width less than the minimum requirement set forth herein so long as the following standards are met:

- (a) Any new construction on the building lot created therefrom, shall conform to the New Construction Design Guidelines contained herein.
 - (b) The reduction in lot width shall not exceed fifteen feet (15');
 - (c) The lot size must meet the minimum standard lot size described herein;
 - (d) The lot, and any use proposed for the lot, shall comply with the minimum setback standards set forth herein, and standards related thereto set forth in Chapter 28 of this Title.
 - (e) Any structures existing prior to the subdivision shall meet the setback requirements set forth in this Chapter within the new subdivision.
- (5) Flag Lots as defined by the Farmington City Code shall be prohibited in the OTR Zone.

11-17-050 Accessory Buildings and Structures (Including Attached or Detached Garages).

(1) Accessory buildings, except for those listed in Subsection (2) below, may be located within one (1) foot of the side or rear property line, provided they are at least six (6) feet to the rear of the dwelling, do not encroach on any recorded easements, occupy not more than twenty five percent (25%) of the rear yard, are located at least fifteen (15) feet from any dwelling on an adjacent lot, and accessory buildings shall, without exception, be subordinate in height and area to the main building and shall not encroach into the front yard and required side corner yard;

(2) Animal shelters, hay barns, coops, corrals or other similar buildings or structures shall be located not closer than ten (10) feet from any side or rear property line and eighty (80) feet from any public street or from any dwelling on an adjacent property (exceptions to these setback requirements may be reviewed by the Planning Commission as a conditional use);

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

(4) All garages and any similarly related accessory buildings, whether attached or detached, shall be considered for approval as follows:

- (a) Under no circumstance shall any garage encroach into the front yard, or any other yard, except side yards and the rear yard, of the building lot;
- (b) Attached garages constructed even with the front setback line, or that are setback (or recessed) from the front setback less than a distance equal to

half the depth of the main building shall comprise no more than 33% of the front plane of the home,

- (c) All garages, unless otherwise provided herein, shall be considered as a Permitted Use.
- (d) Garages must be compatible and consistent with existing garages in the area. The placement of garages in the general vicinity and on adjoining properties with respect to setbacks and the position of existing garages in relation to the main buildings will be a consideration in determining site plan approval for new garages. Property owners may be asked to provide information regarding such during the building permit application review process.

11-17-060 Fences.

- (1) Fences consisting of chain link or vinyl materials, except such fences which have a wood grain appearance, located in the front yard or side corner yard shall be prohibited.
- (2) Vinyl fences shall only be installed with colors consisting of flat, non-gloss finishes.

11-17-070 New Construction Design Guidelines.

These standards apply to all structures requiring a building permit including new construction, additions, and alterations. Creative solutions that are compatible with the desired character of a historic neighborhood are strongly encouraged. Designs that seek to contrast with the existing context are discouraged. This guidance will help protect the established character of each neighborhood, while also allowing new, compatible design.

The area within the OTR Zone, including specific neighborhoods and buildings, conveys a certain sense of time and place associated with its history. It also remains dynamic, with alterations to existing structures and construction of new buildings occurring over time. New buildings and/or construction are not encouraged to look old, rather a new design should relate to the fundamental characteristics of the district while also conveying the stylistic trends of today.

New construction should, to the greatest extent possible, maintain the established mass, scale, height, width, and form of other buildings on the street. New buildings and additions may be larger than earlier structures, but should not be so dramatically greater in scale such that the visual continuity of the street is compromised.

The Planning Department and/or Planning Commission may request a recommendation from an ad hoc architecture committee established by the City Council or the Farmington City

Historic Preservation Commission regarding applications for Permitted Uses or Conditional Uses.

(1) Streetscape. New construction must be compatible and consistent with buildings on adjoining lots and parcels in the general vicinity. To ensure compliance with setback and orientation, mass and scale, building height, building and roof form, materials, and color standards set forth herein, applicants for new construction may be required to provide a plan view of the streetscape showing building elevations (similar to examples contained in the appendix of this chapter), landscaping, and other physical features, of adjacent lots, a series of abutting lots, or lots across the street. The City may also review aerial photographs to ensure a compatible and consistent streetscape.

(2) Setback and Orientation. Situate new buildings such that they are arranged on their sites in ways similar to existing buildings in the area. This includes consideration of building setbacks, orientation, and open space. The Zoning Administrator may reduce the minimum setback standards contained herein, provided such exception shall conform to the following standards:

- (a) The reduction in the setback shall not exceed fifteen (15) feet;
- (b) The setback proposed shall be compatible with the character (including historic qualities related thereto) of the site, and the existing setback of structures on adjacent and surrounding properties.
- (c) The Zoning Administrator and/or Planning Commission may require conditions consistent with the Farmington City General Plan, the intent and purpose of this Title, and other provisions contained herein,

(3) Mass and Scale.

- (a) New buildings and additions must be constructed to reinforce a sense of human scale. This may be accomplished by employing techniques such as these:
 - i. Using building materials that are of traditional dimensions;
 - ii. Providing one story porch on a main building dwelling that is similar to that seen traditionally;
 - iii. Using a building mass that is similar in size to those seen traditionally;

- iv. Using a solid-to-void ratio on all visible facades from the public right-of-way that is similar to that seen traditionally, and using window openings that are similar in size to those seen traditionally. At least 25% of street facing facades, excluding roofs, shall consist of window and/or doors.
 - (b) New buildings and additions shall appear similar in scale to the scale that is established in the block or in the general vicinity. Subdivide larger masses into smaller “modules” that are similar in size to buildings seen traditionally. The area of a new construction or addition shall be equal to or less than that of the main dwelling or original building unless otherwise approved by the Planning Commission as a conditional use;
 - (c) Front elevations shall be designed similar in scale to those seen traditionally in the block. Fronts shall include a one story element, such as a front porch. In certain circumstances a two story element, such as a two story porch, may be appropriate. The primary plane of the front should not appear taller than those of typical structures in the block. A single wall plane should not exceed the typical maximum facade width in the zone.
- (4) Building Height.
- (a) New building height should be similar to those found historically in the vicinity, and shall not exceed twenty-seven (27) feet height;
 - (b) No dwelling structure shall contain less than one (1) story;
 - (c) Except as otherwise provided herein, the height of a new addition shall be equal to or less than that of the original building;
 - (d) Accessory buildings or structures shall be subordinate in height to the main building and shall not exceed 15 feet in height unless approved by the Planning Commission after a review of a conditional use application filed by the property owner.

(5) Building and Roof Form. Building form is an indispensable component which advances the purpose of this Chapter, and visually, the roof is the single most important element in an overall building. New construction, including second story additions, shall comply with the following design guidelines (see also the illustrations in the Appendix):

- (a) Building and roof forms should be consistent with other buildings seen traditionally on the block and in the neighborhood;

(b) Simple rectangular solids are typically appropriate in building form;

(c) Gable and hip roofs are appropriate for primary roof forms in most residential areas. Shed roofs are appropriate for some additions. Roof pitches must be within +/- 2 inches per foot of other roofs on that property and/or adjacent properties of similar era ("shed style" roofs excepted);

(d) If a property owner is proposing to construct a second story but no second story homes exist in the neighborhood, the property owner should consider bringing portions of the roof down to the gutter or eave line of the first story;

(e) Major portions of second-story and/or second story additions should be set away from front, rear and side property lines, and placed over the house and not the garage only; and

(f) No structure shall extend above or beyond a daylight plane having a height of 12 feet at each side property line and extending into the lot or parcel at an angle of 45 degrees with the following encroachments allowed:

i. Television or radio antennas, chimneys, flues, eaves, and skylights;

ii. Dormers or similar architectural features, provided that the horizontal length of all such features shall not exceed a combined total of 15 feet on each side; and

iii. Gables or similar architectural features, provided that the horizontal length of all such features shall not exceed a combined total of 19 feet on each side, measures along the intersection with the daylight plane, and provided that the intersection of the gable with the daylight plane closest to the front property line is along the roof line.

(6) **Materials.** Building materials should contribute to the traditional sense of scale of the block, this will reinforce the sense of visual continuity in the district. New materials that are similar in character to traditional materials may be acceptable with appropriate detailing. Alternative materials should appear similar in scale, proportion, texture and finish to those used historically. They also must have a proven durability in similar locations in this climate. Except for the roof, fascia and soffit, exterior material on the front and side elevations of said structures shall consist of brick, rock, stucco, wood siding or combination thereof, metal and vinyl shall be prohibited. Metal or vinyl exterior materials shall be permitted on windows and doors and on the fascia and soffit, and on the entire rear elevations of said structures. All exterior materials and colors are to be specified on plans for said structures and shall be submitted for approval by the Planning Department and/or Planning Commission.

(7) Color. With respect to colors on an historic building, a scheme that reflects the historic style is preferred, although some new color selections can be compatible. For newer buildings and additions, a color scheme that complements the historic character of the zone should be used. Property owners are particularly encouraged to employ colors that will help establish a sense of visual continuity for the block.

- (a) Keep color schemes simple. Using one base color for the building is preferred. Muted colors are appropriate for the base color. Using only one or two accent colors is also encouraged, except where precedent exists for using more than two colors with some architectural styles.
- (b) Coordinating the entire building in one color scheme is usually more successful than working with a variety of palettes. Using the color scheme to establish a sense of overall composition for the building is strongly encouraged.

Enacted 12/04/02, Ord. 2002-48
Chapter 17 Amended, 7/16/03
Added Conditional Use #13, 09/19/06, Ord. 2006-62
Amended 3/6/07, Ord. 2007-18



Planning Commission Staff Report
February 6, 2014

Item 5: Miscellaneous Zoning and Subdivision Ordinance Amendments

Public Hearing: Yes
Application No.: ZT-9-13 and ZT-8-93
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 & Subdivision Ordinances.*

Background Information

The updates to the Zoning Ordinance included with this proposal include:

- a) Deleting the word “minimum” in 11-28-070;
- b) Striking Section 11-35-103(15) which makes the sale of firearms a prohibited use under Home Occupations.

a) Deleting the word “minimum” in 11-28-070.

The current 25% coverage ratio often prevents a property owner from constructing a reasonably sized detached building, like a garage, because said coverage area is limited to the minimum required rear yard area determined by a 30 foot setback in residential zones even if the actual rear yard is much larger than the minimum requirement. It is recommended that the City amend this standard as follows for only residential zones:

11-28-070 Maximum Coverage Area of Accessory Buildings.

No accessory building or group of such buildings and no parking space in any residential zone shall cover more than twenty-five percent (25%) of the ~~minimum~~ rear yard space.

- b) Striking Section 11-35-103(15)(e) which makes the sale of firearms a prohibited use under Home Occupations.**

A few weeks ago Erick Carmiol inquired about the possibility of selling firearms under the City's Home Occupation ordinance (see attached home occupation ordinance (Chapter 35) and information from Erick Carmiol). Under the City's current ordinance the "Sale or repair of firearms" is not allowed as a home occupation. Mr. Carmiol provided certain references to the state code stating that no local authority can prevent an individual from selling firearms as long as other home occupations are a permitted use in the underlying zone *and* the regulations that pertain to other allowed home occupations are followed (see attached).

Suggested Motion:

Move that the Planning Commission recommend approval of the proposed amendments to the Zoning and Subdivision Ordinances as set forth in the February 6, 2014 staff report.

Findings:

1. Striking the word "minimum" in proposal "a" allows more flexibility in the design and siting of accessory buildings and still prohibits accessory buildings from being too large in residential zones.
2. State law mandates that if other Home Occupations are allowed in an underlying zone, then municipalities cannot prohibit the sell of firearms in that zone.
3. However, the same rules, conditions and regulations that apply to Home Occupations also apply to the sell of firearms, such as stated in Section 11-35-103(6) of the Zoning Ordinance which states: "the home occupation shall not generate substantially greater vehicular traffic than commonly associated with residential activities in the neighborhood in which it is located."

Supplementary Information

1. Section 11-28-070.
2. Chapter 35—Home Occupations
3. Information from Erick Carmiol related to State firearm laws

Applicable Ordinances

1. Title 15, Chapter 2 – Administration of Regulations
2. Title 11, Chapter 28 – Supplementary and Qualifying Regulations
3. Title 11, Chapter 35—Home Occupations

- (3) A solid wall or substantial fence of at least six (6) feet in height shall be required around the entire pool.
- (4) Under no condition can any charge be made for the use of the pool.
- (5) Under no condition may any type of retail or business facilities, including vending machines, be permitted.
- (6) Before authorization of the semi-private pool facility, a detailed site plan of the area must be submitted to the Planning Commission along with proof of notification of all property owners within a radius of three hundred (300) feet of said proposed pool.
- (7) The Planning Commission may require a bond by the owners to guarantee performance of these regulations and any conditions placed upon the development by the Planning Commission deemed necessary to protect the character of the district.

(c) Private Multi-purpose Sports Courts. Private Multi-purpose sports courts, tennis courts, or other similar playing surfaces, shall be set back at least five (5) feet from the rear and side property lines, 15 feet from the side corner property line, at least thirty (30) feet from the front property line, and shall be at least twenty (20) feet from any neighboring dwelling. Any deviation from the above setbacks or fence standards contained in this Title shall require a conditional use permit (no fee shall be assessed for such application). No lighting may be installed in connection with the multi-purpose sports court, tennis court, or other similar playing surface which shall throw any direct rays beyond the property lines on which it is constructed.

11-28-070 Maximum Coverage Area of Accessory Buildings.

No accessory building or group of such buildings and no parking space in any residential zone shall cover more than twenty-five percent (25%) of the minimum rear yard space.

11-28-080 Location of Architectural and Integral Parts.

Any portion of a main building or appendage thereof or any such building constructed as an architectural and integral part thereof which is designed, constructed or used for accessory use purposes shall be located as required for any other part of the main building.

CHAPTER 35
HOME OCCUPATION

11-35-101	Purpose.
11-35-102	License Required.
11-35-103	Conditions.
11-35-104	Conditional Uses.
11-35-105	Exemptions.
11-35-106	Revocation.
11-35-107	Appeal.

11-35-101 Purpose.

(1) It is the purpose of this Chapter to establish guidelines, conditions, and requirements for limited non-agricultural business activities in residential and agricultural zones. For the purpose of this Chapter, "home occupation" is defined as an occupation or profession in which the associated activity or use is clearly incidental and secondary to the residential use of a dwelling unit, there is no alteration to the exterior of the dwelling unit to accommodate the occupation or profession, and such occupation or profession does not adversely affect the residential character of the surrounding neighborhood. A home occupation should be conducted in such a way that neighbors or passers-by would not, under normal circumstances, be aware of its existence.

(2) It is recognized that home occupation may be desirable to reduce "start up" costs for small businesses and to provide gainful employment within the community. However, if a home occupation grows to the point, or is conducted in such a manner, that the conditions of this Chapter are not met, the home occupation shall cease and any continuing business shall be moved to an appropriate location in a commercial zone.

11-35-102 License Required.

It shall be unlawful for any person or entity to engage in a home occupation in any agricultural or residential zone without first obtaining a home occupation business license to do so from the City Recorder. The procedure to be followed and applicable fees for a home occupation business license are set forth in the Business Licensing Regulations, Title 4, Farmington City Code.

11-35-103 Conditions.

Each home occupation shall comply with all of the following conditions:

(1) Only family members related by blood, marriage, or adoption who are bona fide residents of the dwelling unit shall be employed on said premises except that one (1) additional person may be employed as a secretary, computer operator, apprentice, or helper where there are no more than five (5) family members actively engaged in the home occupation.

(2) No exterior architectural or structural modifications shall be made to any dwelling unit to accommodate a commercial use in the dwelling.

(3) Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers, or causes fluctuations in line voltage outside the dwelling units, or uses which create noise, smell, sound, light, or vibration not normally associated with residential use, shall be prohibited.

(4) There shall be no display or sale of goods, wares, or merchandise upon said premises other than those produced upon the premises. Where the home occupation involves the sale of products, such products shall generally be delivered directly to the customer.

(5) One sign advertising the business may be permitted but shall be limited to one (1) square foot in area and shall be attached to the front face of the building or may be displayed in a window.

(6) The home occupation shall not generate substantially greater vehicular traffic than commonly associated with residential activities in the neighborhood in which it is located.

(7) The home occupation shall not create a hazard by using flammable materials, explosives or other dangerous or hazardous materials, or by keeping, raising or storing animals which are capable of inflicting harm or discomfort or endangering the health and safety of any person.

(8) The home occupation shall not create a demand for municipal services or community facilities in excess of those usually and customarily provided for residential uses.

(9) Not more than twenty-five percent (25%) of the floor area of a dwelling may be devoted to a home occupation, and/or storage of materials, equipment, or stock in trade associated with the occupation, except as provided in Section 11-35-104 below .

(10) The home occupation shall be conducted entirely within the dwelling and shall be clearly incidental, secondary and compatible to the residential use of the dwelling. The home occupation shall not occupy or use any accessory building, yard space, or activity outside the main building, or an attached garage to the extent that vehicle parking is displaced, unless approved by the Planning Commission as provided in Section 11-35-104 below.

(11) A foster home, child day care center, or preschool shall not have more than eight (8) children at one time except as provided in Section 11-35-104 below.

(12) Music, dancing teachers, or tutors shall be limited to not more than eight (8) pupils at one time except as provided in Section 11-35-104 below.

(13) The size of vehicles used in conjunction with a home occupation shall not exceed one (1) ton rated capacity. Off-street parking, in compliance with the provisions of this Title, shall be provided for all business and private vehicles associated with a residential property.

(14) There shall be complete conformity with all City and State codes, including business license regulations. Depending on the type of business, periodic inspections may be made as required by these codes or as deemed necessary or desirable by the City.

(15) The following uses, among others, shall not be allowed as home occupations:

- (a) Barber shops and beauty salons except for a barber or beautician who has no assistants and sells no products except their skilled services;
- (b) Kennels or animal hospitals;
- (c) Commercial stables;
- (d) Restaurants;
- (e) Sale or repair of firearms;
- (f) Repair shops or service establishments, except for the repair of electrical appliances, typewriters, televisions, cameras, or other similar small items.

11-35-104 Conditional Uses.

(1) The following home occupations may be allowed only upon approval of a conditional use application by the Planning Commission and issuance of a Conditional Use Permit:

- (a) Uses in which over eight (8) but not more than sixteen (16) individuals (including any natural, adopted, or foster members of the operator's household) are cared for or receive instruction in the home at any one time. Such uses may include dance instruction, aerobics classes, music lessons, preschools, child day care, crafts classes, and other similar uses. For all such uses, the Farmington City Building Official shall inspect the facilities to ensure compliance with the requirements of the Uniform Building Codes.

Preschool and child day care uses shall submit documentation within thirty (30) days of approval that all Utah State Department of Social Services requirements have been met. The entire yard, or minimum outside area required by the State Social Services, shall be fenced;

- (b) Uses where the applicant proposes to use more than twenty-five (25%) of the dwelling in connection with the business;
- (c) Any use where outside storage, use of an accessory building, or exclusive use of an attached garage is anticipated or requested in conjunction with the home occupation;

(2) In evaluating a home occupation conditional use, the Planning Commission shall apply the review standards contained in Chapter 8 of this Title and, if applicable, site development standards contained in Chapter 7.

11-35-105 Exemptions.

- (1) The following uses are exempt from the provisions of this Chapter:
 - (a) Sale of goods or services by City residents age 18 or under;

- (a) Temporary home occupations such as garage sales, yard sales, or craft boutiques that occur not more than four (4) times a year with each event lasting not more than seventy-two (72) hours;
- (b) Promotional meetings for the purpose of taking orders for merchandise, by invitation only, which occur not more than once each month;
- (c) Community/neighborhood fund raisers which are sponsored and/or approved by the City;
- (e) Other exemptions as specifically approved in writing by the City Council.

11-35-106 Revocation.

Violation of, or failure to comply with, the requirements of this Chapter may result in revocation by the Farmington City Council of the home occupation business license. Any activity presenting an immediate threat to the health, safety and welfare of the neighboring residents may be ordered terminated immediately by the Mayor under the powers given him to act in an emergency.

11-35-107 Appeal.

Any person or entity denied a home occupation business license shall have the right to appeal such denial to the City Council if a written request for an appeal is made to the City within thirty (30) days of the denial.

Chapter 35 Amended, 12/8/93, Ord. 93-44
11-35-104(1)(a) Amended, 12/6/95, Ord. 95-49
11-35-103(11) and 11-35-104(1)(a) Amended, 9/4/02, Ord. 2002-36
Amended 11-35-103 (15)(d) 4/19/06 Ordinance 2006-28
Amended 11-35-103(12), 5/18/10, Ordinance 2010-21
Amended 11-35-103(15), 6/5/12, Ordinance 2012-19

Title 76

Chapter 10

Section 500

Utah Criminal Code

Offenses Against Public Health, Safety, Welfare, and Morals

Uniform law.

76-10-500. Uniform law.

(1) The individual right to keep and bear arms being a constitutionally protected right, the Legislature finds the need to provide uniform laws throughout the state. Except as specifically provided by state law, a citizen of the United States or a lawfully admitted alien shall not be:

(a) prohibited from owning, possessing, purchasing, selling, transferring, transporting, or keeping any firearm at his place of residence, property, business, or in any vehicle lawfully in his possession or lawfully under his control; or

(b) required to have a permit or license to purchase, own, possess, transport, or keep a firearm.

(2) This part is uniformly applicable throughout this state and in all its political subdivisions and municipalities. All authority to regulate firearms shall be reserved to the state except where the Legislature specifically delegates responsibility to local authorities or state entities. Unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact or enforce any ordinance, regulation, or rule pertaining to firearms.

Enacted by Chapter 5, 1999 General Session

Pursuant to Utah Code Ann. § 76-10-500(2), adopted in 1999, “[u]nless specifically authorized by the Legislature by statute, a local authority or state entity may not enact or enforce any ordinance, regulation, or rule pertaining to firearms.” Section 78B-4-511 reiterates this policy, stating that “all authority to regulate firearms is reserved to the state through the Legislature.”

Section 53-5a-102, adopted in 2004, also elaborates upon this policy. It provides, in part:

(2) Except as specifically provided by state law, a local authority or state entity may not:

(a) prohibit an individual from owning, possessing, purchasing, selling, transferring, transporting, or keeping a firearm at the individual’s place of residence, property, business, or in any vehicle lawfully in the individual’s possession or lawfully under the individual’s control; or

(b) require an individual to have a permit or license to purchase, own, possess, transport, or keep a firearm.

(3) In conjunction with Title 76, Chapter 10, Part 5, Weapons, this section is uniformly applicable throughout this state and in all its political subdivisions and municipalities.

- (4) All authority to regulate firearms is reserved to the state except where the Legislature specifically delegates responsibility to local authorities or state entities.
- (5) Unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact, establish, or enforce any ordinance, regulation, rule, or policy pertaining to firearms that in any way inhibits or restricts the possession or use of firearms on either public or private property.
- (6) As used in this section:
- (a) "firearm" has the same meaning as defined in Subsection 76-10-501(9); and
- (b) "local authority or state entity" includes public school districts, public schools, and state institutions of higher education.
- (7) Nothing in this section restricts or expands private property rights.

ERICK CARMIOI
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FARMINGTON CITY

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CITY COUNCIL

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Planning Commission Memo

To: Planning Commission
From: Eric Anderson, Associate Planner
Date: February 6, 2014
SUBJECT: Memo Regarding Flag Lots.

RECOMMENDATION

Please consider and review the following memo for discussion of flag lots.

BACKGROUND

There have been a number of applications recently requesting flag lots within subdivisions. Currently Farmington City Subdivision Ordinance 12-7-030(10) regulates how flag lots are to be developed. It states:

“(10) Flag lots may be approved by the Planning Commission in any residential zone where, due to unusual parcel dimension, configuration, or topographic conditions, traditional lot design is not feasible. Approval of flag lots shall not be permitted solely on the basis of economic benefit. Such lots shall meet the following criteria:

- (a) The stem of the lot shall be not less than twenty feet (20') in width and shall not exceed one hundred fifty feet (150') in length;*
- (b) The stem of the lot shall serve one lot only and shall have direct access to a dedicated and improved street;*
- (c) The nearest fire hydrant shall be located no further than one hundred fifty feet (150') from the nearest corner of the proposed building on the lot; and*
- (d) The body of the lot shall meet the lot size and dimensional requirements of the applicable zone. The stem area shall not be used in computing lot size. Proposed buildings shall comply with the minimum setbacks required for the zone. Determinations as to which are the front, side, and rear setbacks shall be made by the Zoning Administrator at the time a building permit is requested and shall be based on the orientation of the proposed home on the lot.*

(e) The number of flag lots shall not exceed ten percent (10%) of the total lots in the subdivision unless it is determined by the City that the property could not reasonably be developed otherwise.”

The questions before the Planning Commission for discussion purposes are:

1. Should the City even allow flag lots or not?
2. If we allow flag lots, is the ordinance as it's written sufficient to meet the City's needs?
3. Or, does the ordinance need to be rewritten to create more stringent regulatory mechanisms to make the creation of flag lots abide by stricter standards?

Below is a draft re-write of the flag lot ordinance for further review and discussion by the Planning Commission:

“(10) Flag lots may be approved by the Planning Commission and the City Council and are prohibited except:

- I. To reasonably utilize an irregularly shaped parcel;
- II. To reasonably utilize land with severe topography;
- III. To provide for the protection of significant natural or environmentally sensitive areas; or
- IV. To allow a property owner reasonable use and benefit of a parcel of land not otherwise developable.

Flag lots are a conditional use and the creation of a flag lot is a subdivision, therefore all applicable subdivision ordinances, standards and regulations apply. Flag lots are for single family residential dwellings only and are prohibited if the proposed flag lot will: increase the number of access points onto a major thoroughfare or re-subdivide an existing lot or lots in a recorded subdivision.

The design requirements for a flag lot are as follows:

- a) A flag lot shall be comprised of a stem portion and a flag portion.
- b) The stem portion must be contiguous to a dedicated public street.
- c) All buildings can be placed on the flag portion only.
- d) The front yard shall be considered one of the two sides of the flag portion that adjoins the stem and all buildings must face the front yard.
- e) A flag lot must comply with all requirements, standards and ordinances as determined by the underlying zone district in which it is located; this includes setbacks, building height, accessory buildings, minimum lot size, etc.
- f) Minimum lot size calculations exclude the stem and only take the flag portion of the lot into consideration.
- g) The stem shall be at least 28' wide and no longer than 150' long.
- h) The stem shall service one lot only.
- i) The access drive shall be at least 20' wide and no greater than a 15% grade. The drive shall be paved with a hard surface such as asphalt or concrete and conform to all applicable Fire Code regulations, including access to fire hydrants, emergency access and turnarounds.
- j) The access drive must have a minimum of 4' wide landscaped yard along both sides.

- k) All utilities and related services (including easements) shall be provided to the flag lot in accordance with the applicable regulations and ordinances adopted by the City.”

Respectfully Submitted



Eric Anderson
Associate Planner

Cities in Davis County that allow flag lots:

North Salt Lake

Clearfield

Centerville

Fruit Heights

Bountiful

Woods Cross

West Point

West Bountiful

South Weber

Layton

Kaysville

Cities in Davis County that forbid flag lots:

None

Cities in Davis County that do not have an ordinance addressing flag lots:

Sunset

Syracuse

Clinton?



FARMINGTON CITY

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Planning Commission Memo

To: Planning Commission

From: Eric Anderson, Associate Planner

Date: February 6, 2014

SUBJECT: Memo Regarding the City's Policy on Posting Notice for Public Meetings.

RECOMMENDATION

Please consider and review the following memo for discussion of public notice requirements.

BACKGROUND

There has been recent citizen concern expressed on the City's policy of posting notice for public hearings. Particularly, this citizen lives outside of the 300' mailing radius of one subdivision currently under review and did not see notice of a public hearing for project master plan on the City's website. Our City Manager has asked that we get Planning Commission input as to whether we as City Staff need to do more to notify the public about upcoming public hearings.

Our current notification procedures are as follows:

1. Staff mails a notice to every property owner within a 300' radius 72 hours in advance of the following types of hearings:
 - Schematic Plans (PC and CC)
 - Preliminary PUD Master Plans (PC and CC)
 - Project Master Plan (PC only)
 - Zone Map Change (PC and CC)
 - Zone Text Change (PC and CC)
 - Temporary Use (PC only)
 - Appeals (BOA)
 - Variances (BOA)
2. Staff posts a 10 day notice for Planning Commission and a 14 day notice for City Council in a local newspaper for the following types of hearings:
 - Preliminary PUD Master Plan
 - Zone Map Change
 - Zone Text Change
 - General Plan Map Amendment (PC only)
 - General Plan Text Amendment (PC only)

3. Staff mails a notice to every property owner within a 500' radius 72 hours in advance of the following types of hearings:
 - Conditional Use Permit (PC only)
 - Conditional Use Amendment (PC only)
 - Site Plan Concept
 - Site Plan (PC only)

4. Every agenda for both City Council and Planning Commission is posted in three different public locations (usually City Hall, the County Library and Public Works), in a newspaper at least 24 hours in advance, and on the Utah Public Notice Website. Our City Recorder also posts the agendas to our website and sends an email to a list of people who have signed up to receive it; these two steps are not required by law but are something that the City does above and beyond the State requirements.

Some of the additional steps we could potentially take to notify more citizens of public hearings is to post a notice on the property with a stake or widen the 300' mailing radius to 500' for all mailings. Currently, to the best of our knowledge, the only city within Davis County that posts notice on properties is Kaysville.

Respectfully Submitted



Eric Anderson
Associate Planner