



HISTORIC BEGINNINGS • 1847

**Farmington City Planning Commission**

**June 08, 2023**



## PLANNING COMMISSION MEETING NOTICE AND AGENDA

Thursday June 08, 2023

Notice is given that Farmington City Planning Commission will hold a regular meeting at City Hall 160 South Main, Farmington, Utah.

A work session and training will be held at 6:00 PM *prior* to the **regular session which will begin at 7:00 PM** in the Council Chambers.

The link to listen to the regular meeting live and to comment electronically can be found on the Farmington City website at [farmington.utah.gov](http://farmington.utah.gov).

Any emailed comments for the listed public hearings, should be sent to [crowe@farmington.utah.gov](mailto:crowe@farmington.utah.gov) by 5 p.m. on the day listed above.

### CONDITIONAL USE PERMIT – public hearing

1. Andrew Hiller – Applicant is requesting a conditional use permit for Meta Soccer Club at the property located at 1261 S 650 W. in the LM&B (Light Manufacturing and Business) zone.

### SPECIAL EXCEPTION – public hearing

2. Brandon Teeples – Applicant is requesting a Special Exception approval, to exceed the maximum driveway approach allowance, located at 515 S Wendell Way, in the AE (Agricultural Estates) zone.

### ZONE TEXT AMENDMENTS – Public hearing on item 3 only.

3. **Public Hearing:** Farmington City – Applicant is requesting consideration for amendments to Chapter 11-7, Site Development Standards, of the Farmington City Zoning Ordinance to restrict the amount of lawn that may be planted in the front and side yard in new residential development to comply with standards established by the Weber Basin Water Conservancy District to make Farmington City property owners eligible for incentives to remove lawn in existing areas through the Weber Basin Lawn Exchange program.
4. Farmington City – Applicant is requesting consideration for Amendments to the Farmington City Zoning Ordinance. The purpose of these amendments is to resolve inconsistencies between sub-paragraphs under Section 11-17-050 regarding the location of accessory buildings and garages in Side Corner Yards in the OTR zone, and possibly other zone text changes as well. **(continued from previous meeting).**
5. Farmington City – Applicant is requesting consideration for additional text and amendments to Farmington City Code Title 11: ZONING REGULATIONS. This amendment changes an Accessory Dwelling Unit (ADU) from a Conditional Use to a Permitted Use in multiple zoning districts. (ZT-7-23). **(continued from previous meeting).**
6. Farmington City – Applicant is requesting consideration for additional text and amendment to multiple sections of Farmington City Code Title 11: ZONING REGULATIONS. The proposed amendments are to update side yard requirements related to primary and accessory buildings. (ZT-1-23). **(continued from previous meeting).**

### OTHER BUSINESS

7. Miscellaneous, correspondence, etc.
  - a. Minutes Approval 05.04.2023 & 05.18.2023
  - b. City Council Report 06.06.2023
  - c. Other

*Please Note: Planning Commission applications may be tabled by the Commission if: 1. Additional information is needed in order to act 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.*

*CERTIFICATE OF POSTING* I hereby certify that the above notice and agenda were posted at Farmington City Hall, the State Public Notice website, the city website [www.farmington.utah.gov](http://www.farmington.utah.gov), and emailed to media representatives on **June 2, 2023**

Carly Rowe, Planning Secretary



## Planning Commission Staff Report June 08, 2023

### Item 2: Conditional Use Permit Application—Gymnasium Indoor Sports Facility.

Public Hearing:	Yes
Application No.:	C-7-23
Property Address:	1261 South 650 West. Bldg. 4
General Plan Designation:	Light Manufacturing (LM)
Zoning Designation:	LM&B (Light Manufacturing and Business)
Area:	9.4 acres (Using 22,588 sq. ft. of Building 4)
Number of Parcels:	1
Property Owner/Applicant:	Andrew Hiller for Meta Soccer Club

*Request: Applicant is requesting a conditional use permit for an outdoor recreation use.*

#### **Background Information:**

Meta Soccer Club is looking to open a location in Farmington at the above address. The building they are moving into is a new construction that has received previous approvals. They are working to obtain a conditional use permit to then apply for their business license.

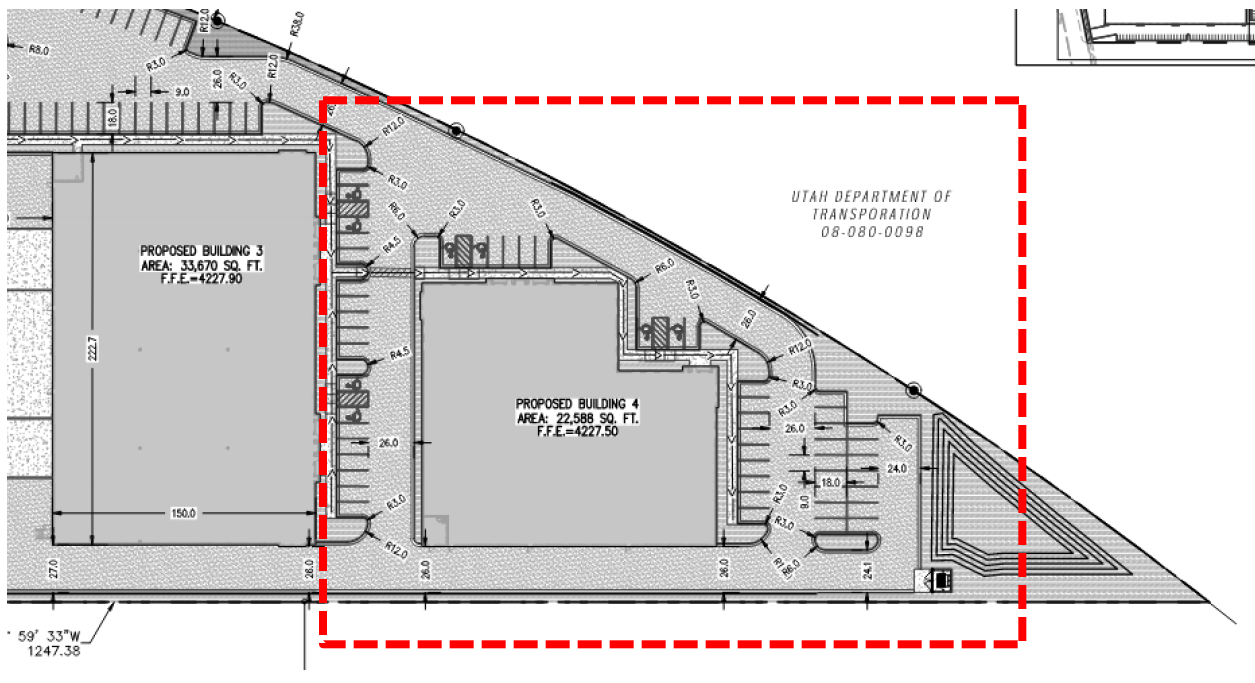
The use is allowed with a conditional use permit and is similar to other gym/rec facilities in the immediate area previously approved by the Planning Commission. As a conditional use, the presumption is to approve the use so long as conditions can be imposed to mitigate potential detrimental impacts if necessary. In the opinion of staff, the only impact to consider is the impact from traffic from the business use, namely parking.

*Farmington City Code (FCC), 11-8-050 Conditional Use Standards (E), states that uses shall have adequate improvements such as parking and loading spaces. Per FCC 11-32-040: Minimum Parking Spaces Required, A facility such as Meta Soccer Club would fit best as a commercial recreation use which parking requirement is identified as one to be determined by the Planning Commission.*

To help the commission determine if adequate parking is available, the facility is 22,588 sq. ft. with approximately 50 parking stalls immediately surrounding the facility. There are 291 spaces in total around the complex for shared parking opportunity. The buildings were approved meeting a ratio of 2 spaces per 1,000 sq. ft. with the assumption that most likely uses would fit into manufacturing and wholesale varieties. With 50 stalls close by, based on the building size, there are 2.2 stalls per 1,000 sq. ft. Common commercial ratios vary from 1.5 to 4 stalls per thousand square feet depending on the use. Other municipalities address parking for a health club or gym for example in Salt Lake City at 3 stalls per 1,000 sq. ft. This data is typically determined using the trip generation and parking manual where a sampling of facilities nationwide created a data to consider as a baseline. Most of these facilities are traditional fitness gyms.

The property owner and manager will control the parking for all users on the site and is invested in having users that do not create problems for one another. The manager is able to monitor and mitigate issues before they arise or once they are an actual issue.

**Site Plan Drawing – Bldg. 4:**



**Suggested Motion:**

Staff Recommends that the Planning Commission approve the requested conditional use permit with the parking ration at a minimum of 2 spaces per thousand as is provided on site without the need to add additional conditions.

**Findings for Approval:**

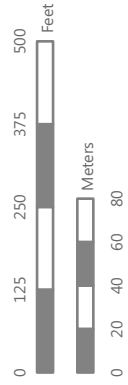
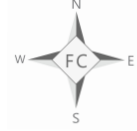
1. The proposed use is moving into an already approved building.
2. The use takes up an entire building so will not have detrimental impact due to noise on surrounding uses. It is also not a use that produces other potential nuisances such as noise and light.
3. At a parking ration of 2 stalls per 1,000 sq. ft. it is anticipated that the facility will be able to provide sufficient parking for its customers/users.

**Supplemental Information**

1. Vicinity Map



Disclaimer: This map was produced by Farmington City GIS and is for reference only. The information contained on this map is believed to be accurate and suitable for limited uses. Farmington City makes no warranty as to the accuracy of the information contained for any other purposes.

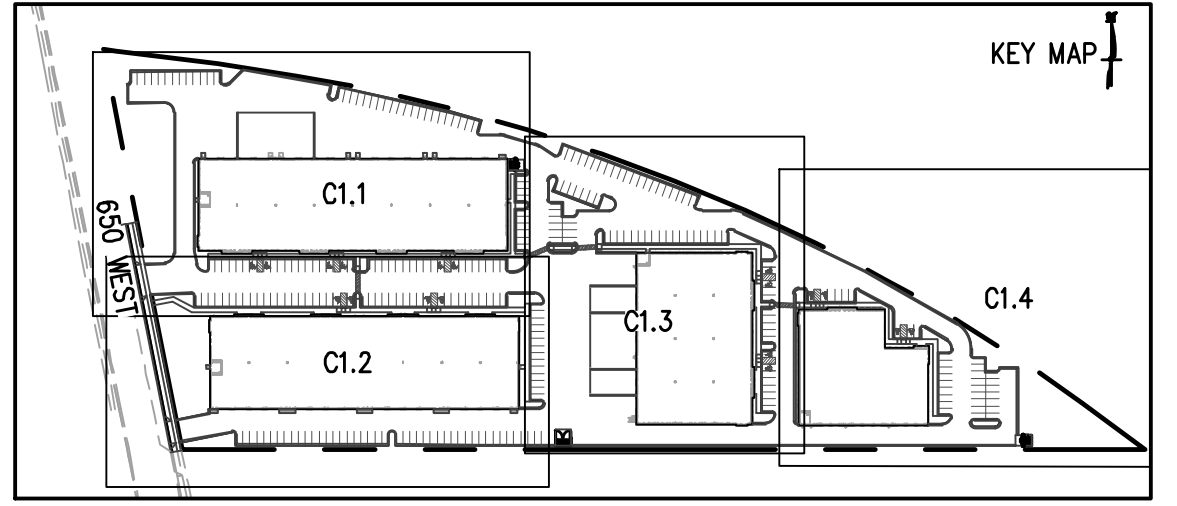
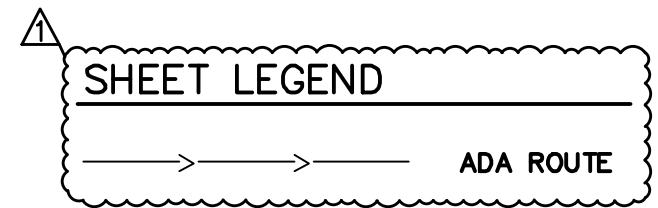
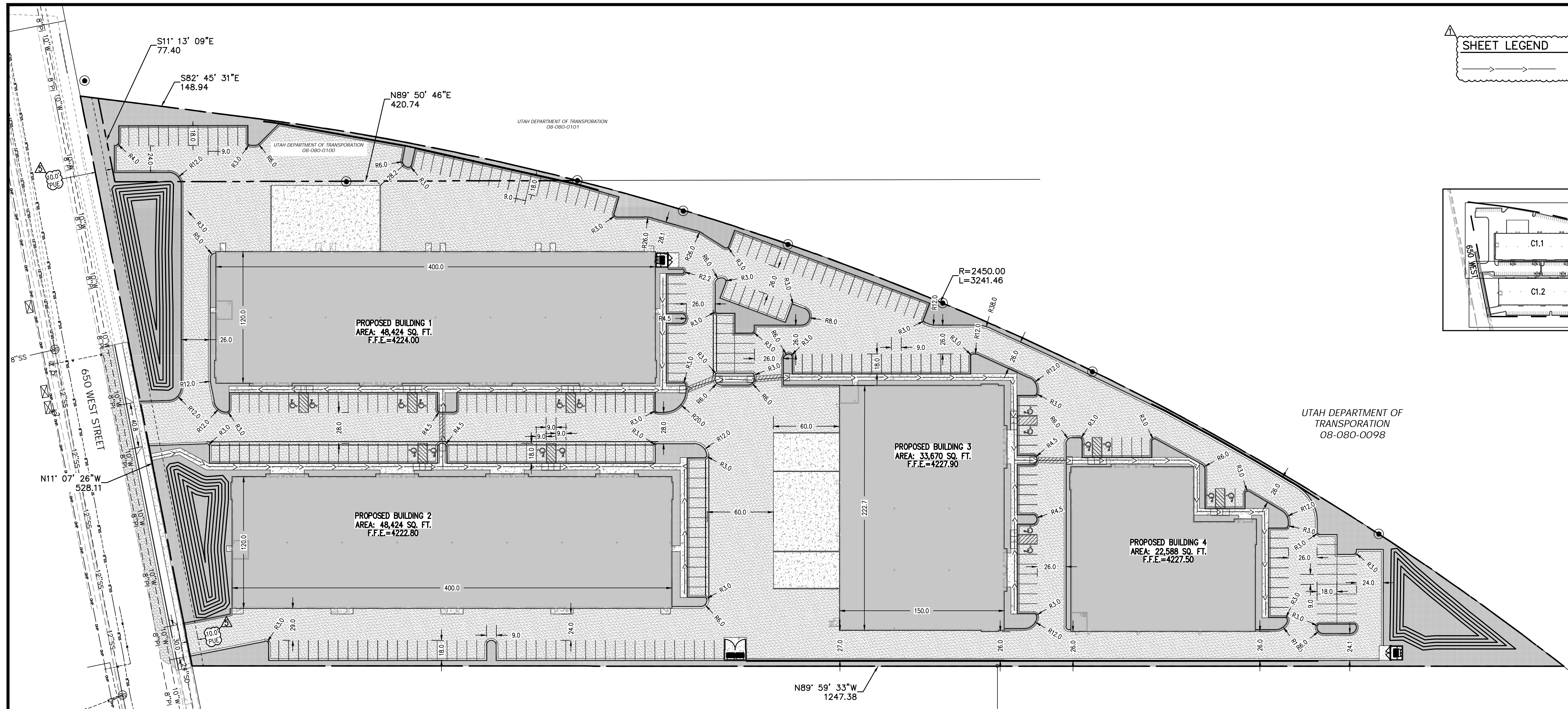


# VICINITY MAP

Meta Soccer Club



04/11/2019



NO.	REVISIONS	BY	DATE
2	COMMENTS		
3	SITE UPDATES		
4	REVISIONS		
5	COMMENTS		
6	COMMENTS		
7	SITE UPDATE		

**CIVIL ENGINEERING + SURVEYING**  
**CIR**  
 10718 SOUTH BECKSTEAD LANE, STE. 102  
 SOUTH JORDAN, UT 84095 - 801-949-6296  
 PROJECT ENGINEER: SDT

FARMINGTON FLEX  
 1261 S 650 W, FARMINGTON, UTAH  
 OVERALL SITE PLAN

**LOT AREAS:**

	SQ. FT.	ACRES
LOT	425,398 SQ. FT.	9.77 ACRES
BUILDING FOOTPRINT	153,106 SQ. FT.	3.51 ACRES
ASPHALT	169,903 SQ. FT.	3.90 ACRES
LANDSCAPING	61,666 SQ. FT.	1.42 ACRES
CONCRETE	40,723 SQ. FT.	0.93 ACRES

**NOTE:**  
 1. ALL AREA CALCULATIONS ARE APPROXIMATE AND CAN CHANGE DUE TO CONSTRUCTION TOLERANCES.

**LOT LANDSCAPING AREAS:**

	SQ. FT.	CITY REQ'T
TOTAL LANDSCAPING	61,666 SQ. FT. (5% REQUIRED)	14.50% PROVIDED

**NOTE:**  
 1. PARKING AREA DOES NOT INCLUDE TRUCK MANUEVERING AREA OR LANDSCAPED BUFFER AS DIMENSIONED.  
 2. LANDSCAPED AREAS DO NOT INCLUDE HARD SURFACE AREAS(WALKWAYS, BIKE RACKS, CURB & GUTTERS).  
 3. ALL AREA CALCULATIONS ARE APPROXIMATE AND CAN CHANGE DUE TO CONSTRUCTION TOLERANCES.

**LOT PARKING REQUIREMENTS:**

	SQ. FT.	CITY REQ'M'T
OFFICE	63,350 SQ. FT.	190.05 (3/1000)
WAREHOUSE	100,947 SQ. FT.	100.95 (1/1000)
TOTAL REQUIRED:	291 (291.00)	
TOTAL PROVIDED:	291	
ACCESSIBLE SPACES	18 (7 REQ'D 201 TO 300)	

**NOTES:**  
 1. ALL AREA CALCULATIONS ARE APPROXIMATE AND CAN CHANGE DUE TO CONSTRUCTION TOLERANCES.



SHEET NO. **C1.0**  
 PROJECT ID: A1126-01  
 DATE: 08/05/21  
 FILE NAME: PRJ-FAI  
 SCALE: 1"=50'



# Planning Commission Staff Report

## June 8, 2023

### Item 2: Special Exception – Driveway Width

Public Hearing: Yes  
Application No.: M-5-23  
Property Address: 515 South Wendell Way  
General Plan Designation: LDR (Low Density Residential)  
Zoning Designation: AE (Agricultural Estates)  
Area: 0.13 Acres  
Number of Lots: 1  
Property Owner: Brandon and Heather Teeples  
Agent: Brandon and Heather Teeples

Request: *Applicant is requesting approval for a special exception regarding driveway width at 515 S Wendell Way*

#### **Background Information**

The applicant is requesting a special exception to allow for the width of their driveway to exceed the standard allowed width per frontage of (30 feet). The Zoning Administrator (staff) has the ability to approve the location and proximity of the driveways, however it is in the purview of the Planning Commission to consider how wide the driveways may be when exceeding 30 f. per FCC 11-32-060 (A)(1).

*11-32-060 (A)(1): Residential driveways shall be not more than twenty feet (20') in width when serving as access to two (2) properly designated spaces, or thirty feet (30') in width when serving as access to three (3) properly designated parking spaces as measured at the front or side corner property line. "Properly designated parking spaces" shall include spaces in a garage, carport or on a parking pad located to the side of a dwelling and not located within the minimum front yard setback. Additional driveway width for access to a rear yard, for more than three (3) properly designated parking spaces, or for multiple-family residential developments, may be reviewed by the planning commission as a special exception. Residential driveways shall be designed at a width which is the minimum necessary to provide adequate access to designated parking spaces.*

In considering the Special Exception, FCC 11-3-045 E identifies the standards of review:

*11-3-045 E. Approval Standards: The following standards shall apply to the approval of a special exception:*

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

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

- a. Will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;*
- b. Will not create unreasonable traffic hazards;*
- c. Is located on a lot or parcel of sufficient size to accommodate the special exception.*

**Suggested Motion**

Move that the Planning Commission approve the special exception for an additional ten feet to be added to the driveway at 515 S Wendell Way, subject to all Farmington City ordinances and development standards.

**Findings for Approval:**

1. The proposed additional width does not require a curb cut as the curb is “rolled” in Kestrel Bay Estates.
2. Wendell Way is a private road and is maintained by the Kestrel Bay Estates HOA.

**Supplemental Information**

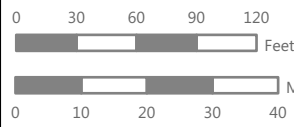
1. Vicinity Map
2. Site Plan





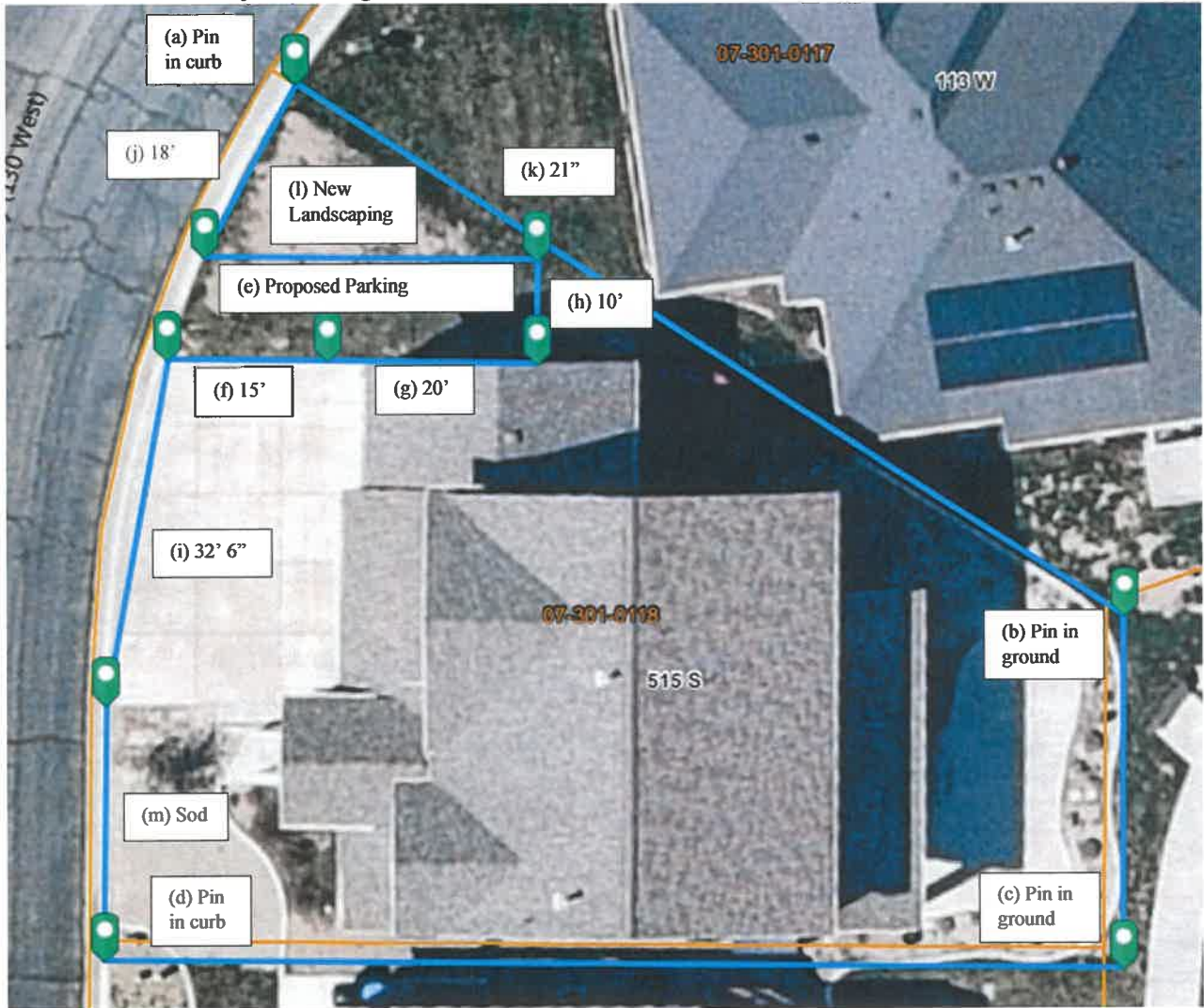
# VICINITY MAP

515 S Wendell Way



Disclaimer: This map was produced by Farmington City GIS and is for reference only. The information contained on this map is believed to be accurate, and suitable for limited uses. Farmington City makes no warranty as to the accuracy of the information contained for any other purposes.

Brandon and Heather Teeples  
515 S. Wendell Way, Farmington, Utah 84025



- The above description shows a more accurate reflection of the property line at items (a) – (d) (two pins in the curb at front of home and two in the back identified when installing curbing, marked with green markers)
- (e) shows the total proposed parking area
- (f) shows the 15 foot setback for the proposed parking (between green markers)
- (g) and (h) shows the 20 foot x 10 foot location of the proposed parking north of the existing garage (between green markers)
- (i) shows the 32 foot 6 inch width of the existing driveway
- (j) shows the 18 foot frontage between the proposed parking and the property line
- (k) shows the 21 inch measurement from the 10' green marker to the property line
- (l) shows the open area which will include new landscaping after installation of the proposed parking
- (m) shows where clay has been removed and sod is being replaced
- 811 has been contacted to confirm no obstructions to installation of the proposed parking



## Planning Commission Staff Report June 8, 2023

---

### **Item 3: Zone Text Amendment – Modifications to Chapter 11-7, Design Standards, creating additional water efficient landscaping requirements for new residential construction.**

Public Hearing: Yes  
Application No.: ZT-9-23  
Applicant: Staff

Request: *City staff is proposing text amendments restricting the amount of grass that can be planted in the front and side yard of new single-family and two-family dwellings to make existing homes and businesses eligible for incentives for making their properties more water efficient.*

---

#### **Background Information**

Farmington City enacted its first water efficient landscaping ordinance about a year ago in order to make Farmington City residents eligible for Weber Basin Water Conservancy District’s ‘Flip Your Strip’ program.

Working with the water district, the original ordinance which imposed restrictions primarily on multi-family and commercial developments while limiting what could be done in park strips on all developments.

At the time, city staff had reservations about restricting the amount of lawn on a single-family home primarily because of the challenges in enforcing such restrictions. Landscape plans are not required on single family lots and often home owners install landscaping long after a home is granted occupancy controlled through the building permit process. Because of this, there is little oversight in monitoring and inspecting landscaping on single family homes. Notwithstanding, State and local programs are now requiring that front and side yard landscaping on single family homes be limited to 35% lawn in order to for existing homeowners to be eligible to participate in their incentive programs.

Weber Basin Water Conservancy District is also upping their requirement to maintain eligibility for the Flip Your Strip Program. Farmington City property owners are currently eligible for \$1.25 when removing lawn from their park strip through this program. Residents and businesses will no longer be eligible for this program after this year without an update to Farmington City’s ordinances.

Passing the proposed ordinance will make Farmington City property owners eligible for \$2.50 per square foot of lawn that is removed and replaced with water efficient landscaping. These funds are applicable for any area of a yard, not just the park strip.

The proposed ordinance does not mandate changes for existing homes and businesses, rather it imposes restrictions on new development. It does however allow for existing homes and businesses to consider participating in programs that offer financial incentives for replacing water thirsty landscaping with water efficient alternatives.

### **Suggested Motion**

Move the Planning Commission recommend the City Council the proposed text amendment to Chapter 11-7 creating additional water efficient landscaping requirement for new residential construction.

### **Findings:**

1. Conservation of water is important for Farmington City and the surrounding region to ensure sufficient supplies for current use and future generations.
2. Water efficient landscaping can continue to beautify the community and enhance the public health and welfare.
3. Water conservation will help ensure adequate supplies for existing and future development as well as water in natural areas like Great Salt Lake.
4. Existing residents and business owners will benefit by remaining eligible for the Flip Your Strip program and further benefit by becoming eligible for the Lawn Exchange Program.
5. Similar restrictions are already in place for multi-family and commercial developments, this put single-family development under similar restrictions to do their part to conserve water.

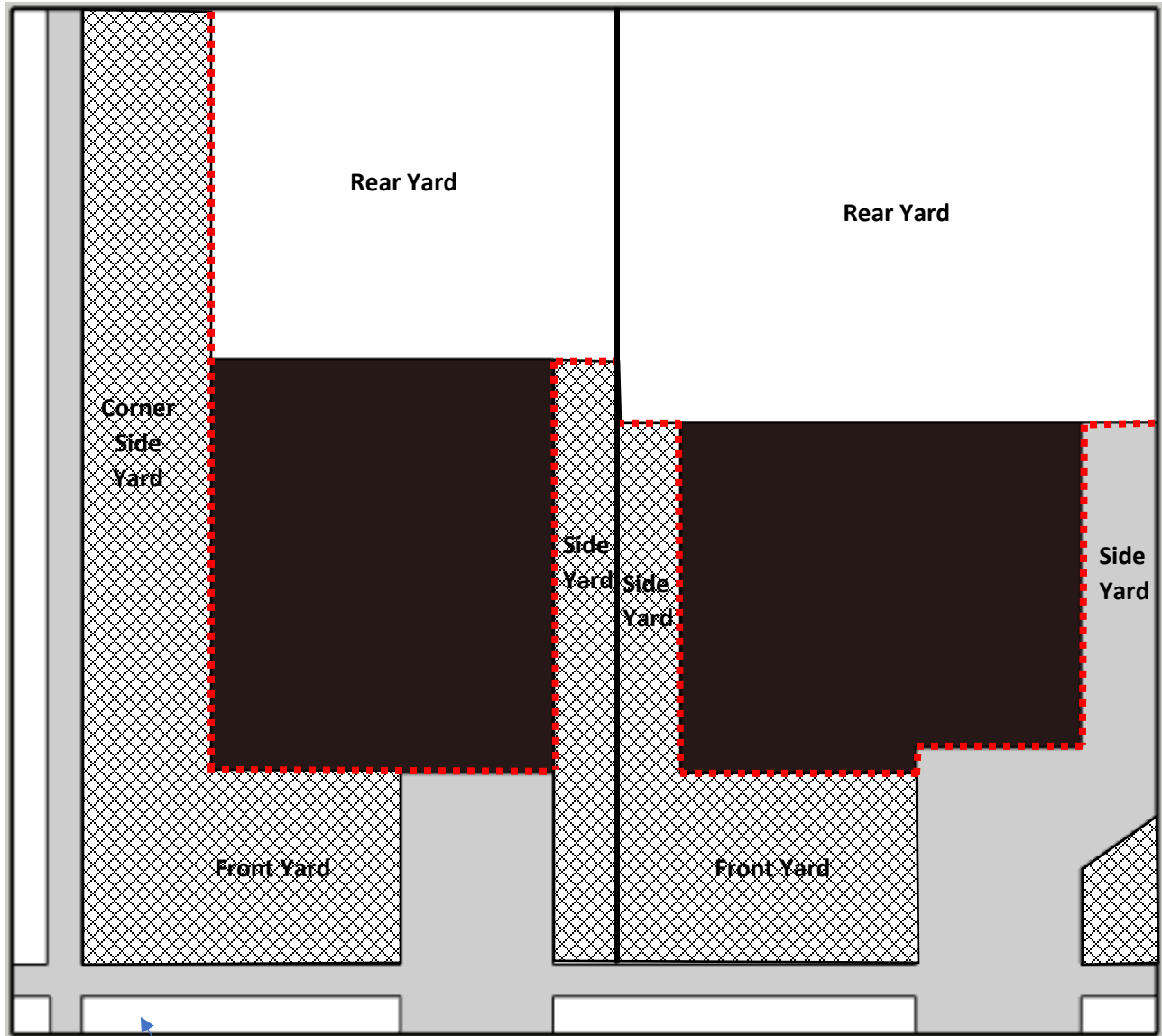
### **Supplemental Information**

1. Example / Handout – visual of restricted lawn area for new homes.
2. Letter from Weber Basin Water
3. Draft Ordinance
4. Flip Your Strip program website: <https://weberbasin.com/Conservation/Rebates>
5. Lawn Exchange program website: <https://utahwatersavers.com/>

Single Family Home

Landscaping / Turf Allowance

1. No more than 35% of the front and side yard landscaped area in new residential development may be lawn; and
2. No lawn or vegetation requiring overhead spray irrigation may be planted in the park strip or areas with a width of less than 8 feet.



Park Strip or Area less than 8 feet in width

Side Yard or Front Yard Limit

Area allotted a maximum of 35% grass/turf.

# Example Plan





# WEBER BASIN WATER CONSERVANCY DISTRICT

2837 EAST HIGHWAY 193 • LAYTON, UTAH • PHONE (801)771-1677 • SLC (801) 359-4494 • FAX (801) 544-0103

February 15, 2023

Mr. Shane Pace, City Manager  
Farmington City  
160 South Main Street  
Farmington, UT 84025

Scott W. Paxman, PE  
General Manager/CEO

Board of Trustees:

Marlin K. Jensen  
President  
Weber County

Jared A. Andersen  
Morgan County

Mark D. Anderson  
Davis County

Kym O. Buttschardt  
Weber County

Randy B. Elliott  
Davis County

Scott K. Jenkins  
Weber County

Angie Osguthorpe  
Weber County

Christopher F. Robinson  
Summit County

Paul C. Summers  
Davis County

Dear Mr. Pace:

First, I would be remiss if I didn't thank all of you for your time, energies, and attention focused on discussions regarding your community's landscape ordinances and the opportunities to incorporate water efficiency standards. These efforts highlight and demonstrate your commitment to work to incorporate water and land use planning. Together we've been able to have some great conversations which have facilitated greater perspective and meaningful steps in a direction that provides greater resiliency, and utilization of our finite and variable water supplies.

Over the last year, the District has worked with communities to adopt specific water efficiency standards within their ordinances. For communities that adopted ordinances, the District has made the "Flip your Strip" turf removal incentive program available to their community.

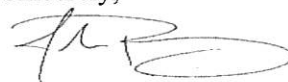
The District has been in conversation with the state regarding additional turf removal incentive programs and utilization of state funding, specifically those related to the passage of HB121 during the 2022 legislative session. I'd like to provide some information regarding upcoming adjustments to our current turf removal incentive program, as well as requirements for community participation in programs leveraging state funding. Based on our conversations with the state, programs funded by monies made available through the passage of HB121 during the 2022 legislative session will have program eligibility requirements. We also understand the state intends to utilize existing District programs to disseminate these funds to residents. These eligibility requirements will include the following **strict requirements**:

1. No more than 35% of the front and side yard landscaped area in new residential development be lawn; and
2. Restricting the placement of lawn in parking strips and in areas with widths of less than eight feet.

What does all of this mean? For those of you that have passed or are in the process of updating your landscape ordinances to meet the District's requirements, we will continue to administer the "Flip your Strip" program for residents within your communities, as funds are available, until April 15, 2024. After this date the District requirements for participation in any turf incentive program will require compliance with the state requirements. For communities that adopt ordinances, or already have ordinances in place that meet the state's eligibility requirements, more turf incentive programs will be available that extend to areas outside of the park strip and make use of state monies.

We are anxious to make this more extensive program available to your community and make use of state monies for our service area. If you'd like to discuss it in more detail or if I can be of any assistance, please don't hesitate to reach out. As you work to determine your next steps, please allow us the opportunity to review any proposed changes to ensure compliance with both District and state eligibility requirements prior to adoption.

Sincerely,



Jonathan Parry, P.E.  
Assistant General Manager

## **11-7-050: STANDARDS FOR DEVELOPMENT OF A ONE-FAMILY OR TWO-FAMILY DWELLING ON AN INDIVIDUAL LOT:**

Applications for construction of a one-family or two-family dwelling on an individual lot shall be accompanied by, and shall comply with, the following:

- A. Application: A completed building permit application;
- B. Site Development Plans: Two (2) sets of site development plans, which include the following information:
  - 1. Date, north arrow and appropriate scale to clearly show the detail necessary to describe what is proposed. The drawing shall be accurate in terms of scale and dimensions;
  - 2. A title block showing the name, address and phone number of the applicant and the designer, and the name (if applicable) and address of the proposed project, and date of preparation. When required by the City, the drawings shall be prepared and stamped by a registered engineer and/or architect;
  - 3. The location and width of existing and proposed abutting streets, property lines, easements and holding strips;
  - 4. The location of all existing and proposed structures on the property and the location of existing structures on adjoining properties;
  - 5. The location of existing fencing and significant existing trees and shrubbery;
  - 6. The location of off street parking, driveways and hard surfaced areas; and
  - 7. The location of existing and proposed curb, gutter and sidewalk, and curb cuts.
- C. Grading: Final grading of individual lots shall be performed in such a way that excess water shall either be entirely contained on the site, directed to an improved street, or directed to an approved drainage inlet, drainage channel or drainage easement. Excess water shall not be allowed to drain onto adjacent private property unless approved as part of an overall system, as reflected in a subdivision approval or otherwise. At the discretion of the city, a grading plan may be required, which shall include the existing and proposed grades in contour intervals of two feet (2') or less as well as intermediate spot elevations.
- D. Foothill Development: Residential site development in the foothill overlay districts shall comply with the provisions of chapter 11-30 of this title.
- E. Water Efficient Landscaping:

1. No more than 35% of the front and side yard landscaped area may be lawn

~~4.2.~~ No lawn or landscaping requiring overhead spray irrigation may be planted in any parkstrip or area less than eight feet (8') wide. Where vegetation requiring irrigation is used outside of approved lawn areas, drip irrigation equipped with a pressure regulator and filter shall be used.

~~2.3.~~ Additional requirements outlined in subsection [11-7-070D](#) shall only apply to one-family or two-family dwellings on an individual lot which are part of a PUD or subdivision with common open space. One and two-family dwellings on an individual lot are encouraged to follow the water wise requirements of [11-7-070D](#).



**For reference:**

**11-7-050**

D. Landscaping Plan: A landscaping plan shall be submitted which illustrates proposed landscaping and fencing in enough detail that the screening and aesthetic qualities of the landscaping can be effectively reviewed by the planning commission. All required landscape plans shall include:

1. Percent Of Site To Be Landscaped: A minimum of forty percent (40%) of a multiple-family residential site, fifteen percent (15%) of a commercial site and five percent (5%) of an industrial site shall be landscaped. The required landscape area may include natural open space as determined by the planning commission. Where landscape areas are to be improved, items D2 through D7 of this section shall apply. Upon a request by the applicant, landscaping percentages may be reduced if the planning commission finds that, due to the size of the parcel, the amount of landscaping required is unreasonable and cannot be located in useful locations. The planning commission may also require an increase in landscaping as a requirement for conditional use approval if it is determined that such an increase is necessary to help mitigate some aspect of a proposed use;

2. A plant legend specifying the total number of each type of plant, each plant's common name and size of plants at time of installation;

3. Location of individual trees, shrubs, ground covers and other planting areas showing approximate distances from roadways, sidewalks and buildings. The retention of healthy existing trees and other vegetation is strongly encouraged;

4. Description and location of any proposed ornamental landscaping elements (colored and crushed rock, gravel, large boulders, etc.);

5. Description, location and dimensions of fences and landscaping protective devices;

6. All landscaped areas shall be provided with an automatic irrigation system that will maintain the living material in a good and healthy condition;

7. Water Efficient Landscaping:

a. Commercial/Office/Institutional/Industrial/Multi-Family/Mixed-Use/  
Townhome/Community Use/PUD And Common Open Space Development Requirements:

(1) Drip irrigation shall be used outside of lawn areas. Drip irrigation shall be equipped with pressure regulator, filter, etc.

(2) Irrigation valves shall irrigate landscapes with similar site, slope, and plant materials with similar water needs (lawn and planting beds shall be irrigated on separate valves). No drip irrigation and overhead spray irrigation are permitted on the same irrigation valve. No combination of differing sprinkler heads is permitted on the same irrigation valve.

(3) A WaterSense labeled smart irrigation controller, equipped with rain delay, shall be installed to operate the automatic pressure irrigation system.

(4) A minimum of three inches (3") of cover such as rock or mulch is required in planted beds.

(5) No lawns shall be permitted in park strips, on slopes greater than twenty five percent (25%), parking landscapes and buffer areas, or in areas less than eight feet (8') wide.

(6) Lawn shall not to exceed fifteen percent (15%) of the total landscaped area.

(A) Exception: Lawn area shall not exceed thirty five percent (35%) of the total landscaped area on one-family or two-family residential lots which are part of a PUD or common open space subdivision.

(B) Exception: Designated passive or active recreational areas are an exception to the amount of allowed lawn. The Zoning Administrator may approve up to an additional twenty five percent (25%) lawn above the applicable fifteen percent (15%) or thirty five percent (35%) where an applicant has demonstrated usable lawn area. Additional lawn may be approved above the limits allotted to the Zoning Administrator as a special exception by the Planning Commission.

(7) Governing Documents: Any portion of a governing document, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, is void and unenforceable if it:

(A) Requires the use of any uniform plant material requiring overhead spray irrigation in landscape areas less than eight feet (8') wide or require any uniform plant material requiring overhead spray irrigation in other areas that exceed thirty five percent (35%) of the landscaped area; or

(B) Prohibits, or includes conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or

(C) Has the effect of prohibiting or restricting compliance with this section or other water conservation measures.



## Planning Commission Staff Report June 8, 2023

---

### Item 4: Zone Text Amendments - Accessory Buildings/Garages in Side Corner Yards in the OTR Zone (11-17-050)

Public Hearing: No  
Application No.: ZT-8-23  
Applicant: Farmington City

Request: *Recommend proposed text amendments to the City Council regarding garages in side-corner yards in the OTR zone.*

---

#### **Background Information**

On May 18, 2023, the Planning Commission reviewed a draft hand-out summary table (see enclosed table titled “Original Townsite Compared with Other Areas in Farmington”) and one of the key elements which separates the downtown area from other areas in Farmington is the size and placement of garages, including driveway widths and whether a garage exists on-site, or not. Some of the Commissioners surmised that the creation of Section 11-17-050 D was intentionally done to distinguish the treatment of garages from other accessory building; and in doing so the authors of the first OTR zone text language left out references to “side corner yards” on purpose in sub-paragraph D to avoid garages constructed “front and center” on corner lots and dominating the original townsite streetscape like is done in more recent post 1960s areas developed in Farmington.

#### Background Information Presented at the 5/4/23 Planning Commission meeting:

The Planning Commission held a public hearing and considered this item at its May 4, 2023 meeting, but tabled action to allow time for staff to show how many side-corner yards in the OTR maybe affected by the proposed text amendment. The attached table shows that 89 residential “corners” exist in the OTR zone which include, among other categories, 22 side corner yards greater than 35 feet in width and another 22 such yards 25’ to 35’ in width. In other words, close to 49.4% of all residential lots may be impacted by this ordinance. Remarkably, about 29% of all residential side corner yards are under 20’ feet in width, and many of these significantly so.

#### Background Information Presented at the 5/4/23 Planning Commission meeting:

With regard to corner lots, Section 11-2-020 of the Zoning Ordinance defines a “Side Corner Yard” and a “Required Side Corner Yard” as follows:

YARD, SIDE CORNER: Any yard between the other front lot line that is not used to designate the front of the main building and the setback of a main building and extending between the rear lot line and the front setback parallel to the street.

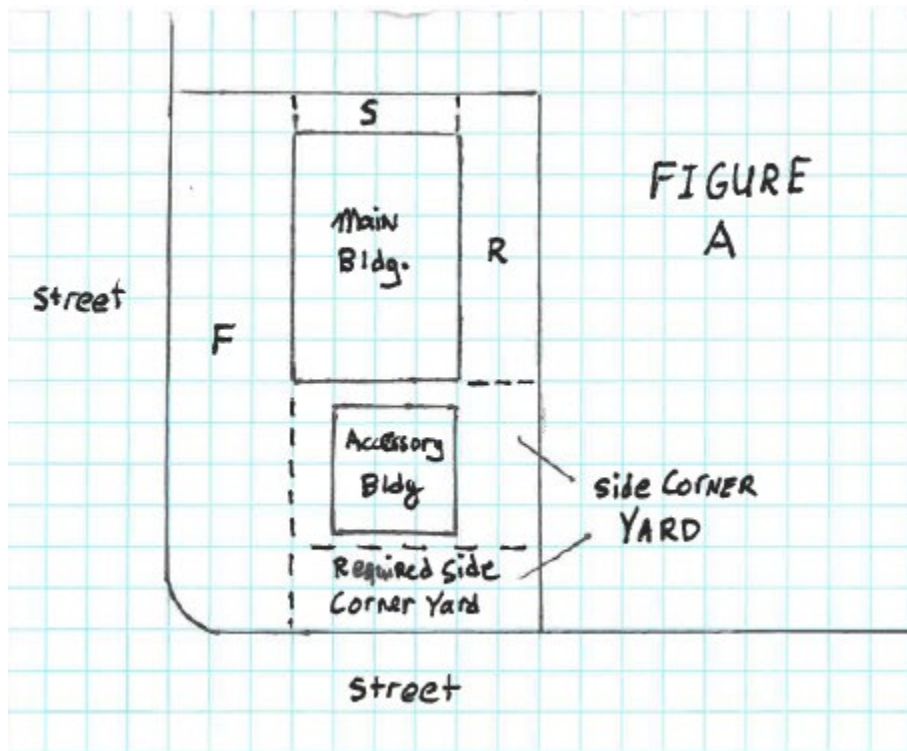
[Note: a “Front Yard” is “Any yard between the front lot line and the front setback line of a main building and for inside lots extending between side lot lines, or for side corner lots extending between a side lot line and the other front lot line that is not used to designate the front of the structure, parallel to the frontage of the lot. . .”]

**YARD, REQUIRED SIDE CORNER:** Any yard between the other front lot line that is not used to designate the front of the main building and the minimum side corner setback of a main building required in a particular zone extending between the rear lot line and the front yard parallel to the street.

In other words, even though the width of a “required side corner yard” in the OTR zone is 20 feet, a “side corner yard” width may be much larger depending on the location of the main building on the lot.

Section 11-17-050 A. allows one to construct an accessory building in the OTR zone, which includes garages, in the “side corner yard” but not the “required side corner yard”. See *italicized/ bold* phrase at the end of the paragraph below:

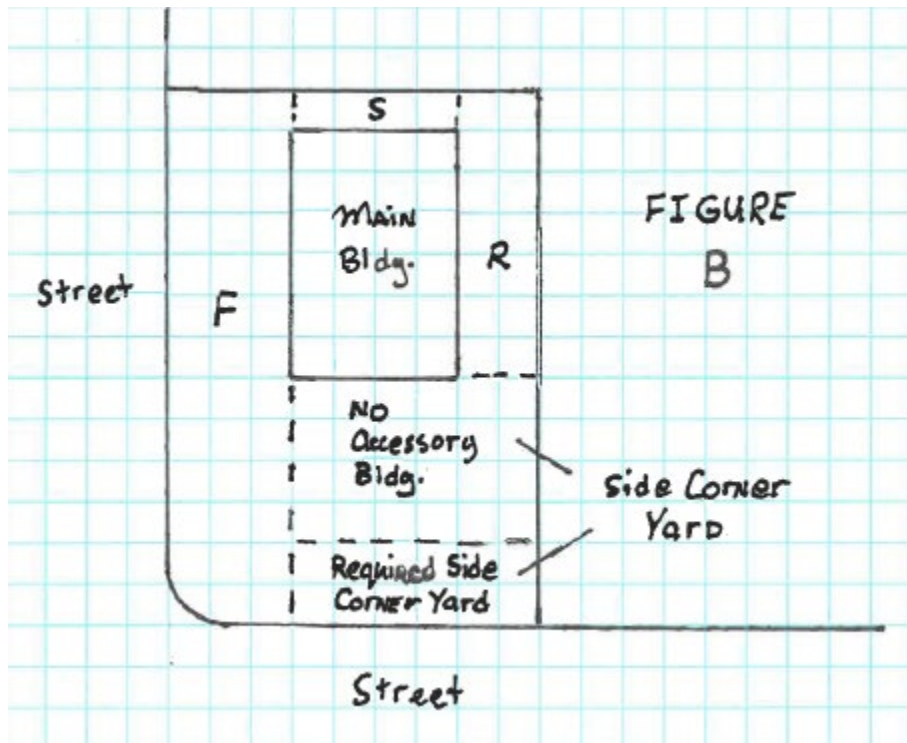
- A. Location: Accessory buildings, except for those listed in subsection B of this section, may be located within one foot (1') of the side or rear property line, provided they are at least six feet (6') to the rear of the dwelling, do not encroach on any recorded easements, occupy not more than twenty five percent (25%) of the rear yard, are located at least fifteen feet (15') 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.*** [See Figure A below]



Meanwhile, except for side and rear yards, subparagraph D.1. of the same section prevents one from building a garage, or “similarly related accessory building”, in the front yard “or any other yard,” which includes side corner and required side corner yards:

D. Garages: All garages and any similarly related accessory buildings, whether attached or detached, shall be considered for approval as follows:

1. 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; [See Figure B below]



### Suggested Alternative Motions

A.

Move that the Planning Commission recommend that the City Council amend Section 11-17-050 D.1. of the Zoning Ordinance as follows:

#### **11-17-050: ACCESSORY BUILDINGS AND STRUCTURES (INCLUDING ATTACHED OR DETACHED GARAGES):**

- A. Location: Accessory buildings, except for those listed in subsection ~~B~~ C of this section, may be located within one foot (1') of the side or rear property line, provided they are at least six feet (6') 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 feet (15') 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.
- B. Size: All accessory buildings shall, without exception, be subordinate in height and lot coverage to the main building.

- ~~B~~C. Animal Shelters And Similar Buildings: Animal shelters, hay barns, coops, corrals or other similar buildings or structures shall be located not closer than ten feet (10') from any side or rear property line and eighty feet (80') 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~~ **special exception**).
- ~~C~~D. Double Frontage Lots: On double frontage lots, accessory buildings shall be located not less than twenty five feet (25') from each street upon which the lot has frontage.
- ~~D~~E. Garages: All garages and any similarly related accessory buildings, whether attached or detached, shall be considered for approval as follows:
1. **Notwithstanding paragraph A of this Section, u**nder no circumstance shall any garage encroach into the front yard, **side corner yard**, or any other yard, except side yards and the rear yard, of the building lot; **if a garage currently does not exist on the property and one could not fit within the side or rear yard, then a garage may encroach into the side corner yard, but not the required side corner yard, provided that it is designed so as to be an architectural and integral part of the main dwelling.**
  2. Attached garages constructed even with the front setback line, or that are set back (or recessed) from the front setback less than a distance equal to half the depth of the main building shall comprise no more than thirty three percent (33%) of the front plane of the home on lots greater than eighty five feet (85') in width, and up to forty percent (40%) on lots less than eighty five feet (85') in width if for every percentage point over thirty three percent (33%) the garage is set back (or recessed) an additional one foot (1') behind the front plane of the home. (Ord. 2015-11, 3-17-2015)
  3. All garages, unless otherwise provided herein, shall be considered as a permitted use.
  4. 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.

Findings:

1. The City established the first OTR zone in the vicinity of the Rock Church in 2002, and the remainder in most of downtown Farmington in 2003. A study showed that 405 dwellings existed in this area at the time and garages were not a dominate, but a subdued, design feature for the district/neighborhoods (see attached "2001 OTR Information"). The existing text of Chapter 17 addresses garage characteristics separately from other accessory buildings, and the proposed changes to Section 11-17-050 are consistent with, enhance, and clarify the original language and intent of the ordinance.
2. The text amendment continues to help minimize the appearance of garages in the OTR zone.
3. The proposed changes offer flexibility for the owners of corner lots to construct a garage in the side corner yard, but not the required side corner yard, if a garage currently does not exist on the property and one could not fit within the side or rear yard, provided that it is designed so as to be an architectural and integral part of the main dwelling.

- OR -

## B.

Move that the Planning Commission recommend that the City Council amend Section 11-17-050 D.1. of the Zoning Ordinance as follows:

### **11-17-050: ACCESSORY BUILDINGS AND STRUCTURES (INCLUDING ATTACHED OR DETACHED GARAGES):**

D. Garages: All garages and any similarly related accessory buildings, whether attached or detached, shall be considered for approval as follows:

- ~~1. 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;~~
1. A garage may encroach into a side yard, rear yard, or side corner yard of a building lot, but under no circumstance shall a garage encroach into a front yard, or required side corner yard, or any other yard located between the street and any front plane of the main building.

#### Findings:

4. The zone text amendment will result in consistent application of garage and accessory building location standards in side corner yard and required side corner yards in the OTR zone.
5. Property owners with overly sized side corner yards in the OTR zone will enjoy greater use of their property. Realistically, 22 (or 24.7%) of all residential side corner yards in the OTR zone are over 35 feet in width and able to accommodate an accessory building without the structure encroaching into the required side corner yard, and up to another 24.7% (side corner yards between 25' and 35 feet in width) maybe able to accommodate a small accessory building.
6. One may already and expand and existing main building for all residential uses into side corner yards, but not required side corner yards; However, this may be an impractical use of land for some due to specific existing floor layouts, architectural integrity of the principle dwelling, cost, and some may want just more storage area—not additional living space. And for some, such expansions may compromise the structure's eligibility status for the National Register of Historic Buildings.

#### Supplementary Information

1. Summary of Side Corner Yard Widths in the OTR zone, May 2023
2. Original Townsite Compared with Other Areas in Farmington Summary Table, June 8, 2023
3. 2001 OTR Information (5 pages)

OTR Side Coner Yard Summary  
 May\_2023

Residential Type	Width in Feet	% of Total
Under 20'	26	29.2%
20 to 25'	19	21.3%
25 to 35'	22	24.7%
35' +	22	24.7%
<b>Total</b>	<b>89</b>	<b>100.0%</b>
Other	9	
<b>total</b>	<b>98</b>	

OTR Side Corner Lots Greater Than 35 feet in Width  
 May\_2023

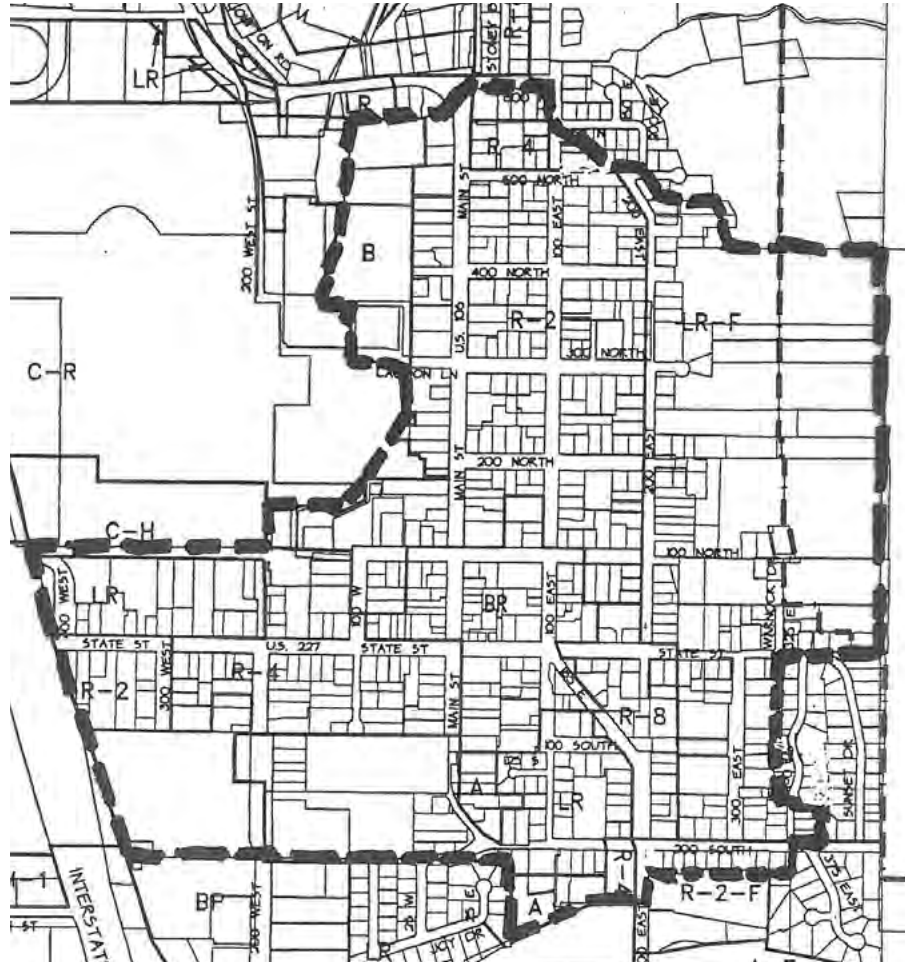
	Contributing Property	National Register	Side Corner Yard Width In Feet
1		100 East 278 N	39.7
2	Y	100 East 386 N	41
3	Y	100 East 79 S	61
4		100 South 188 E	43.4 to 61
5		100 West 89 N	45
6		200 East 477 N	68
7		200 East 90 N	40.6
8		200 East 480 N	34 to 51
9		200 North 22 E	39.5
10		300 East 174 S	53.8
11		300 East 185 S	75
12	Y	400 North 188 E	37
13		500 North 15 E	36
14		500 North 115 E	55
15		Grove Creek Cir. 19 W	26 to 47
16		Grove Creek Cir. 26 W	31.9 to 41
17	Y	Main St. 488 N	50
18	Y	Main St. 331 N	128
19		Main St. 547 N	25 to 58
20		Mayfield Lane 15 W	37.4
21	Y	State St. 108 W	52
22		State St. 183 E	75



Original Townsite Compared with Other Areas in Farmington  
Summary Table, June 8, 2023

Original Townsite		Typical in other areas of Farmington	
Developed Over 170 years and Continues to Develop		Comprised of newly created subdivision build-out in 2 to 4 years	
	Architecture represents several different periods of time, homes are different sizes and look different		Architecture represents one period of time, homes are all the same size and look alike (even developments with "custom homes")
	Lots sizes are all different, and sometimes designed to maximize building areas and setbacks but most lots do not.		Lots sizes designed intentionally to maximize building areas and setbacks.
<b>Rights-of-Way</b>			
	99 feet		50 to 56 feet
	Park strips: up to 30' +		4 to 7.5 feet
<b>Fences</b>			
	Fewer front yard (4' high) and side corner yard (6' high) fences		
	Fewer vinyl fences		
<b>Height</b>			
	One, and one and half, story buildings dominate, smaller percentage of two-story buildings.		Larger percentage of two-story buildings
<b>Porches</b>			
	More and larger front porches as a percentage of the whole		Less front porches, but trends are changing
<b>Garages</b>			
	Garages do not dominate, often garages are set to the rear of the building.		Garages dominate, sometime newer home designs try to mitigate this
	Many one-car garages		Three car garages common
	Driveways are narrow, not much concrete		Often wide driveways, huge amounts of concrete
	A very large percentage of dwellings have no garage at all		
<b>Trees</b>			
	Large shade trees on-street and off-street		Smaller shade trees

# 2001 OTR Information 1/5



TOTAL AREA:

~218 ACRES  
48 BLOCKS

2001 OTR Information 2/5

Original Townsite Existing Parcel Inventory 2001	
Non Conforming Lots	230
Average Width: 74.79 feet	
Average Area: 13,954 s.f.	
Conforming* Lots	192
Average Width: 127.13 feet	
Average Area: 22,995 s.f.	
Total	422
* Conforming Lot is 85 feet wide and 10,000 s.f. in area	

In-fill Opportunities	
If Only New Conforming Lots	71
If All Meet Existing Nonconforming Averages	121

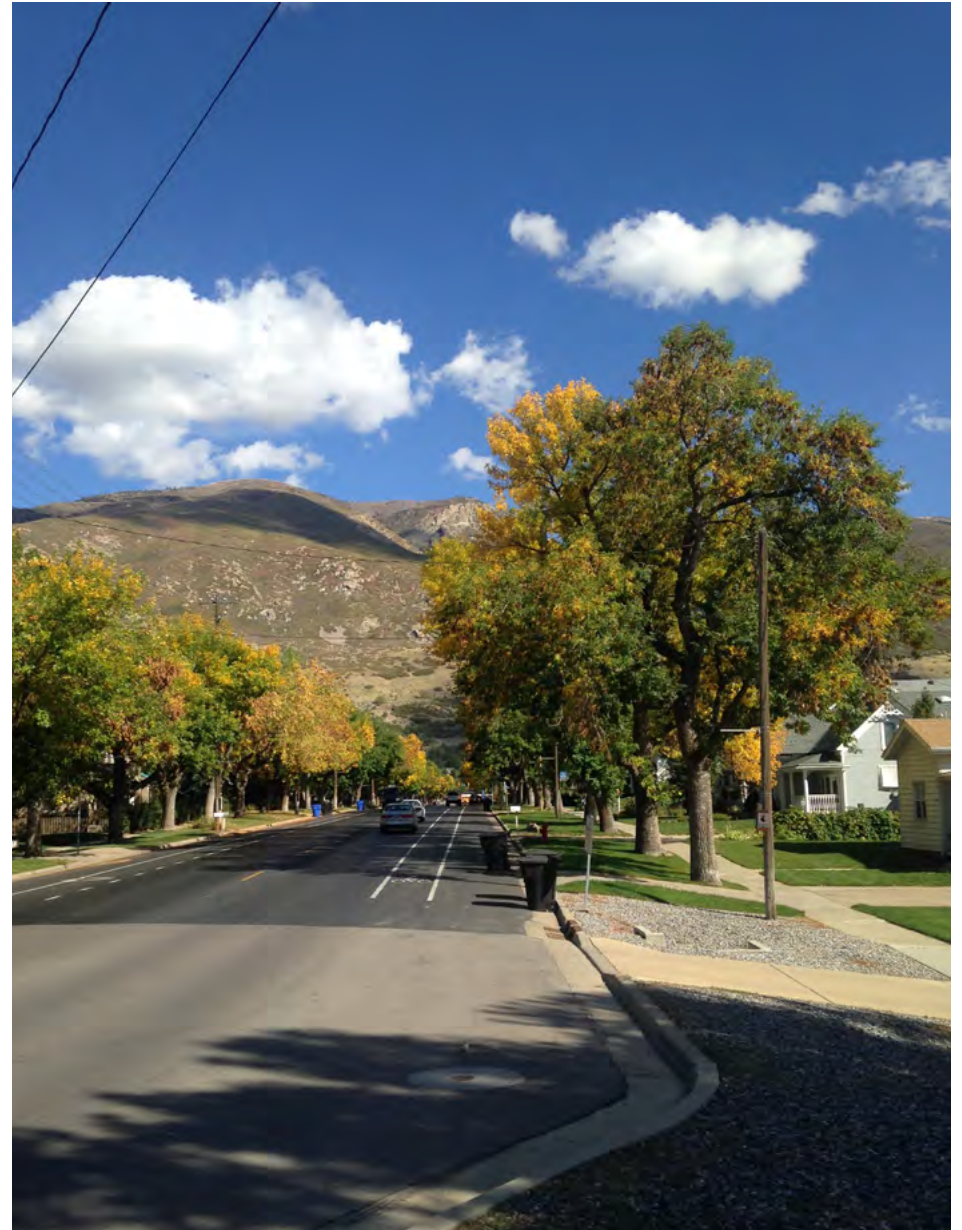
Space Available in Center of Blocks for Development	70 Acres
---	----------

2001 OTR Information 3/5

Original Townsite Housing Inventory by Year Date Prepared: 2001	
1847 to 1900	60
1901 to 1944	130
1944 to 2001 (1991 to 2001: 21)	215
Total	405

2001 OTR Information 4/5

Original Town Site Leading Design Features: 2001		
Garages*		
	No garage at all	28.9 %
	Carport	14.4 %
	Attached Recessed "Way Back"	5.6 %
	Recessed Attached	16.7 %
	Side Detached	2.2 %
	Side Even with Front Plain of House	17.7 %
	Other	3.4 %
	<b>Projecting Beyond Front Plain</b>	<b>11.1 %</b>
	* Note: No three car garages--majority: one car.	
Height		
	Two Story	14.4 %
	One and Half Story	8.9 %
	One Story	76.7 %
Porch		
	Dominate Beyond Front Plane	77.8 %
	No Porch	8.9 %
	Stoop	7.8
	Part front, part side	5.5 %
Fences		
	Very few front yard fences, no vinyl.	





## Planning Commission Staff Report June 8, 2023

---

### **Item 5: Zone Text Amendments: Accessory Dwelling Units (11-10-020; 11-11-020 - 030; 11-13-020 - 030; 11-14-020; 11-17-020 – 030; 11-28-200)**

Public Hearing: No  
Application No.: ZT-7-23  
Applicant: Farmington City

Request: *City staff are proposing text amendments to the above referenced sections related to Accessory Dwelling Units.*

---

#### **Background Information**

An accessory dwelling unit is defined in Farmington City’s ordinance as: “A detached dwelling unit within an accessory building, which is subordinate in area and height and is an architectural and integral part of a single-family dwelling located on the same lot.” The phrase “architectural and integral” is defined in 11-2-020 and does not necessarily indicate that the ADU must be connected, or stylistically similar, to the home - but rather the ADU must be located on the same lot. Staff has decided that since there are no revisions proposed to these definitions, so they are not included in Supplemental Information #2.

In 2021, the Utah State Legislature enacted a law requiring that Internal Accessory Dwelling Units (IADUs) be permitted in most residential zones of a municipality. Prior to this, IADUs were conditional uses requiring the approval of the Planning Commission prior to building permit issuance. In essence, conditional uses are permitted uses which the Planning Commission may impose certain conditions upon prior to approval. The State does not require conditional uses to undergo a public hearing. However, Farmington City’s ordinance currently requires a public hearing.

Mitigating conditions can include requirements regarding the manner in which the use is operated, but do not allow denial based on evidence heard in the public hearing. Since conditional uses are administrative actions, the level of discretion is limited to only what is explicitly stated in the ordinance (11-8 of Farmington’s ordinances). Therefore, if the use meets all applicable requirements of the code, the Commission must approve the use.

Since 2021, no changes have been made to the law concerning detached ADUs, which have remained as an allowed conditional uses in the majority of Farmington City's zoning districts. At the March 23, 2023 Planning Commission meeting, staff put together a table showing all conditional use permits related to IADUs or ADUs since 2019. Three of 18 ADUs reviewed in the past 4 years had additional conditions listed by the Planning Commission. The remainder were approved with only what was required by the ordinance at the time of approval.

Staff is recommending that ADUs be permitted in all zones in which they were previously conditional. Instead of the Planning Commission reviewing all ADUs, Staff would act as the approval body on building permits containing ADUs based on more robust standards. Additionally, this recommendation does not introduce ADUs as permitted or conditional uses to any zones they were not previously included already. The recommendation specifies that ADUs and IADUs will continue to be required to meet the criteria in 11-28-200.

The Planning Commission reviewed recommended zone text changes on March 23, 2023. The Commission tabled the item in order for Staff to complete a review of the following items:

- Compare and contrast the recommend zone text amendments to the existing ordinances of similar cities' ADU requirements.
- Consider standards that the existing Farmington ordinance does not include for ADUs.
- Review options for a "hybrid" structure, wherein the Zoning Administrator approves most ADUs, but in certain circumstances, the Planning Commission may act as the approval body.

Changes were added regarding the above points, and submitted for review by the Commission on May 4, 2023. The Planning Commission tabled the proposed amendments for Staff to review the following:

- Clarification in proposed section 11-28-200F (Exceptions to Standards)
- Clarification regarding renting of the ADU
- Resolving inconsistencies to 11-14-020 (Business Park Conditional Uses)

Proposed 11-28-200F was updated to simplify language regarding the Planning Commission's role in ADU special exceptions. Also, another point was added to include special exceptions regarding fixed dimensions. These changes hopefully clarify in what manner and circumstance a special exception may be requested. The language of the section is intended to prevent exceptions to lot size, ownership and salability, construction codes, habitation by a single family in one ADU, and number of ADUs permitted on a lot.



### **Suggested Motion**

Move that the Planning Commission recommend the City Council approve the zone text amendments as listed in Supplemental Information #2. Subject to all applicable Farmington City development standards and ordinances, and any changes as noted by the Commission.

### **Findings:**

1. The amendments support Farmington City's Moderate Income Housing Plan, by simplifying the permitting process for property owners who wish to build an ADU.
2. By allowing Staff to review and approved ADUs, valuable time on Planning Commission agendas is created.
3. The changes included in this zone text amendment remove public confusion surrounding ADUs and public hearings.

### **Supplemental Information**

1. Revised zone text changes, May 4, 2023
2. Updated zone text changes, June 8, 2023, with most recent changes highlighted in yellow.

**11-10-020: SCHEDULE OF USES:**

The following table identifies permitted uses by the letter "P" and conditional uses by the letter "C". The letter "X" indicates that the use is not allowed. Uses not listed shall not be allowed, except as provided in subsection [11-4-050F](#) of this title:

Use	Agricultural Zones		
	AA	A	AE
Use	Agricultural Zones		
	AA	A	AE
Accessory dwelling unit	<u>PC</u>	<u>PC</u>	<u>PC</u>

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

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

Accessory dwelling unit

Agriculture.

Class A animals.

Class B animals (except in the R Zone).

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

Internal accessory dwelling unit.

Residential facilities for the disabled.

Signs complying with title 15 of this Code.

Single-family residential dwellings.

Uses customarily accessory to a listed permitted use. (Ord. 2017-13, 5-16-2017; amd. Ord. 2021-25, 9-21-2021)

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

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

Accessory dwelling unit.

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

Private school or hospital.

Public uses.

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

Quasi-public uses.

Residential facilities for the elderly. (Ord. 2017-13, 5-16-2017; amd. Ord. 2020-07, 5-5-2020; Ord. 2021-25, 9-21-2021)

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

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

#### Accessory dwelling units (only in the R-2 Zone)

Agriculture.

Class A animals.

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

Internal accessory dwelling units (only in the R-2 Zone).

Residential facilities for the disabled.

Signs complying with title 15 of this Code.

Single-family dwellings.

Two-family dwellings.

Uses customarily accessory to a listed permitted use. (Ord. 2018-18, 5-15-2018; amd. Ord. 2020-07, 5-5-2020; Ord. 2021-25, 9-21-2021)

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

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

#### Accessory dwelling units (only in the R-2 Zone).

Apartment dwelling group.

Class B animals.

Class D animals.

Daycare center.

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

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

Dwellings, three-family (R-4 and R-8 Zones only).  
Greenhouses, private with no retail sales.  
Home occupations, as identified in section [11-35-040](#) of this title.  
Private school or hospital.  
Professional offices (except in R-2 Zones).  
Public uses.  
Public utility installations (except lines and rights-of-way).  
Quasi-public uses.  
Residential facilities for the elderly.  
Temporary uses. (Ord. 2018-18, 5-15-2018; amd. Ord. 2021-25, 9-21-2021)

**11-17-020: PERMITTED USES:**

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

~~Accessory dwelling unit.~~

Agriculture.  
Class A animals.  
Class B animals (as provided herein).  
Home occupations complying with the provisions of section [11-35-030](#) of this title.  
Internal accessory dwelling unit.  
Residential facility for the disabled.  
Single-family dwellings. (Ord. 2017-13, 5-16-2017; amd. Ord. 2021-25, 9-21-2021)

**11-17-030: CONDITIONAL USES:**

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

~~Accessory dwelling unit.~~

Class D animals.  
Daycare center.  
Greenhouses, private with no retail sales.  
Home occupations requiring a conditional use permit under section [11-35-040](#) of this title.

Private school.

Public uses (as provided herein).

Public utility installations, except lines and rights-of-way (as provided herein).

Quasi-public uses (as provided herein).

Residential facilities for the elderly. (Ord. 2017-13, 5-16-2017; amd. Ord. 2021-25, 9-21-2021)

### **11-28-200: ACCESSORY DWELLING UNITS AND INTERNAL ACCESSORY DWELLING UNITS:**

Accessory dwelling units (ADUs) and internal accessory dwelling units (IADUs) may be allowed as a permitted or conditional use in various zones as designated in this title.

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

1. Minimal Impacts: To accommodate such housing in residential neighborhoods with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion and compatible scale and appearance of residential buildings.

2. Decline In Quality: To prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, Building Code violations and associated decline in quality of residential neighborhoods.

3. Terms And Conditions: To set forth standardized terms and conditions for ADUs and IADUs and procedures for review and approval of the same.

B. Permitted Use: ADUs and IADUs may be allowed as a permitted use as designated by the underlying zone(s) found in this title. Applications for an ADU or IADU shall be submitted and reviewed by the Planning Department.

C. Conditional Use Permit: IADUs may be allowed as a conditional use as designated by the underlying zone(s) found in this title. When required by the underlying zone, Applications for an accessory dwelling shall be submitted and reviewed as a conditional use permit in accordance with chapter 8 of this title.

D. Standards: The following standards and conditions shall apply to all ADUs and IADUs, in addition to any terms and conditions of approval as imposed by the Planning Department or the Planning Commission during the permitted use or conditional use permit process:

1. Location: An ADU or an IADU shall only be allowed as part of, or in conjunction with, a single-family dwelling, and ADUs shall be subordinate in height and area to such single-family dwelling.

2. Number: A maximum of one accessory dwelling, either an ADU or an IADU shall be allowed per single-family home, not one of each. ADUs and/or IADUs shall contain no more than one dwelling unit.

3. Parking: At least one off street parking stall shall be provided for the ADU or IADU. Such parking stall be in addition to all off street parking requirements for the primary single-family dwelling on the lot and shall conform with the City parking standards specified in this title.

4. Design And Character: The ADU or IADU shall be clearly incidental to the single-family dwelling, there should be no significant alteration to the exterior of the single-family dwelling to accommodate the ADU or IADU and such ADU or IADU shall not adversely affect the residential character of the surrounding neighborhood. An ~~ADU or~~ IADU shall be designed in such a way that neighbors or passersby would not, under normal circumstances, be aware of its existence.

5. Size: An ADU or IADU shall be equal to or subordinate in floor area to, or the remaining floor area, occupied by the single-family dwelling.

6. Lot Size: The creation of an ADU or IADU is prohibited if the lot containing the primary dwelling is six thousand (6,000) square feet or less in size.

7. Lot Coverage: The combined building coverage for the detached accessory dwelling units, main dwelling and additional accessory buildings may not be larger than the maximum coverage allowed in the zone for lots, side yards and/or rear yards, and/or side corner yards as permitted by the underlying zone.

~~8.7-~~ Construction Codes: The ADU or IADU shall comply with all Construction, Housing and Building Codes in effect at the time the secondary dwelling is constructed and shall comply with all procedures and requirements of the City building regulations.

~~9.8.~~ Occupants: The ADU or IADU shall be occupied exclusively by one family.

~~10.9.~~ Ownership: Either the single-family dwelling or accessory dwelling (ADU or IADU) shall be owner occupied: No accessory dwelling unit shall be created, established, or occupied on a single-family dwelling lot unless the owner of the property occupies either a portion of the main dwelling or a detached accessory unit on the same single-family lot. For the purpose of this section, the term "owner occupied" shall be defined as full time residency within the home by the bona fide property owner(s) as shown on the Davis County tax assessment rolls.

~~11.40-~~ Absentee Owner: Temporary absentee property ownership may be allowed due to unforeseen circumstances, such as military assignments, employment commitments, family obligations and quasi-public service. Notwithstanding the foregoing, the maximum time period allowed for absentee property ownership shall not exceed four (4) years. In the event such absentee property ownership occurs, the property owner may rent both the accessory dwelling (ADU or IADU) and the primary dwelling.

12. Address: The principal dwelling unit and the accessory dwelling unit shall have the same address number, but shall refer to the accessory dwelling unit as unit B. Addresses must be located in a visible location on the street frontage side of the home.

13. Not Intended For Sale: The accessory dwelling unit shall not be sold or detached from the primary dwelling by deed, or any other means, and may only be rented.

14.14. Site Development: Construction and Design of an ADU or IADU shall meet all applicable provisions of Chapter 7 of this title.

~~15.424.~~ Notice Of ADU Or IADU: Farmington City may record a notice in the office of the Davis County Recorder on the lot in which the ADU or IADU is located. The notice shall include:

- a. A statement that the lot contains an ADU or an IADU; and

b. A statement that the ADU or IADU may only be used in accordance with the City's regulations.

The City shall, upon recording the notice deliver a copy of the notice to the owner of the ADU or IADU.

~~—E. Site Development: Upon approval of a permitted use, or a conditional use permit for an accessory dwelling (ADU or IADU), an application for site development shall be submitted in accordance with the provisions of chapter 7 of this title. (Ord. 2018-18, 5-15-2018; amd. Ord. 2020-07, 5-5-2020; Ord. 2021-25, 9-21-2021)~~

E. Accessory Dwelling Unit Permit – IADUs and ADUs: Any person constructing or causing the construction of a new residence with an IADU or a detached ADU, or any person remodeling or causing the remodeling of an existing residence or accessory building for an IADU or ADU, shall obtain a land use permit for the accessory dwelling unit from the Community Development Department. This shall be in addition to any required building permit for the work to be performed. In order to meet the requirements of the land use permit, the applicant shall:"

1. Submit a completed application form including a site plan that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters,

2. Include detailed floor plans with labels on rooms indicating uses or proposed uses,

3. Pay building permit fees, if applicable, for the construction of a new dwelling, or the remodeling of an existing dwelling, in accordance with the established fees and charges,

4. Make all corrections identified as necessary to comply with Building Code requirements, as identified by the chief building official or their designee, and provide documentation of the life safety items required by Building Code, including carbon monoxide detectors, smoke detectors, and earthquake strapping on water heaters, and

5. Demonstrate and affirm that their property is otherwise in compliance with all other provisions of the zoning ordinance.

F. Exceptions To Standards: The Planning Commission may consider and may issue a special exception according to the process outlined in 11-3-045 for ADUs which modify the requirements for an ADU with respect to ADU size, lot coverage, minimum parking, or setbacks. Standards which are not identified in the following subsections are not applicable, and will not be considered for special exception, unless otherwise stated in the underlying zone.

1. In approving a special exception the Planning Commission may require additional conditions to mitigate the impact of the ADU on surrounding properties. Specifically the Planning Commission may require:

- a. Size: For ADUs that exceed the area of the primary dwelling: increased setbacks, privacy fencing, limitation on windows and doors adjacent to abutting property lines, and additional parking.

- b. Lot Coverage: For ADUs that exceed the maximum lot coverage for accessory structures as allowed by the underlying zone, increased setbacks, privacy fencing, limitation on windows and doors adjacent to abutting property lines, and additional parking.
- c. Height: For ADUs that exceed the height of the main dwelling, and/or accessory building height as required by the underlying zone, a special exception may be granted according to 11-3-045 of this Title.
- d. Parking: For ADUs with reduced or no additional parking: restrictions on occupancy to tenants without vehicles.
- e. Setbacks: For ADUs with reduced setbacks: privacy fencing and limitation on windows and doors adjacent to abutting property lines.



**11-10-020: SCHEDULE OF USES:**

The following table identifies permitted uses by the letter "P" and conditional uses by the letter "C". The letter "X" indicates that the use is not allowed. Uses not listed shall not be allowed, except as provided in subsection [11-4-050F](#) of this title:

Use	Agricultural Zones		
	AA	A	AE
Use	Agricultural Zones		
	AA	A	AE
Accessory dwelling unit	<u>P</u>	<u>C</u>	<u>P</u>

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

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

Accessory dwelling unit

Agriculture.

Class A animals.

Class B animals (except in the R Zone).

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

Internal accessory dwelling unit.

Residential facilities for the disabled.

Signs complying with title 15 of this Code.

Single-family residential dwellings.

Uses customarily accessory to a listed permitted use. (Ord. 2017-13, 5-16-2017; amd. Ord. 2021-25, 9-21-2021)

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

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

~~Accessory dwelling unit.~~

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

Private school or hospital.

Public uses.

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

Quasi-public uses.

Residential facilities for the elderly. (Ord. 2017-13, 5-16-2017; amd. Ord. 2020-07, 5-5-2020; Ord. 2021-25, 9-21-2021)

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

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

~~Accessory dwelling units (only in the R-2 Zone)~~

Agriculture.

Class A animals.

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

Internal accessory dwelling units (only in the R-2 Zone).

Residential facilities for the disabled.

Signs complying with title 15 of this Code.

Single-family dwellings.

Two-family dwellings.

Uses customarily accessory to a listed permitted use. (Ord. 2018-18, 5-15-2018; amd. Ord. 2020-07, 5-5-2020; Ord. 2021-25, 9-21-2021)

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

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

~~Accessory dwelling units (only in the R-2 Zone)~~

Apartment dwelling group.

Class B animals.

Class D animals.

Daycare center.

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

Dwellings, four-family (R-4 and R-8 Zones only).  
Dwellings, three-family (R-4 and R-8 Zones only).  
Greenhouses, private with no retail sales.  
Home occupations, as identified in section [11-35-040](#) of this title.  
Private school or hospital.  
Professional offices (except in R-2 Zones).  
Public uses.  
Public utility installations (except lines and rights-of-way).  
Quasi-public uses.  
Residential facilities for the elderly.  
Temporary uses. (Ord. 2018-18, 5-15-2018; amd. Ord. 2021-25, 9-21-2021)

**11-14-030: CONDITIONAL USES:**

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

Any development which includes multiple buildings or is proposed on a site which is over one acre in size.

Athletic or tennis club.

Commercial outdoor recreation, minor (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.).

Financial institutions.

~~Internal accessory dwelling unit (in conjunction only with detached single family dwellings in a Planned Unit Development (PUD)).~~

Light manufacturing uses (fabrication, assembly, treatment or packaging operations conducted in a totally enclosed building using previously prepared materials).

Outside storage.

Public and quasi-public uses, other than administrative offices, developed on an undeveloped site (excluding those not specifically listed as a permitted or conditional use) and material additions or modifications on a developed site.

Public utility substations, wireless transmission towers, except as specified in section [11-28-190](#) of this title, generating plants, pumping stations and buildings.

Restaurants (traditional sit down only).

Storage/warehousing, as an accessory use, as necessary to maintain a principal use.

Temporary uses.

Uses customarily accessory to a listed conditional use. (Ord. 2014-07, 3-4-2014; amd. Ord. 2019-30, 10-29-2019; Ord. 2021-25, 9-21-2021)

**11-17-020: PERMITTED USES:**

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

~~Accessory dwelling unit.~~

Agriculture.

Class A animals.

Class B animals (as provided herein).

Home occupations complying with the provisions of section [11-35-030](#) of this title.

Internal accessory dwelling unit.

Residential facility for the disabled.

Single-family dwellings. (Ord. 2017-13, 5-16-2017; amd. Ord. 2021-25, 9-21-2021)

**11-17-030: CONDITIONAL USES:**

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

~~Accessory dwelling unit.~~

Class D animals.

Daycare center.

Greenhouses, private with no retail sales.

Home occupations requiring a conditional use permit under section [11-35-040](#) of this title.

Private school.

Public uses (as provided herein).

Public utility installations, except lines and rights-of-way (as provided herein).

Quasi-public uses (as provided herein).

Residential facilities for the elderly. (Ord. 2017-13, 5-16-2017; amd. Ord. 2021-25, 9-21-2021)

## **11-28-200: ACCESSORY DWELLING UNITS AND INTERNAL ACCESSORY DWELLING UNITS:**

Accessory dwelling units (ADUs) and internal accessory dwelling units (IADUs) may be allowed as a permitted or conditional use in various zones as designated in this title.

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

1. Minimal Impacts: To accommodate such housing in residential neighborhoods with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion and compatible scale and appearance of residential buildings.

2. Decline In Quality: To prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, Building Code violations and associated decline in quality of residential neighborhoods.

3. Terms And Conditions: To set forth standardized terms and conditions for ADUs and IADUs and procedures for review and approval of the same.

B. Permitted Use: ADUs and IADUs may be allowed as a permitted use as designated by the underlying zone(s) found in this title. Applications for an ADU or IADU shall be submitted and reviewed by the Planning Department.

~~C. Conditional Use Permit: ADUs may be allowed as a conditional use as designated by the underlying zone(s) found in this title. Applications for an accessory dwelling shall be submitted and reviewed as a conditional use permit in accordance with chapter 8 of this title.~~

D. Standards: The following standards and conditions shall apply to all ADUs and IADUs, in addition to any terms and conditions of approval as imposed by the Planning Department or the Planning Commission during the permitted use or conditional use permit process:

1. Location: An ADU or an IADU shall only be allowed as part of, or in conjunction with, a single-family dwelling, and ADUs shall be subordinate in height and area to such single-family dwelling.

2. Number: A maximum of one accessory dwelling, either an ADU or an IADU shall be allowed per single-family home, not one of each. ADUs and/or IADUs shall contain no more than one dwelling unit.

3. Parking: At least one off street parking stall shall be provided for the ADU or IADU. Such parking stall be in addition to all off street parking requirements for the primary single-family dwelling on the lot and shall conform with the City parking standards specified in this title.

4. Design And Character: The ADU or IADU shall be clearly incidental to the single-family dwelling, there should be no significant alteration to the exterior of the single-family dwelling to accommodate the ADU or IADU and such ADU or IADU shall not adversely affect the residential character of the surrounding neighborhood. An ADU or IADU shall be designed in such a way that neighbors or passersby would not, under normal circumstances, be aware of its existence.

5. Size: An ADU or IADU shall be equal to or subordinate in floor area to, or the remaining floor area, occupied by the single-family dwelling.

6. Lot Size: The creation of an ADU or IADU is prohibited if the lot containing the primary dwelling is six thousand (6,000) square feet or less in size.

7. Lot Coverage: The combined building coverage for the detached accessory dwelling units, main dwelling and additional accessory buildings may not be larger than the maximum coverage allowed in the zone for lots, side yards and/or rear yards, and/or side corner yards as permitted by the underlying zone.

~~8.7-~~ Construction Codes: The ADU or IADU shall comply with all Construction, Housing and Building Codes in effect at the time the secondary dwelling is constructed and shall comply with all procedures and requirements of the City building regulations.

~~9.8.~~ Occupants: The ADU or IADU shall be occupied exclusively by one family.

~~10.9.~~ Ownership: Either the single-family dwelling or accessory dwelling (ADU or IADU) shall be owner occupied: No accessory dwelling unit shall be created, established, or occupied on a single-family dwelling lot unless the owner of the property occupies either a portion of the main dwelling or a detached accessory unit on the same single-family lot. For the purpose of this section, the term "owner occupied" shall be defined as full time residency within the home by the bona fide property owner(s) as shown on the Davis County tax assessment rolls.

~~11.40-~~ Absentee Owner: Temporary absentee property ownership may be allowed due to unforeseen circumstances, such as military assignments, employment commitments, family obligations and quasi-public service. Notwithstanding the foregoing, the maximum time period allowed for absentee property ownership shall not exceed four (4) years. In the event such absentee property ownership occurs, the property owner may rent both the accessory dwelling (ADU or IADU) and the primary dwelling.

12. Address: The principal dwelling unit and the accessory dwelling unit shall have the same address number, but shall refer to the accessory dwelling unit as Unit B. Addresses must be located in a visible location on the street frontage side of the home.

13. Not Intended For Sale: The accessory dwelling unit shall not be sold or detached from the primary dwelling by deed, or any other means. The ADU may be occupied by a single family (as defined by 11-2-020) with or without rental payment as determined by the property owner.

~~14.4.~~ Site Development: Construction and Design of an ADU or IADU shall meet all applicable provisions of Chapter 7 of this title.

15.42+ Notice Of ADU Or IADU: Farmington City may record a notice in the office of the Davis County Recorder on the lot in which the ADU or IADU is located. The notice shall include:

- a. A statement that the lot contains an ADU or an IADU; and
- b. A statement that the ADU or IADU may only be used in accordance with the City's regulations.

The City shall, upon recording the notice, deliver a copy of the notice to the owner of the ADU or IADU.

~~—E. Site Development: Upon approval of a permitted use, or a conditional use permit for an accessory dwelling (ADU or IADU), an application for site development shall be submitted in accordance with the provisions of chapter 7 of this title. (Ord. 2018-18, 5-15-2018; amd. Ord. 2020-07, 5-5-2020; Ord. 2021-25, 9-21-2021)~~

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

E. Accessory Dwelling Unit Permit – IADUs and ADUs: Any person constructing or causing the construction of a new residence with an IADU or a detached ADU, or any person remodeling or causing the remodeling of an existing residence or accessory building for an IADU or ADU, shall obtain a land use permit for the accessory dwelling unit from the Community Development Department. This shall be in addition to any required building permit for the work to be performed. In order to meet the requirements of the land use permit, the applicant shall:"

1. Submit a completed application form including a site plan that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters;
2. Include detailed floor plans with labels on rooms indicating uses or proposed uses;
3. Pay building permit fees, if applicable, for the construction of a new dwelling, or the remodeling of an existing dwelling, in accordance with the established fees and charges;
4. Make all corrections identified as necessary to comply with Building Code requirements, as identified by the chief building official or their designee, and provide documentation of the life safety items required by Building Code, including carbon monoxide detectors, smoke detectors, and earthquake strapping on water heaters, and;
5. Demonstrate and affirm that their property is otherwise in compliance with all other provisions of the zoning ordinance.

F. Exceptions To Standards: The Planning Commission may consider a special exception according to the process outlined in 11-3-045. Standards that do not refer to a fixed dimension will not be considered for special exception, unless otherwise stated by the underlying zone.

1. In considering a special exception, the Planning Commission may require additional conditions to mitigate the impact of the ADU on surrounding properties. The Planning Commission may require:
  - a. Size: For ADUs that exceed the area of the primary dwelling: increased setbacks, privacy fencing, limitation on windows and doors adjacent to abutting property lines, and additional parking.
  - b. Lot Coverage: For ADUs that exceed the maximum lot coverage for accessory structures as allowed by the underlying zone, increased setbacks, privacy fencing, limitation on windows and doors adjacent to abutting property lines, and additional parking.
  - c. Height: For ADUs that exceed the maximum accessory dwelling height permitted in the underlying zone a special exception may be granted according to 11-3-045 of this Title.
  - d. Parking: For ADUs with reduced or no additional parking: restrictions on occupancy to tenants without vehicles, or an uncovered parking space.
  - e. Setbacks: For ADUs with reduced setbacks: privacy fencing and limitation on windows and doors adjacent to abutting property lines.
  - f. Any other circumstance which refers to the measurable design and/or configuration of the ADU, as determined by the Zoning Administrator.

Formatted: Font: (Default) Arial, Font color: Custom Color(RGB(33,37,41)), Highlight



## Planning Commission Staff Report June 8, 2023

---

### Item 6: Zone Text Amendment – side yard requirements related to primary and accessory buildings

Public Hearing: No - Previously Held  
Application No.: ZT-1-23  
Applicant: Staff

Request: *City staff is proposing text amendments to the ordinance sections found in Supplemental Information #1.*

---

#### **Background Information**

The Planning Commission held a public hearing in January of this year for this item. There was not public comment on the matter. After discussion by the Planning Commission, staff was directed to leave the side yard setbacks as have been main structures, but noted that there were a couple of items presented by staff that merited continued discussion, namely:

1. The Commission asked staff to address scenarios where because of a first come first serve situation a property owners plans may be made non-compliant based on provisions that require accessory buildings to be 'located at least 15 feet from a dwelling on an adjacent lot.' This has implications due to main dwellings and accessory dwelling units.

Examples:

1 – A property owner pours a pad where they one day hope to place a shed, the adjacent property owner builds a new home or adds an addition near this pad before the accessory building was started making the accessory building illegal. In this example, investment has been made in improvements.

2 – Home owners often build out their property in phases where a detached garage, garden shed, pool and pool house are planned with the original home construction but are pursued at a later date typically for financial reasons. If a neighboring property owner builds a new home, addition, or ADU close enough to these future accessory buildings, they may be made illegal. In this example investment may have been made in plans, in a less direct manner investment may have been made in site improvements in anticipation of future buildings.

3 – On a small single-family lot in a PUD, the side yards and rear yards may be small enough that an accessory building may be pushed towards the middle of a rear yard or may not be



feasible at all. The potential to have a small accessory building such as a shed may be beneficial in neighborhoods with smaller lots as storage in the smaller homes is limited.

To address these items, the updated ordinance removes the distance requirement for accessory buildings from a dwelling when located in a rear yard and imposes different restrictions on accessory buildings when located in a side yard.

2. The Commission also asked that staff look at reconciling language which speaks to an accessory building as being ‘an architectural and integral part of the main building’.
  - a. The updated ordinance proposes language that states an accessory structure should match architectural features of the main building rather than assume it is actually part of the main building.

These items occur over multiple chapters of the ordinance, so much of what is included is repeated in different sections of the city code as it relates to single-family or two-family dwelling construction.

### **Suggested Motion**

Move the Planning Commission recommend the City Council approve Section 1 and Section 2 of the attached zone text amendment.

### **Findings:**

1. The zone text amendments clarify for property owners and builders what they need to account for before considering building in a recorded easement and will help reviewers of a project to remember this consideration as well.
2. The zone text amendments clarify meaning regarding accessory buildings and their compatibility with the main dwelling on a lot.
3. The proposed zone text amendments continue to allow a reasonable use of property while reducing scenarios where a neighboring property owner may determine inadvertently or otherwise what someone else can do with their property.

### **Supplemental Information**

1. Draft Changes and Additions to the Zoning Ordinance
  - Chapter 10 – Agriculture
  - Chapter 11 – Single Family
  - Chapter 13 – Multi Family
  - Chapter 17 – Original Townsite Residential.
  - Chapter 21 – Commercial Recreation Transition

## Section 1 - Suggested changes to Lot and Setback standards for main and accessory buildings:

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

A. Minimum Standards: The following shall be the minimum lot areas, widths and main building setbacks in agricultural zones:

Zone	Lot Area	Lot Width		Front	Side	Side Corner	Rear
		Interior	Corner				
AA	10 acre	150'	160'	40'	minimum, total	30'	40'
A	2 acre	100'	110'	30'	minimum, total	25'	30'
AE	1 acre	100'	110'	30'	minimum, total	25'	30'

- Buildings shall not be built over utility easements that may run along the side and rear property lines, unless an exception is provided from the zoning administrator with the consent of the DRC and other utility providers via easement vacation form.

#### H. Accessory Buildings And Structures:

1. Accessory buildings, except those listed in subsection H2 of this section, shall be located in the rear yard, shall be separated from the main building by a distance in compliance with applicable Building Codes, shall be at least five feet (5') from all property lines, shall not encroach on any recorded easement, ~~and shall be fifteen feet (15') from a dwelling on an adjacent lot.~~

Notwithstanding the foregoing, the City may approve accessory buildings with standards for the same as set forth in Chapter 11 of this Title so long as such buildings are subordinate in height and area to the main building, are no taller than fifteen feet (15') in height (except as allowed in chapter 11), and comply with lot coverage standards herein.

### 11-11-050: MINIMUM LOT AREA, WIDTH AND SETBACK STANDARDS:

A. Minimum Standards: The following shall be the minimum lot areas, widths and main building setbacks for conventional layout subdivision development in single-family residential zones:

Zone	Conventional Lot Area In Square Feet	Lot Width		Front	Side	Side Corner	Rear
		Interior	Corner				
R	16,000	75'	85'	25'	8' minimum, total	20'	30'
LR	20,000	85'	95'	25'	minimum, total	20'	30'
S	30,000	95'	100'	25'	minimum, total	20'	30'
LS	40,000	100'	110'	30'	minimum, total	25'	30'

- Buildings shall not be built over utility easements that may run along the side and rear property lines, unless an exception is provided from the zoning administrator with the consent of the DRC and other utility providers via easement vacation form.

**11-11-060: ACCESSORY BUILDINGS AND STRUCTURES:**

A. Location: Accessory buildings, except those listed in subsection B of this section:

3. Unless located entirely in the rear yard, an accessory building must be located at least fifteen feet (15') from any dwelling on an adjacent lot;

a. Exception. An accessory building which is less than 10 feet in height and under 200 sq. ft. in ground floor area may be located within a side yard closer than 15 feet to a dwelling on an adjacent lot so long as it complies with the other provisions of this Section. (11-11-060).

**11-13-040: MINIMUM LOT AND SETBACK STANDARDS:**

A. Minimum Standards: The following shall be the minimum lot areas, widths and main building setbacks in multiple-family residential zones:

Zone	Lot Area	Lot Width		Front	Side	Side Corner	Rear
		Interior	Corner				
R-2	10,000 square feet for each single-family or two-family dwelling. Maximum of 2 dwelling units per building per lot.	85'	95'	30'	minimum, total	20'	30'
R-4	10,000 square feet for each single-family or two-family dwelling, plus 4,000 square feet for each additional dwelling unit to a maximum of 4 dwelling units per building per lot.	90'	100'	30'	minimum, total	20'	30'
R-8	10,000 square feet for each single-family or two-family dwelling, plus 4,000 square feet for each additional dwelling unit with a maximum of 4 dwelling units per building and not more than 2 buildings per lot, unless a greater number of dwelling units or buildings are approved as specified in section <a href="#">11-13-030</a> of this chapter, "Dwellings, five- to eight- family...".	100'	110'	30'	minimum, total	30'	30'
<ul style="list-style-type: none"><li><u>Buildings shall not be built over utility easements that may run along the side and rear property lines, unless an exception provided from the zoning administrator with the consent of the DRC and other utility providers via easement vacation form.</u></li></ul>							

**11-13-050: ACCESSORY BUILDINGS AND STRUCTURES:**

A. Location: Accessory buildings, except those listed in subsection B of this section:

3. Unless located entirely in the rear yard, an accessory building must be located at least fifteen feet (15') from any dwelling on an adjacent lot;

a. Exception. An accessory building which is less than 10 feet in height and under 200 sq. ft. in ground floor area may be located within a side yard closer than 15 feet to a dwelling on an adjacent lot so long as it complies with the other provisions of this Section. (11-13-050).

**11-17-040: MINIMUM LOT AND SETBACK STANDARDS:**

A. Minimum Standards: The following shall be the minimum lot areas, widths and main building setbacks in the OTR Zone: (Ord. 2007-18, 3-6-2007)

Zone	Lot Area	Lot Width		Front	Side	Side Corner	Rear
		Interior	Corner				
OTR	10,000 square feet for each single-family	85'	95'	30'	10'	20'	30'
<ul style="list-style-type: none"> <li><u>Buildings may not be built over utility easements that may run along the side and rear property lines, unless an exception is provided from the zoning administrator with the consent of the DRC and other utility providers via easement vacation form.</u></li> </ul>							

**11-17-050: ACCESSORY BUILDINGS AND STRUCTURES (INCLUDING ATTACHED OR DETACHED GARAGES):**

A. Location: Accessory buildings, except for those listed in subsection B of this section, may be located within one foot (1') of the side or rear property line, provided they are at least six feet (6') 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 feet (15') 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.

**11-21-040: SINGLE-FAMILY AND TWO-FAMILY DWELLINGS:**

5. Side Yard Setback: Eight feet (8') one side and a total of eighteen feet (18') for both sides (main building only); buildings shall not be built over utility easements that may run along the side and rear property lines, unless an exception is provided from the zoning administrator with the consent of the DRC and other utility providers via easement vacation form.

7. Accessory Buildings: ~~Located to the rear of the main building~~ An accessory building shall be located in the rear yard and must be at least one foot (1') from all property lines ~~and shall be fifteen feet (15') from dwellings on adjacent lots.~~ Accessory buildings ~~shall not be built over easements and~~ must be subordinated in height and area to the main building.

**11-22-040: SINGLE-FAMILY AND TWO-FAMILY DWELLINGS:**

5. Side Yard: Ten feet (10'), one side and a total of twenty four feet (24') for both sides, main building only; Buildings shall not be built over utility easements that may run along the side and rear property lines, unless an

exception is provided from the zoning administrator with the consent of the DRC and other utility providers via easement vacation form.

7. Accessory Buildings: Accessory buildings shall be located in the rear yard six feet (6') in the rear of the main building and at least five feet (5') from all property lines; ~~and shall be fifteen feet (15') from dwellings on adjacent lots.~~ Accessory buildings shall not be built over utility easements that may run along the side and rear property lines.

---

## Section 2 - Suggested changes regarding Accessory Buildings in Front and Side Corner Yards:

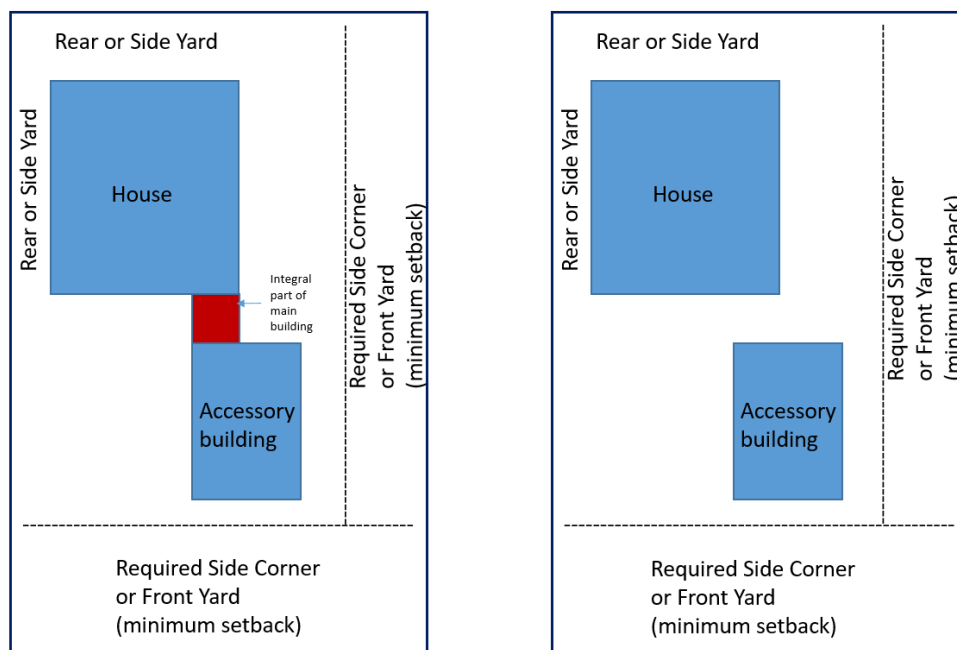
### 11-11-060: ACCESSORY BUILDINGS AND STRUCTURES:

7. An accessory building may be located in a side corner yard or front yard of a lot; providing, that the building ~~is an architectural and integral part of the main building~~ matches architectural features of the main building and in no event shall the accessory building encroach into the required front yard or required side corner yard.

### 11-13-050: ACCESSORY BUILDINGS AND STRUCTURES:

7. An accessory building may be located in a side corner yard or front yard of a lot; providing, that the building ~~is an architectural and integral part of the main building~~ matches architectural features of the main building and in no event shall the accessory building encroach into the required front yard or required side corner yard.

*Changes suggested in Section 2 are illustrated below:*



The sections of code above indicate that the building in the left example is an accessory building, when it meets the definition of an addition - an attached building that is integral to the main building. Therefore, we have opted to suggest removing the contradictory phrase in the above code sections. Staff recommends maintaining the architectural meaning of the original code.

**FARMINGTON CITY  
PLANNING COMMISSION**

May 04, 2023

---

**WORK SESSION**

**Present:** Chair Erin Christensen; Commissioners Larry Steinhorst, Frank Adams and Mike Plaizier. **Staff:** Community Development Director David Petersen, Community Development Director/City Planner Lyle Gibson, Planning Secretary Carly Rowe, and City Planner/GIS Specialist Shannon Hansell. **Excused:** Commissioners John David Mortensen, Samuel Barlow, Tyler Turner and Alternates Clay Monroe and Alan Monson.

---

**REGULAR SESSION**

**Present:** Chair Erin Christensen; Commissioners Larry Steinhorst, Frank Adams and Mike Plaizier. **Staff:** Community Development Director David Petersen, Community Development Director/City Planner Lyle Gibson, Planning Secretary Carly Rowe, and City Planner/GIS Specialist Shannon Hansell. **Excused:** Commissioners John David Mortensen, Samuel Barlow, Tyler Turner and Alternates Clay Monroe and Alan Monson.

Chair **Erin Christensen** opened the meeting at 7:01 PM.

**SUBDIVISION APPLICATION** – no public hearing, continued from previous meeting.

**Item #1 Paul and Rebecca Hatch and Elise Gubler-Tillett – Applicant(s) are requesting a recommendation for Preliminary Planned Unit Development (PUD) Master Plan and Schematic Subdivision approval for the proposed Cottrell Hills PUD subdivision, located at approx. 20 S 300 E in the OTR (Original Townsite Residential) zone. (S-3-23)**

Community Development Director **David Petersen** presented this agenda item. The Planning Commission reviewed this request on April 20, 2023, but tabled consideration to allow time for the applicant to complete four items (see below). Comments after each item (in italics) show what was done to fulfill these items.

1. Prepare a street tree preservation plan that includes concepts and issues (if any) of adding a sidewalk;  
*A photo (attached in the Staff Report) shows the existing sidewalk on 300 East adjacent to Lots 1 and 2, which connects to the sidewalk on State Street, and another attached photo, which demonstrates that the street trees next to the proposed Lots 3 and 6 are also ideally situated to extend the sidewalk south across these lots. The developer updated his plans to show the location of sidewalk extension and adjacent existing trees. Petersen said there is room to add a sidewalk. However, an arborist said to put in a sidewalk after the fact could damage the roots of the existing ash trees and it would be expensive, as a retaining wall would be needed.*
2. Provide conceptual building elevations for the homes that may be constructed within the project in the future;  
*The property is zoned Original Townsite Residential (OTR), and the applicant provided 11 possible building elevations for homes, which may be constructed on Lots 3, 4, and 5 and the existing interior lot which fronts State Street (see attached in the Staff Report). The first five elevations meet OTR standards; elevations 6, 7, and 8 could meet standards with some modifications; and the last three elevations do not meet the standards of the underlying zone. Petersen said what makes downtown Farmington special is that garages are not the dominant architectural feature and that porches are.*
3. Come back with a conceptual snow removal plan for the private drive to Lots 5 and 6, which will show the location of driveways and a place to stack snow; and  
*See two plans attached to the Staff Report.*
4. Show implications of maintaining eligibility for the National Historic Register for the two existing “contributing” homes on the property.  
*The applicant contacted Cory Jensen, National Register Coordinator for the Utah State Historic Preservation Office, and he emailed back to a representative of the property owners a list of “many ways that a property can suffer a loss of historical integrity and not be considered eligible anymore, depending on the building and setting.” See email from Seth Faerber to Dave Petersen, dated April 28, 2023 (enclosed in Staff Report).*

**Background Information from 4/20/23 Planning Commission Staff Report:**

The subject property (2.15 acres or 94,961 square feet) consists of three homes on four lots, or an average of approximately 23,740 square feet per lot. The site is zoned OTR, which requires a minimum base lot size 10,000 square feet. As per Chapter 17 of the Zoning Ordinance, it may be possible for one to create an eight-lot subdivision, or four additional lots. However, in order to do so,

one must remove some or all of the existing dwellings, which includes homes constructed in 1895, 1947, and 1954 as noted on State Historic Preservation Office (SHPO) Historic Utah Building map—two of which are eligible for the National Register.

Notwithstanding the forgoing, the applicant desires to create three additional lots, or a total of seven lots (not eight lots), and preserve the historic homes at the same time. However, in the applicant's effort to create as little disruption as possible (i.e. limit the amount of hard surfaced streets) he is requesting two "land-locked" lots serviced by a private drive. Meanwhile, building lots must front a public street as required by ordinance. This deviation from the standard may be accomplished through the Planned Unit Development (PUD) process, but at the sole discretion of the City (it is a legislative act). "Every planned unit development shall provide usable common open space, accessible to all lots or units, of not less than ten percent (10%) of the net area (gross area less constrained or sensitive lands), in single-family planned unit developments. . . ." (Section 11-27-120 G 1. of Chapter 27 of the Zoning Ordinance (the PUD chapter)). Nevertheless, sub-paragraph 2 of the same section allows historic preservation as an alternative to open space.

**Petersen** said the fire marshal is fine with the applicant's final driveway configurations. Lot 1, Sunset Hill No. 2 subdivision, Parcel #07-038-0001 is already a platted lot, and the property owner already has the ability to put a new home on that lot. The PUD overlay can go over that lot, and it may give more flexibility. Following a meeting with **Christensen**, Staff came up with four more conditions. The fronts of homes are better looking than the sides of lots, and therefore must face front as called for in Condition 6. Their private driveway needs to be a bit longer, as called for in Condition 7. **Petersen** said it is easy to meet that 20-foot requirement, and there are various examples of such lengths throughout the City. There is plenty of space on that parcel to add parking spaces as called for in Condition 8. Lot 3 and 5 being below 10,000 square feet are the only deviations from the underlying zone that the applicant is asking for. They could get larger lots there, but then the historic homes would not be preserved. Their preservation is an asset to the community, **Petersen** said. If more deviations are added in the future, they should be considered as part of the final when the applicant comes back to the Planning Commission. He said to be considered a "contributing" home, a historic home must be on or eligible for the National Register.

**Paul Hatch**, one of the owners, addressed the Commission. He talked to **Kim Hunter**, owner of Country Gardens Nursery in Kaysville, about the six to eight ash trees there that are up to 90 years old. He said putting the sidewalk in after trees have matured could harm the trees. The roots keep the trees upright. He does not have a written report with these details. Digging down may kill some roots, and some of those trees already look rough. **Petersen** said there may be an oak tree as well. He doesn't doubt **Hunter's** assessment, but wants City Parks and Recreation Director **Colby Thackeray** to take a look at it as well.

**Seth Faerber** (598 N. Hill Farms Lane, Kaysville, Utah), representing the applicant, addressed the Commission. He said it would be necessary to dig down 6 to 8 inches to put in a sidewalk, and it would be more likely to have a damaging effect to the existing trees. Completing the sidewalk on this site would not provide a continuous connection. **Petersen** said the City Engineer does not yet know the information about damaging existing trees if sidewalks were put in. Commissioners could consider accepting a fee in lieu instead, which would mean the applicant fulfilled their sidewalk requirements. Regarding the private driveways, **Faerber** asked if the 15-foot setback would still apply. **Petersen** said it would.

**Faerber** said if the lots could be platted to the middle of the private road, Lot 3 and 5 would be larger than noted. **Petersen** said they would each likely be over 10,000 square feet if that were the case, and therefore, there would be no deviations from the underlying zone. **Faerber** discussed the driveway for Lot 6, and said once it is surveyed, they will include the driveway on the final drawings.

**Christensen** said she would like the City Arborist to look into the sidewalk issue so that further investigation would lead to either a sidewalk requirement or a fee-in-lieu. **Adams** said he would hate to have the trees compromised. **Faerber** said hopefully the dead grass and other landscaping will improve with these new plans. **Petersen** said Public Works and the City Engineer would decide the fee-in-lieu amount for the sidewalks, then the City would decide when and if the sidewalks would go in. **Faerber** said he figures two of the eight trees may need to be taken out to make room for a new road. It should be shown in the final plan.

## **MOTION**

**Frank Adams** made a motion that the Planning Commission recommend that the City Council approve the Preliminary PUD Master Plan and Schematic Subdivision plan for the proposed Cottrell Hills PUD subject to all applicable Farmington City development standards and ordinances and the following Conditions 1-9:

1. The owners must enter in to an agreement with the City, including but not limited to, memorializing their commitment to preserve and maintain eligibility for the National Register for two existing on-site “contributing” historic homes, and in that agreement, there will also be a cash-in-lieu option for the installation of the sidewalks—with the sidewalk’s actual installation decision being left to the discretion of the City’s Engineer, Arborist, and Planning Department.
2. The applicant must meet all requirements of the City’s DRC (Development Review Committee) including, but no limited to, Fire Department approval of the private drive configuration for the two “land-locked” lots.
3. Update plans to show the location of existing trees and sidewalk on 300 East next to Lots 1 and 2 as part of a street tree preservation plan, and label this portion of the sidewalk as “Existing,” and the sidewalk adjacent to Lots 3 and 6 as “Proposed,” and also identify all trees the entire length of the 300 East frontage as “Existing” as well.
4. All buildings constructed within the PUD, including building elevations, must meet the standards of the underlying OTR zone.
5. Include the existing interior lot which fronts State Street (Lot 1, Sunset Hill No. 2 subdivision, Parcel #07-038-0001) as part of the Cottrell Hills PUD Master Plan and Schematic Subdivision Plan.
6. The front of the dwelling on Lot 3 must face 300 East. The front of the dwellings on Lots 4 and 5 shall only face the private drive on their respective west property lines.
7. Private driveways on lots in the PUD must be at least 20 feet in length to allow the parking of cars/trucks thereon so that such parked vehicles will not project into private or public Rights of Way interrupting or preventing acceptable movement of pedestrian or vehicle traffic on these Rights of Way.
8. The applicant shall provide two parking spaces for Lot 6. [Note: Section 11-32-040 required two parking spaces per single-family dwelling unit.]
9. The area of two of the seven lots may be less than the minimum lot size in the OTR zone of 10,000 square feet (Lot 3: 9,038 square feet and Lot 5: 9,484 square feet) as shown on the Preliminary PUD Master Plan. This deviation from the standard of the underlying zone, and possible other deviations, must be finalized upon consideration of a Final PUD Master Plan by the City. [Note: The private drive/”land-locked” lots and the proposed setbacks shown on the plans are not deviations because these requests may be possible as set forth in Section 12-7-030 B. of the Subdivision Ordinance and Chapter 17 of the Zoning Ordinance).

Findings 1-6:

1. The PUD will result in the preservation of two historic homes.
2. The proposed lots are comparable in size and dimensions to other lots found in the area.
3. The density of development is consistent with what is allowed in the OTR zone. [Note: The applicant had the opportunity to apply for a density bonus of 20% as per Chapter 27 of the Zoning Ordinance, which, if requested and approved, would have resulted in the creation of nine lots, but the owner limited the size of the proposed development to seven lots.]
4. The applicant provided plans showing the existing trees and proposed sidewalk adjacent to Lots 3 and 6, and the proposed motion will supplement this effort by requiring the developer to show all existing trees and existing/future sidewalk the entire length of the project’s 300 East frontage in one overall street tree preservation plan.
5. The application is consistent with the goals and purposes of the Farmington City General Plan and Zoning Ordinance, including but not limited to the OTR zone.
6. The first part of the condition requiring the home on Lot 3 to face 300 East complies with Section 11-28-050 A. of the Zoning Ordinance, which states: “Main Building to Face Front: Regardless of the shape of any building lot, the full face of a building and the full width of required side yards shall be fully exposed to the street.” Although not flag lots, the second part of the same condition regarding the front of homes on Lots 4 and 5 meets a similar standard for flag lots in Section 12-7-030 J.2.d: “The front yard shall be considered one of the two (2) sides of the flag portion that adjoins the stem and all buildings must face the front yard.”

**Mike Plaizier** seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye _____Nay
Commissioner Frank Adams	X Aye _____Nay
Commissioner Mike Plaizier	X Aye _____Nay
Commissioner Larry Steinhorst	X Aye _____Nay



**ZONE TEXT AMENDMENTS** – no public hearing; continued from previous meeting.

**Item #2 Farmington City – Applicant is requesting consideration for additional text and amendments to Farmington City Code Title 11: ZONING REGULATIONS. This amendment changes an Accessory Dwelling Unit (ADU) from a Conditional Use to a Permitted Use in multiple zoning districts. (ZT-7-23)**

City Planner/GIS Specialist **Shannon Hansell** presented this agenda item. An accessory dwelling unit is defined in Farmington City’s ordinance as: “A detached dwelling unit within an accessory building, which is subordinate in area and height and is an architectural and integral part of a single-family dwelling located on the same lot.” Staff has decided that since there are no revisions proposed to this definition, it is not included in Supplemental Information #2. However, it is still valuable to understand the definition when considering the proposed amendments. **Hansell** said by very definition, it is detached, so “architectural” and “integral” may not be needed in the definition.

In 2021, the Utah State Legislature passed HB 82 requiring that Internal Accessory Dwelling Units (IADUs) be permitted in most residential zones of a municipality. Prior to this, IADUs were conditional uses requiring the approval of the Planning Commission prior to building permit issuance. In essence, conditional uses are permitted uses which the Planning Commission may impose certain conditions upon prior to approval. The State does not require conditional uses to undergo a public hearing. However, Farmington City’s ordinance does require a public hearing currently.

Mitigating conditions can include requirements regarding the manner in which the use is operated, but do not allow denial based on evidence heard in the public hearing. Since conditional uses are administrative actions, the level of discretion is limited to only what is explicitly stated in the ordinance (11-8 of Farmington’s ordinances). Therefore, if the use meets all applicable requirements of the code, the Commission must approve the use.

Since the passage of HB 82, no changes have been made to the law concerning detached ADUs, which have remained as an allowed conditional uses in the majority of Farmington City’s zoning districts. At the March 23, 2023, Planning Commission meeting, Staff put together a table showing all conditional use permits related to IADUs or ADUs since 2019. Three of 18 ADUs reviewed in the past four years had additional conditions listed by the Planning Commission. The remainder were approved with only what was required by the ordinance at the time of approval.

Staff is recommending that ADUs be permitted in all zones in which they were previously conditional. Instead of the Planning Commission reviewing all ADUs, Staff would act as the approval body on building permits containing ADUs based on more robust standards. Additionally, this recommendation does not introduce ADUs as permitted or conditional uses to any zones they were not previously included already. The recommendation specifies that ADUs and IADUs will continue to be required to meet the criteria in 11-28-200.

The Planning Commission reviewed recommended zone text changes on March 23, 2023. The Commission tabled the item in order for Staff to complete a review of the following items:

- Compare and contrast the recommend zone text amendments to the existing ordinances of similar cities’ ADU requirements.
- Consider standards that the existing Farmington ordinance does not include for ADUs.
- Review options for a “hybrid” structure, wherein the Zoning Administrator approves most ADUs, but in certain circumstances, the Planning Commission may act as the approval body.

After considering the above goals, revised ordinance amendments were added to the text. The following is a summation of the results corresponding to each point:

- Comparing similar ordinances from other municipalities was limited to only those cities which have already permitted ADUs. The majority of the additions are pulled from North Salt Lake City’s ADU ordinance. Salt Lake City also permits ADUs, but due to the size and population of that municipality, it is difficult to compare as there is much more flexibility regarding standards due to ADU saturation in that community. North Ogden, South Weber, and Bountiful were also consulted. Kaysville and Centerville do no permit detached ADUs.
- Several standards are added to this revision of the zone text amendment, mostly in 11-28-200:
  - Although already required by underlying zones, additional verbiage was added for lot coverage requirements.
  - An expansion of the ownership definition

- Adding specific requirements for address assignment
- Specifying that an ADU is not intended for sale
- Accessory Dwelling Unit Permit and a corresponding process
- Finally, it is recommended that a “hybrid” option be added to 11-28-200. In Section F, the proposed amendment opens up a special exception review for ADUs which do not meet standards regarding ADU size, lot coverage, minimum parking, setbacks, and/or building height. The special exception option is not applicable to ownership, number of ADUs or building codes, occupants, lot size minimums, location, or any other not otherwise stated standard. The process for the special exception option will follow 11-3-045.

**Adams** noted that in a recent ADU application, the property owner intended to occupy the ADU and rent out the main home. He wants to make sure this new language would allow the property owner to not only rent the ADU, but also dwell in the ADU as well. **Christensen** said an option should be added to allow the property owner to not collect money from someone occupying the ADU. Community Development Director/City Planner **Lyle Gibson** said Staff in practice would permit what the Commission is recommending and will therefore check that the proposed language clearly supports it. **Adams** asked if subletting should be addressed. **Gibson** said the City is not a party to leases and is more concerned about the number of bodies in the dwelling, however the current ordinance definition of a family includes language that occupants must live together as a single non-profit housekeeping unit which has helped the city in the past deal with enforcement of situations where subletting is occurring. **Christensen** said short-term rentals are not allowed in Farmington.

The Commission has to decide if IADUs should be permitted instead of conditional in the Business Park (BP) Zone. **Petersen** said there is not much residential in the BP Zone. Staff recommends making it permitted, especially because it would be consistent with State law. **Gibson** said it is actually both permitted and conditional in the City’s language, as it is in both sections. **Hansell** said ADUs should not exceed the area of the primary dwelling or the height maximum of the underlying zone. Otherwise a zone text amendment or special exception would have to be considered by the Commission. **Gibson** said the permit process is a way to document which addresses have ADUs or IADUs. **Hansell** said an address assignment affidavit is required to assign an ADU an address. This affidavit is sent to the County, Post Office, and various utilities.

**MOTION**

**Larry Steinhorst** made a motion that the Planning Commission table this item to allow Staff to incorporate comments generated and provide an update ahead of the next Commission meeting to gather additional comments

**Mike Plaizier** seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye _____Nay
Commissioner Frank Adams	X Aye _____Nay
Commissioner Mike Plaizier	X Aye _____Nay
Commissioner Larry Steinhorst	X Aye _____Nay

**Item #3 Public Hearing: Farmington City – Applicant is requesting consideration for Amendments to the Farmington City Zoning Ordinance. The purpose of these amendments is to resolve inconsistencies between sub-paragraphs under Section 11-17-050 regarding the location of accessory buildings and garages in Side Corner Yards in the OTR zone, and possibly other zone text changes as well (ZT- 8-23).**

**Petersen** presented this agenda item. With regard to corner lots, Section 11-2-020 of the Zoning Ordinance defines a “Side Corner Yard” and a “Required Side Corner Yard” as follows:

YARD, SIDE CORNER: Any yard between the other front lot line that is not used to designate the front of the main building and the setback of a main building and extending between the rear lot line and the front setback parallel to the street.

[Note: a “Front Yard” is “Any yard between the front lot line and the front setback line of a main building and for inside lots extending between side lot lines, or for side corner lots extending between a side lot line and the other front lot line that is not used to designate the front of the structure, parallel to the frontage of the lot. . .”]

YARD, REQUIRED SIDE CORNER: Any yard between the other front lot line that is not used to designate the front of the main building and the minimum side corner setback of a main building required in a particular zone extending between the rear lot line and the front yard parallel to the street.

In other words, even though the width of a “required side corner yard” in the OTR zone is 20 feet, a “side corner yard” width may be much larger depending on the location of the main building on the lot.

Section 11-17-050 A. allows one to construct an accessory building in the OTR zone, which includes garages, in the “side corner yard” but not the “required side corner yard.” See *italicized/bold* phrase at the end of the paragraph below:

- A. Location: Accessory buildings, except for those listed in subsection B of this section, may be located within one foot (1') of the side or rear property line, provided they are at least six feet (6') 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 feet (15') 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**. [See Figure A in Staff Report.]

Meanwhile, except for side and rear yards, subparagraph D.1. of the same section prevents one from building a garage, or “similarly related accessory building,” in the front yard “or any other yard,” which includes side corner and required side corner yards:

- D. Garages: All garages and any similarly related accessory buildings, whether attached or detached, shall be considered for approval as follows:
  - 1. 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; [See Figure B in Staff Report.]

**Petersen** asked if the Commission would allow accessory buildings in large side corner yards or not. Commissioners said there are lots throughout the City where houses are in odd positions and it would make sense to allow accessory buildings in side corner yards. Driveway positioning was questioned. Allowing them could mean the accessory buildings are not behind the primary building, and may be very visible. **Petersen** said accessory buildings must be subordinate in height to the main home, and could be a workshop, barn, garage, shed, or an ADU. The City is not getting very many of these, and the ordinance is already ambiguous. Some Commissioners don't like ambiguity in ordinances, and requested a count of how many lots this could impact throughout the City. The OTR Zone has 48 blocks, with a lot of half-blocks. Some of those lots may be subdividable, but not many.

**Erin Christensen** opened and closed the public hearing at 8:56 pm due to no comments received.

**MOTION**

**Mike Plaizier** made a motion that the Planning Commission table this item to allow Staff to provide further information.

**Frank Adams** seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye _____Nay
Commissioner Frank Adams	X Aye _____Nay
Commissioner Mike Plaizier	X Aye _____Nay
Commissioner Larry Steinhorst	X Aye _____Nay

**OTHER BUSINESS**

**Item #4 Miscellaneous, correspondence, etc.**

- a. **Frank Adams** made a motion to approve the minutes from April 20, 2023, with the one change on page 8 that were emailed to Staff earlier in the day to strike “*she says*” to “*Christensen said.*”

**Larry Steinhorst** seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye ____Nay
Commissioner Frank Adams	X Aye ____Nay
Commissioner Mike Plaizier	X Aye ____Nay
Commissioner Larry Steinhorst	X Aye ____Nay

- b. City Council Report April 4, 2023, and May 2, 2023:
  - i. **Petersen** said the budget meeting occurred May 2, 2023. Also, a street vacation that expired in 2021 was on the summary action list. The audience was packed with public safety employees when the Calvary Baptist Church sang The Star Spangled Banner acapella. It was the best rendition he has ever heard.
- c. Forza Terra General Plan Discussion:
  - i. **Petersen** said in 1998, this property was reserved for commercial, but the kind of commercial was not specified. It is in a transition area on the edge of a single-family area. One of the options discussed was single-family homes on half-acre or smaller lots. Office is another option discussed at an earlier Commission meeting. **Kelly Maxfield**’s home was sold, and the back half of the property was incorporated into the subdivision. The home is now for sale again. **Christensen** and **Plaizier** said single-family homes are still an option. **Christensen** said that is preferable to a higher density, even duplexes.
- d. Other
  - i. **Hansell** said an aerial imagery company recently provided Farmington with new imagery including the West Davis Corridor and business park roads in more detail. The images are accessible online in Maps and GIS under ownership information.

**ADJOURNMENT**

**Larry Steinhorst** made a motion to adjourn at 9:15 PM.

Chair Erin Christensen	X Aye ____Nay
Commissioner Frank Adams	X Aye ____Nay
Commissioner Mike Plaizier	X Aye ____Nay
Commissioner Larry Steinhorst	X Aye ____Nay

\_\_\_\_\_  
Erin Christensen, Chair

**FARMINGTON CITY  
PLANNING COMMISSION**

May 18, 2023

---

**WORK SESSION**

**Present:** Chair Erin Christensen; Vice Chair John David Mortensen; Commissioners Frank Adams, Samuel Barlow, Larry Steinhorst, and Mike Plaizier; and Alternate Commissioner Alan Monsen. **Staff:** Community Development Director David Petersen, Community Development Director/City Planner Lyle Gibson, and City Planner/GIS Specialist Shannon Hansell. **Excused:** Planning Secretary Carly Rowe and Commissioner Tyler Turner.

---

**REGULAR SESSION**

**Present:** Chair Erin Christensen; Vice Chair John David Mortensen; Commissioners Frank Adams, Samuel Barlow, Larry Steinhorst, and Mike Plaizier; and Alternate Commissioner Alan Monsen. **Staff:** Community Development Director David Petersen, Community Development Director/City Planner Lyle Gibson, and City Planner/GIS Specialist Shannon Hansell. **Excused:** Planning Secretary Carly Rowe and Commissioner Tyler Turner.

Chair **Erin Christensen** opened the meeting at 7:02 PM.

**CONDITIONAL USE PERMIT APPLICATION – public hearing**

**Item #1 - James Nelson – Applicant is requesting a Conditional Use Permit approval for a detached ADU (Accessory Dwelling Unit) located at 83 E. 1150 S., in the R (Residential) zone.**

Community Development Director/City Planner **Lyle Gibson** presented this agenda item. The applicant is requesting conditional use approval to establish an ADU in the rear yard of the subject property. The existing two-story home has a semi-circle drive in front facing 1150 South. The proposed ADU is a single-story structure with a single bedroom, kitchen, bath, and utility closet. The proposed building does not include a garage space nor is additional parking proposed for the lot. However, the existing home exceeds the required amount of minimum parking, meeting the needs of the main existing home and the new ADU. The ADU is subordinate in height and size to the main home and falls within the allowed lot coverage of the zone. **Gibson** said by ordinance it must be on the same property (not a subdivision), the property owner must reside on site, and utilities will be shared with the main home. The corner of the ADU on the far north end juts over the property line by 6 feet. Since the applicant also controls the neighboring property, there are a few different options. The building could be shifted, or a lot boundary adjustment could be made.

Applicant **Jim Nelson** (83 E. 1150 S., Farmington, Utah) said he can adjust property lines since he owns all the land. He intends this to be used only by family members. Rather than go to an assisted living establishment, he would rather go to the back yard. It will be slab on grade construction. He said there is not a parking issue, and there will not be heavy traffic at any time. **Christensen** asked if he could designate a specific parking spot for the ADU. **Nelson** said he could. He can currently park 12 cars in the existing driveway. The east winds and desire to match the existing home (as a mirror image) determined the unique placement of the proposed ADU. He owns the barn to the north, as well as the storage shed and everything to the west. **Gibson** said one off-street parking stall should be provided in addition to what the single-family home needs. It doesn't say the stall should be dedicated.

**Erin Christensen** opened and closed the meeting at 7:15 PM due to no comments received.

**MOTION**

**Samuel Barlow** made a motion that the Planning Commission approve the Conditional Use Permit for the ADU subject to all applicable Farmington City development standards and ordinances and the following:

1. The applicant must meet all requirements of building code to the satisfaction of the Building Official.
2. The applicant must follow all standards set forth in Section 11-28-200 of the Zoning Ordinance titled "Accessory Dwelling Units and Internal Accessory Dwelling Units."
3. The ADU shall either be shifted so as to all fall within the same parcel as the main home in accordance with applicable setback requirements of the A zoning district, or the property boundary shall be amended by a lot line adjustment ensuring that the ADU meets setback requirements for the applicable zone and does not cross property lines per the International Residential Code (IRC). (This is easily satisfied as the property owner controls the subject property and the adjacent property.)

Findings for Approval 1-4:

1. The ADU increases housing availability in Farmington.
2. The ADU is reasonably necessary to the general wellbeing of the applicant and community, as it provides a service.
3. As per City ordinance, the ADU must have off-street parking space in addition to the parking required for the main home. The property is large enough to accommodate the necessary parking requirements.
4. The proposed conditions can mitigate reasonably anticipated detrimental impacts to the neighborhood.

Larry Steinhorst seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye _____ Nay
Vice Chair John David Mortensen	X Aye _____ Nay
Commissioner Frank Adams	X Aye _____ Nay
Commissioner Samuel Barlow	X Aye _____ Nay
Commissioner Alan Monsen	X Aye _____ Nay
Commissioner Mike Plaizier	X Aye _____ Nay
Commissioner Larry Steinhorst	X Aye _____ Nay

**SPECIAL EXCEPTION – public hearing**

**Item #2 Trevor Peterson – Applicant is requesting a Special Exception approval, to exceed the maximum driveway approach allowance, located at 2168 W. Chapman Lane, in the AE (Agricultural Estates) zone.**

City Planner/GIS Specialist **Shannon Hansell** presented this agenda item. The applicant is requesting a special exception to allow for the width of their driveways to exceed the standard allowed width per frontage (30 feet). The Zoning Administrator (Staff) has the ability to approve the location and proximity of the driveways. However, it is in the purview of the Planning Commission to consider how wide the driveways may be when exceeding 30 feet per FCC 11-32-060 (A)(1). The applicant already has 30 feet, and he would like to add an additional 10 feet, for a sum total of 40 feet, which is why they want a special exception. Driveways have to be 30 feet from the corner. It is more aesthetically pleasing to have the landscape strip separating the two drives. Staff recommends approval of this application.

*11-32-060 (A)(1): Residential driveways shall be not more than twenty feet (20') in width when serving as access to two (2) properly designated spaces, or thirty feet (30') in width when serving as access to three (3) properly designated parking spaces as measured at the front or side corner property line. "Properly designated parking spaces" shall include spaces in a garage, carport or on a parking pad located to the side of a dwelling and not located within the minimum front yard setback. Additional driveway width for access to a rear yard, for more than three (3) properly designated parking spaces, or for multiple-family residential developments, may be reviewed by the planning commission as a special exception. Residential driveways shall be designed at a width which is the minimum necessary to provide adequate access to designated parking spaces.*

11-32-060 A2a states "On lots with at least the minimum width required in the zone [75 ft in the AE zone], one additional driveway may be permitted, providing that the sum of the width of both driveways does not exceed the maximum widths specified..." The existing driveway is 30 feet in width and the new proposed driveway would add an additional 10 feet in width for a combined total of 40 ft.

In considering the Special Exception, FCC 11-3-045 E identifies the standards of review:

**11-3-045 E. Approval Standards:** *The following standards shall apply to the approval of a special exception:*

1. *Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the special exception, upon the City as a whole, or upon public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the motion authorizing the special exception.*
2. *The Planning Commission shall not authorize a special exception unless the evidence presented establishes the proposed special exception:*
  - a. *Will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;*
  - b. *Will not create unreasonable traffic hazards;*
  - c. *Is located on a lot or parcel of sufficient size to accommodate the special exception.*

The applicant would like the additional width on a separate curb cut, as they believe it would be a better option in the interest of safety for traffic and the property owner’s family, among other reasons listed in supplemental information #2.

Applicant **Trevor Peterson** (2168 W. Chapman Lane, Farmington, Utah) said the house was recently moved out another 12 feet. He agrees it will look better and better fit the neighborhood to have a separate curb cut. The garage is the main entrance for his small

children. The divided drives will be safer. The new curb cut goes to an east side entrance to the house. There is room to park six cars in the driveway, but he likes to tuck parking to the side or back of the house.

**Erin Christensen** opened and closed the meeting at 7:24 PM due to no comments received.

**Barlow** asked if there should be a landscaping plan in between as a condition. **Christensen** said it is reasonable.

**MOTION**

**Samuel Barlow** made a motion that the Planning Commission approve the special exception for an additional driveway curb cut at 2168 W. Chapman Lane subject to all Farmington City ordinances and development standards, with the Condition that the applicant landscape as presented today.

Findings for Approval 1-2:

1. The zoning ordinance allows for a 30-foot maximum curb cut.
2. The proposed additional driveway is not connected to the original and thus prevents the “sea” of concrete which would otherwise be possible, with a “swing out” configuration on a driveway after the curb cut and/or an increased width special exception.

**Mike Plaizier** seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye _____ Nay
Vice Chair John David Mortensen	X Aye _____ Nay
Commissioner Frank Adams	X Aye _____ Nay
Commissioner Samuel Barlow	X Aye _____ Nay
Commissioner Alan Monsen	X Aye _____ Nay
Commissioner Mike Plaizier	X Aye _____ Nay
Commissioner Larry Steinhorst	X Aye _____ Nay

**Item #3 Zach and Karli Johnson – Applicant is requesting a Special Exception approval, to exceed the maximum building height on a main dwelling, located at 1026 S. Water Turn Dr., in the LR-F (Large Residential – Foothill) zone.**

**Hansell** presented this agenda item. The applicant is requesting a special exception to exceed the maximum building height for a main building. The maximum building height is 27 feet tall. In cases where there is a grade change of more than 10 feet from the short side of the home to the tall side, such as in certain cases in the foothill overlay zone, an additional 10 feet may be allowed on the tall side. This would provide a maximum building height of 37 feet. The applicant would like to exceed the 37 feet maximum on the tall side to 39 feet. Main building heights special exceptions are allowed to be considered by 11-3-045 B. This section allows the Planning Commission to consider up to 20% of the prescribed height requirement, which would permit as much as an additional 7 feet. The applicant only requires an additional 2 feet of building height, which falls within the allowed parameters of consideration. In Farmington, heights are measured midpoint of the tallest pitch.

Standards for approval of a Special Exception are found in 11-3-045 E:

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

- 1. Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the special exception, upon the City as a whole, or upon public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the motion authorizing the special exception.*
- 2. The Planning Commission shall not authorize a special exception unless the evidence presented establishes the proposed special exception:*
  - a. Will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;*
  - b. Will not create unreasonable traffic hazards;*
  - c. Is located on a lot or parcel of sufficient size to accommodate the special exception.*

Applicant **Zach Johnson** (1026 Water Turn Dr., Farmington, Utah) addressed the Commission. He has owned this land since 2020 in hopes to build his final home. He is trying to get a level, flat back yard. A fault line goes through the lot, which affects his plans. The Covenants, Conditions, and Restrictions (CC&Rs) in the neighborhood limit him to a 6:12 pitched roof. The elevation change from the front of the home to the back is about 21 feet.

**Erin Christensen** opened the public hearing at 7:40 PM

**Spencer Walker** (227 Lucky Star Way, Farmington, Utah) lives two houses away from the applicant. His house was built six years ago. He is glad to see this lot be built on, and it will be a great addition. The backyard will be a buffer.

**Kevin Hill** (279 Lucky Star Way, Farmington, Utah) lives downhill kitty-corner to the proposed home. He said it is to be expected that they will lose their limited mountain view when this home is built. It is a challenging lot to build on. It will be nice to have a nice house built on the lot. He is trying to do his best with a challenging lot.

**Comments (I will include the emailed comment) Petters?**

**Erin Christensen** closed the public hearing at 7:45 PM.

Commissioners said it is impressive to hear votes of confidence from the neighbors. Several walked the surprising grade change on site. It is essentially building on a cliff. One of the options is to fill the backyard, which could be less safe. Commissioner **Larry Steinhorst** said the **Petters** have no right, title, or interest to the neighboring lot, and is therefore not damaging.

**MOTION**

**Alan Monsen** made a motion that the Planning Commission approve the special exception for an additional main building height up to approximately 39 feet, but no greater than as allowed by code, for the proposed home at 1026 Water Turn Drive subject to all Farmington City ordinances and development standards.

Findings for Approval 1-2:

1. The home is setback approximately 120 feet from the rear property line, and would not impede the view or impose on the rear neighbor’s home or yard.
2. The front (short side) of the home would not look significantly different than similar homes in the area. The shortest point is approximately 20 feet tall.

**Mike Plaizier** seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye ____ Nay
Vice Chair John David Mortensen	X Aye ____ Nay
Commissioner Frank Adams	X Aye ____ Nay
Commissioner Samuel Barlow	X Aye ____ Nay
Commissioner Alan Monsen	X Aye ____ Nay
Commissioner Mike Plaizier	X Aye ____ Nay
Commissioner Larry Steinhorst	X Aye ____ Nay

**SUBDIVISION APPLICATION – no public hearing**

**Item #4 Wright Development Group – Applicant is requesting Preliminary Plat approval for the Hess Farms Townhome Subdivision, located at approximately 900 North, on the north end of Lagoon Drive**

**Hansell** presented this agenda item. Hess Farms Subdivision is located at approximately 900 N. Highway 89 on Parcel 08-052-0262. The 10-acre parcel was approved for the Commercial Mixed Use (CMU) zoning district by the City Council in January of this year, when a Development Agreement was entered into allowing the developer a maximum of 69 residential units as long as the property west of 700 West street is developed commercial and the 700 West Street and Lagoon Drive roads are completed as shown in that schematic plan. In total the project includes 62 three-bedroom townhome units, seven single-bedroom units, a club house, and a commercial lot consistent with the agreement.

The residential project would complete the connection of the north part of Lagoon Drive to the Highway 89 frontage road and provides for a completion of the connection of 700 West Street to Lagoon Drive. Apart from 700 West and Lagoon Drive, the development would be served by private streets, and homes are platted on individual lots for the option of owner occupancy.

Another 2.69 acres is being set aside for commercial use. A concept has been provided as part of the Development Agreement for two-story offices. The Development Agreement was approved by the City Council on January 3, 2023, as well as the schematic subdivision plan together with the CMU zone.



Preliminary Plat is the intermediate step in Farmington's subdivision process. It is preceded by Schematic Subdivision Plan and, if approved, will be followed by Final Plat, which also requires Planning Commission approval. The Development Review Committee (DRC) has looked at more detailed plans and additional information since the schematic plan was approved and has found the Preliminary Plat ready for the Planning Commission's consideration.

Applicant/civil engineer **Thomas Hunt** (1178 W. Legacy Crossing Boulevard, Centerville, Utah), representing Wright Development Group, addressed the Commission. Following commercial interest in the area, there is now an additional commercial building on the site plan. There has been quite a bit of office interest in the area such as chiropractor, etc. The commercial buildings will be two stories in height. The typical square footage will be 1,500 to 1,800 for an office user. Each building can house up to five tenants, and they hope to get up to 20 total tenants. The townhomes on the east side would be rented, with each unit having their own garbage can to be rolled (about 120 feet maximum) to the east-west road weekly. Commissioners expressed concern with windy conditions affecting the garbage cans, and suggested partitions.

**Gibson** said each unit has a two-car garage with two-wide driveways. The minimum is two stalls per unit. There are nine guest parking spaces. They will exceed the minimum requirements. Parking would not be allowed on the interior private roads. Parking would be allowed on both sides of the nearby public streets such as Lagoon Drive. **Hunt** said three more guest parking stalls could be added on the north side of Unit 70. A few more guest stalls could be added to the end of each leg, but it would take from the green space, which they prefer not to do as they more than doubled the City requirement already.

**Hunt** said the north parts of the legs and on the west side is where the excess snow would be pushed. It would not block the end units, as the snow would be pushed onto the grass past the curb. The front doors are facing Lagoon Drive and 700 West, and there are walkways on the west side. Pickle ball court placement is being contemplated. To the east is the Rose development that CW Urban is building. There are 300 to 400 feet of wetlands between the two developments. The Ivy is going in to the north. Traffic orientation connecting to Highway 89 will be only able to go north. Those going south will go to Lagoon Drive to Clark Drive. There will be a Homeowner's Association (HOA) to possibly enforce the garages being used for vehicles.

**Gibson** said that the City Council previously discussed that seven units of moderate-income housing would be provided by this development. The deed restriction is 80% of Area Median Income (AMI), which is above market rates. He said it is worth noting for the Council that the Commission would rather it be 60% AMI. According to the Development Agreement, the developer can decide the placement of the moderate-income units. The deed has been approved and executed, but not yet recorded. The Development Agreement identifies low- to moderate-income housing, while the deed restriction mentions affordable units that are 80% AMI, which may be similar to no restriction at all. **Plaizier** said "affordable" can be a broad term.

**Christensen** said this is a repeated concern. A small committee may need to look into this deeper with the attorney to solve a conflict in the agreement. **Gibson** said Staff has run into times when they weren't sure they could even require affordable housing. Understanding has evolved from time to time. This issue may need to be understood better before final plat approval. Some Commissioners said the terminology in the deed and the Development Agreement is contradictory and needs to be resolved. The City Attorney may need to look into the issue.

## **MOTION**

**Frank Adams** made a motion to approve the Preliminary Plat for Hess Farms Subdivision, with the condition that the applicant must address all remaining DRC comments, with the additional Conditions 1-4 that prior to Final Plat:

1. The issues related to placement of trash cans be addressed, particularly in incremental windy weather.
2. Consideration of additional off-street guest parking.
3. Recommendation that, with the assistance of the City Attorney, the Council take a look at the discrepancy between the deed restriction and the Development Agreement as it relates to how it handles affordable housing.
4. Formation of a subcommittee (including some Commission members) to study the affordable housing in this agreement pending the final approval.

## **Findings for Approval 1-3:**

1. The Schematic Subdivision Plan, with the assurances of the provided Development Agreement, creates a development that is consistent with the East Park Lane small area plan and the requested CMU zoning district.

2. While the project does include units intended to offer housing for moderate income households, the **included condition** assures compliance with FCC 11-19-035. The Council is satisfied with this compliance as seen from its approval on January 3, 2023.
3. The Development Agreement has been approved by the City Council.

**Samuel Barlow** seconded the motion, which passed after one nay vote from Commissioner **Monsen**.

Chair Erin Christensen	X Aye _____ Nay
Vice Chair John David Mortensen	X Aye _____ Nay
Commissioner Frank Adams	X Aye _____ Nay
Commissioner Samuel Barlow	X Aye _____ Nay
<i>Commissioner Alan Monsen</i>	_____ Aye <u>X</u> Nay
Commissioner Mike Plaizier	X Aye _____ Nay
Commissioner Larry Steinhorst	X Aye _____ Nay

**Gibson** said this is a good reminder for Staff to follow through on the creation of an affordable housing subcommittee. This could be done on a Commission level. **Christensen** suggested Commissioners **Mike Plaizier**, **Frank Adams**, and **John David Mortensen** be on that subcommittee in correlation with Staff and the City Attorney.

**ADDITIONAL MOTION**

**Frank Adams** made a motion that an ad hoc committee be formed to study the issue of affordable housing in the City as it is treated in Farmington City Code and make recommendations back to the Commission of ways administration could be improved.

**Mike Plaizier** seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye _____ Nay
Vice Chair John David Mortensen	X Aye _____ Nay
Commissioner Frank Adams	X Aye _____ Nay
Commissioner Samuel Barlow	X Aye _____ Nay
Commissioner Alan Monsen	X Aye _____ Nay
Commissioner Mike Plaizier	X Aye _____ Nay
Commissioner Larry Steinhorst	X Aye _____ Nay

**Christensen** said Staff will facilitate that. Commissioners noted that the Council has not approved some of the Commission’s recent recommendations, and they would like to understand their thinking better in the future, even if informally. **Adams** said this needs to be a small committee to come up with recommendations to be used in a broader sense. If a full commission gets together, there will be a better focus. Community Development Director **Dave Petersen** would like to resurrect the same committee with the same players that were included in the original. After inflation and supply chain issues, the views of the developers may have changed, and developers should be consulted again as they were originally.

**Christensen** would like a status report by the June 22, 2023, Commission meeting.

**ZONE TEXT AMENDMENTS – no public hearing**

**Item #5 Farmington City – Applicant is requesting consideration for Amendments to the Farmington City Zoning Ordinance. The purpose of these amendments is to resolve inconsistencies between sub-paragraphs under Section 11-17-050 regarding the location of accessory buildings and garages in Side Corner Yards in the OTR (Original Townsite Residential) zone, and possibly other zone text changes as well.**

**Petersen** presented this agenda item. The Planning Commission held a public hearing and considered this item at its May 4, 2023, meeting, but tabled action to allow time for Staff to show how many side-corner yards in the OTR may be affected by the proposed text amendment. The 89 residential “corners” that exist in the OTR zone include, among other categories, 22 side corner yards greater than 35 feet in width and another 22 such yards 25 to 35 feet in width. In other words, close to 49.4% of all residential lots may be impacted by this ordinance. Remarkably, about 29% of all residential side corner yards are under 20 feet in width, and many of these significantly so. **Petersen** said since there are so many large side corner yards, garages should be allowed in them, but not in the “required” portions of the side corner yards.

Background information presented at the 5/4/23 Planning Commission meeting:

With regard to corner lots, Section 11-2-020 of the Zoning Ordinance defines a "Side Corner Yard" and a "Required Side Corner Yard" as follows:

YARD, SIDE CORNER: Any yard between the other front lot line that is not used to designate the front of the main building and the setback of a main building and extending between the rear lot line and the front setback parallel to the street.

[Note: a "Front Yard" is "Any yard between the front lot line and the front setback line of a main building and for inside lots extending between side lot lines, or for side corner lots extending between a side lot line and the other front lot line that is not used to designate the front of the structure, parallel to the frontage of the lot. ..."]

YARD, REQUIRED SIDE CORNER: Any yard between the other front lot line that is not used to designate the front of the main building and the minimum side corner setback of a main building required in a particular zone extending between the rear lot line and the front yard parallel to the street.

In other words, even though the width of a "required side corner yard" in the OTR zone is 20 feet, a "side corner yard" width may be much larger depending on the location of the main building on the lot.

Section 11-17-050 A. allows one to construct an accessory building in the OTR zone, which includes garages, in the "side corner yard" but not the "required side corner yard." See *italicized/bold* phrase at the end of the paragraph below:

- A. Location: Accessory buildings, except for those listed in subsection B of this section, may be located within one foot (1') of the side or rear property line, provided they are at least six feet (6') 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 feet (15') 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**.

Meanwhile, except for side and rear yards, subparagraph D.1. of the same section prevents one from building a garage, or "similarly related accessory building," in the front yard "or any other yard," which includes side corner and required side corner yards:

- D. Garages: All garages and any similarly related accessory buildings, whether attached or detached, shall be considered for approval as follows:
  - 1. 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.

**Christensen** mentioned that this may be a mechanism to preserve the historic look and feel of the downtown area, and therefore may need to be run through the Historic Preservation Commission. **Petersen** recommends to table this agenda item for Staff to come back with clean-up language. Commissioners said the intent is not to see a modern garage, but rather one that is similar architecturally to the main home and neighborhood.

**MOTION**

**Frank Adams** made a motion to table this item to the next time Staff can bring it back.

**Larry Steinhorst** seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye ____ Nay
Vice Chair John David Mortensen	X Aye ____ Nay
Commissioner Frank Adams	X Aye ____ Nay
Commissioner Samuel Barlow	X Aye ____ Nay
Commissioner Alan Monsen	X Aye ____ Nay
Commissioner Mike Plaizier	X Aye ____ Nay
Commissioner Larry Steinhorst	X Aye ____ Nay

**OTHER BUSINESS**

**Item #6 Miscellaneous, correspondence, etc.**

- a. **Gibson** provided the May 16, 2023, City Council Report. There is effort to work with an HOA on the Farmington/Kaysville border around 950 North Street to firm up some property lines to get a new trail through that section. Two regional trails are only 2/3 of a mile apart there, and the area is a great amenity. The Council approved Cottrell Hills, and kicked the sidewalk determination down the line for more information. The Council followed the Commission's motion on that item.

**ADJOURNMENT**

**Frank Adams** made a motion to adjourn at 9:32 PM.

- Chair Erin Christensen
- Vice Chair John David Mortensen
- Commissioner Frank Adams
- Commissioner Samuel Barlow
- Commissioner Alan Monsen
- Commissioner Mike Plaizier
- Commissioner Larry Steinhorst

- X Aye \_\_\_\_\_ Nay
- X Aye \_\_\_\_\_ Nay
- X Aye \_\_\_\_\_ Nay
- X Aye \_\_\_\_\_ Nay
- X Aye \_\_\_\_\_ Nay
- X Aye \_\_\_\_\_ Nay
- X Aye \_\_\_\_\_ Nay

\_\_\_\_\_  
Erin Christensen, Chair

TO: Farmington City Planning Commission

From: Stephen and C. Susan Petters, Owners 267 Lucky Star Way Farmington UT

RE: Request to Deny Johnson Special Exception (M-4-23)

Sir/Ma'am;

The owners of 1026 Water Turn Dr are requesting an exemption to the height of the home they would like to build. In their request dated 8 May 2023 they note that there are "no homes close to the back of our home, so this height will not be impeding anyone's view." This is not accurate.

Our home, 267 Lucky Star Way sits immediately to the back of 1026 Water Turn Drive. The owners of this property are aware of our location as they constructed the wall in figure one below approximately two years ago. This all eliminated any mountain view from a portion of our backyard due to the steep grade rise from our home to the Water Turn property in question.

Figure 1:



*Figure 1 Note Upper wall constructed by Johnson's two years ago blocking any mountain view from portion of our property*

Figure two shows what remains of the mountain view from our property. I believe it's clear from this picture that any additional height past what is permitted under the appropriate Farmington ordinances currently will all but eliminate any view we have left of the Mountains and land to our East.

Approximate Home Location



Figure 2 Picture from 267 Lucky Star way toward proposed house location on Water Turn

In summary, we are not seeking to impact the Johnsons from constructing a reasonable home on property they clearly own, but we request the planning commission reject the request to add an additional two feet to what is currently allowed. These two feet may not seem like much, but will even further reduce, or potentially eliminate any view of the mountains we currently have, and reduce the amount of sunlight available on our property.

Sincerely,

Stephen and C. Susan Petters



## CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is given that the City Council of the City of Farmington will hold a regular meeting on **Tuesday, June 6, 2023** at City Hall 160 South Main, Farmington, Utah. A work session will be held at 6:00 pm in Conference Room 3 followed by the regular session at 7:00 pm in the Council Chambers. The link to listen to the regular meeting live and to comment electronically can be found on the Farmington City website at [www.farmington.utah.gov](http://www.farmington.utah.gov). If you wish to email a comment for any of the listed public hearings, you may do so at [dcarlile@farmington.utah.gov](mailto:dcarlile@farmington.utah.gov)

### **WORK SESSION – 6:00 p.m.**

- Lindquist Mortuary discussion
- Consolidated Fee Schedule(CFS) discussion
- Discussion of regular session items upon request

### **REGULAR SESSION – 7:00 p.m.**

#### **CALL TO ORDER:**

- Invocation – Councilmember Alex Leeman
- Pledge of Allegiance – Councilmember Roger Child

#### **PRESENTATION:**

- Deaglan Blackburn, Spotlight
- Introduction of New Police Officer, Harrison Chen

#### **PUBLIC HEARING:**

- Surplus of 0.094 acres of property at approximately 1160 West Park Lane
- Whether to exercise condemnation authority for Parcel 08-283-0002, located at approximately 901 N. Shepard Creek Parkway for public use.

#### **BUSINESS:**

- Landmark Design Master Plan discussion
- Open Sky Drone Light Show Presentation
- Resolution thanking Representative Chris Stewart and his family for their service
- Resolution to consider boundary adjustment
- Utility billing procedure
- Employee appeals amendments

#### **SUMMARY ACTION:**

- All West Franchise Agreement for Cable Television Services
- Approval of Minutes for 5/16/23

#### **GOVERNING BODY REPORTS:**

- City Manager Report
  - Consolidated Fee Schedule
  - Notice of Conditional Contract Award under RFP # 032423, Investment Advisor Services
- Mayor Anderson & City Council Reports

#### **ADJOURN**

**CLOSED SESSION** – Minute motion adjourning to closed session, for reasons permitted by law.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability, please contact DeAnn Carlile, City Recorder at 801-939-9206, at least 24 hours in advance of the meeting.

***CERTIFICATE OF POSTING*** I, the City Recorder of Farmington City, certify that copies of this agenda were posted at Farmington City Hall, Farmington City website [www.farmington.utah.gov](http://www.farmington.utah.gov), and the Utah Public Notice website at [www.utah.gov/pmn](http://www.utah.gov/pmn), on June 1, 2023