

**FARMINGTON CITY  
PLANNING COMMISSION**

June 08, 2023

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**WORK SESSION**

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

Community Development Director/City Planner **Lyle Gibson** said the first meeting of each month beginning at 6 p.m., the Commission will go through training. Each Commissioner is required to go through four hours of training each year. This training will be focused on mixed use districts. There are two chapters in the zoning ordinance, that will not be discussed this evening: the commercial (near the Mercedes dealership and Lagoon) and the neighborhood mixed use areas (curated for the spot next to Zions on the north end of town). The training rather is in relation to the office park mixed use area. The idea behind zoning districts is to separate uses under the guise of health and welfare. Cities can limit what you do with your property and zoning for housing, commercial, industrial uses is legitimate. What is unique about mixed use districts is that it is more form-based, based on what it looks like. Miami is famous for form-based code. It creates a sense of place. In Farmington, there is the Office Mixed Use (OMU), General Mixed Use (GMU), Residential Mixed Use (RMU), and Transit Mixed Use (TMU).

One of the challenges with this district, which doesn't deal with density but rather form, is the regulating plan. The City's interest in this OMU area is to create something different than a typical suburban office park. There is a pedestrian focus, which is different than suburbia, where the car is king. The regulating plan dictates how large a block can be, which is based on blocks in Portland, Oregon. This forces people to build developments that fit the block size of 264 linear feet. A traditional big box store like Costco or Wal-Mart is larger than this so would not be permitted without an exception being allowed by the City Council. To further the pedestrian focus, buildings must be built close to the street, with a portion being built facing the street. In theory, front doors are on the sidewalk to be more inviting. It is to hide a sea of parking and create a beautiful streetscape. The design style doesn't mean fewer parking stalls. Retailers push back against it because motorists don't see obvious parking stalls.

Herriman lost out on a deal that Riverton benefited from, and it is Center Cal's second mall in Utah. It is similar to Farmington's Station Park. Cabela's was developed in Farmington using Section 140, which is sour to many City Councilmembers. **Gibson** said it is a "write your own rules" section that calls for a Development Agreement approved by the Council. Section 140 allows the City to get something in return for an otherwise variation from the rules. To use Section 140, the developer has to have a minimum of 25 acres. Sometimes landowners will team up to assemble the acreage. With 150 total acres originally approved, Stack now has sub-agreements. There are maximum building heights in the OMU, but Stack got a variation in their Project Master Plan (PMP).

Chair **Erin Christensen** said this has made it so that buildings have many sides, but not back sides. There is a nice streetscape, but since people will be parking in the back, that side of the building is nice, too. Therefore, it is difficult to locate a loading dock and know where to put trash. **Gibson** said it is a challenge. The more urban and in demand this use is, retailers will adjust. Example challenges include retailers and customers want the parking side to have the front door. Banking establishments that are street-facing often have to deal with more theft, etc.

Upcoming Agenda Items

Item 1. **Andrew Hiller** public hearing. Planning Secretary **Carly Rowe** said Meta Soccer Club is needing a conditional use permit to apply for their business license to do sports and recreation in the smaller building of 22,588 square feet. Everything was approved and the buildings are under construction. The use is permitted, but the Commission can consider any needed conditions. There are 291 parking stalls for the entire building, and 2.2 stalls are suggested per 1,000 feet. However, it is up to the Commission. **Andrew Hiller** owns this entire site, and Meta Soccer is the tenant. **Gibson** said Kongo had 102 stalls (or two spaces per 1,000), and Lifetime had six per 1,000 (but this includes parking shared with the City). The Commission could ask for three per 1,000 as a conditional use. Salt Lake requires three stalls per 1,000. There are 291 spaces around the entire property, with 153,000 total square feet of buildings.

Item 2. **Brandon Teeples** public hearing. **Gibson** said typically the limit is a drive approach as wide as a garage. That is 20 feet for a two-car garage or 30 feet for a three car garage. In this case, the owner has a three-car garage and wants to put in an RV pad on the north side while widening their driveway to access it. The ordinance said a widened driveway is allowed if it leads to an approved space, which an RV pad would be. However, they already have their maximum of 30 feet, and therefore they need to ask for an exception for an additional 10 feet in the width of the driveway. It is a private street without a high curb. The Commission needs to

look at the standards. Commissioner **Sam Barlow** said the applicant is effectively getting rid of his street parking. Something to consider is if the RV would create a blind spot. **Gibson** said building permits are not required to do flat concrete work. Building inspectors typically look at the slope of driveways rather than the width. There is no sidewalk on this side of the narrow 30-foot street.

Item 3. **Gibson** said new single-family detached residential dwellings will now have limitations on how much grass they can have in their front and side yards. Most people want the backyard to have grass. This will not apply to existing homes. Existing property owners can get incentives from Weber Basin to convert their front and side yards out of turf. It would be difficult for City Staff to monitor and enforce this. People are a lot more willing to do water-wise landscaping lately.

## REGULAR SESSION

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

Chair **Erin Christensen** opened the meeting at 7:04 PM.

## CONDITIONAL USE PERMIT – public hearing

**Item #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.**

Planning Secretary **Carly Rowe** presented this agenda item. Meta Soccer Club is looking to open a location in Farmington at the above address. The building they are moving into is 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 square feet 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 square feet. 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, Salt Lake City requires 3 stalls per 1,000 square feet. This data is typically determined using the trip generation and parking manual where a sampling of facilities nationwide created 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.

**Andrew Hiller** (1268 Atrium Court, Farmington, Utah) owns the property and sees the concern for parking, but has assured that the parking should not be an issue. As of right now, Kongo Sports nearby has lots of empty spots, and the other two tenants (candy and clothing shops) that occupy Building 1 are a typical 9 AM-5 PM office. The building should be finished by September. Striping of the parking lot is being done that day. Several tenants are interested in Buildings 3 and 4, such as a medical equipment provider. He has had a lot of interest from sports users. The Utah Department of Transportation (UDOT) will eventually sell off land adjacent to this site, and **Hiller** is interested in purchasing it. This could be used for additional parking.

The Meta Soccer fields are mostly for training during the winter months. There will also be offices and bathrooms at this location. The soccer field will be mostly turf. Two fields would each measure 50 feet by 100 feet, and there would also be a half field for younger children. The other soccer clubs that do have facilities in Farmington will be leaving. The games will be at the fairgrounds. They are non-profit and player-focused currently located in Bountiful. Indoor competition teams are small, about five on five.

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

Christensen said it is difficult to know how much parking is needed. Hiller said there won't be competition games, and most of the use will be drop-off. His concern is more for safety and flow. Christensen said the parking for Building 3 should not take parking away from this. Hiller said parking spaces can potentially be added between the two dock doors on Building 3 if the tenant doesn't need trucks. The civil engineering plans said he needed 291. He said he provides more parking stalls than the neighbors on the west side. He said there are no dedicated spots for certain tenants, and all the parking is shared.

**MOTION**

Tyler Turner made a motion that the Planning Commission approve the requested conditional use permit with the parking ratio at a minimum of 2-3 spaces per thousand as is provided on site without the need to add additional conditions.

**Findings for Approval 1-3:**

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 which produces other potential nuisances such as noise and light.
3. At a parking ratio of a minimum of 2 to 3 stalls per 1,000 square feet, it is anticipated that the facility will be able to provide sufficient parking for its customers/users.

Clay Monroe seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye	_____	Nay
Commissioner Tyler Turner	X Aye	_____	Nay
Commissioner Samuel Barlow	X Aye	_____	Nay
Alternate Commissioner Clay Monroe	X Aye	_____	Nay

**SPECIAL EXCEPTION – public hearing**

**Item #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.**

Community Development Director/City Planner Lyle Gibson presented this agenda item. 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). They already have a three-car garage and approaches in place. They are adding a RV pad on the north side and would like a wider approach to access that. This request goes beyond the 30 feet listed in the ordinance, and they are therefore asking for a special exception. 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).

*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.

Applicant **Brandon Teeples** (515 S. Wendell Way, Farmington, Utah) addressed the Commission. The site is on a curve. The additional pad will get their vehicle off the road and improve the line of site for traffic. Residents are not allowed to park on the street during the winter, so this is needed. He lives in a Homeowner’s Association (HOA) and an RV can’t be parked outdoors. They need additional parking for their son who recently moved in with them. He moved into the home and there was already more than 30 feet of concrete on site. He said there are other nearby driveways south and to the east along 750 South and 820 South that are wider than 40 feet servicing three-car garages with additional parking on the side.

**Erin Christensen** opened and closed the public hearing at 7:35 PM due to no comments.

Commissioners said that adding a parking pad would improve the public safety in the area, as it would reduce on-street parking. **Christensen** said she would like to see the landscaping done to offset additional cement. The applicant agreed.

**MOTION**

**Tyler Turner** made a motion that the Planning Commission approve the special exception for an additional 10 feet to be added to the driveway at 515 S. Wendell Way, subject to all Farmington City ordinances and development standards; with a condition that landscaping be installed to the northern end of the property as shown on the diagram presented.

**Findings for Approval 1-3:**

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.
3. Standards for the special exception are met per City Ordinances.

**Samuel Barlow** seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye _____ Nay
Commissioner Tyler Turner	X Aye _____ Nay
Commissioner Samuel Barlow	X Aye _____ Nay
Commissioner Clay Monroe	X Aye _____ Nay

**ZONE TEXT AMENDMENTS** – public hearing on item 3. no public hearings on items 4, 5, 6; continued from previous meeting.

**Item #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.**

**Gibson** presented this agenda item. 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. The original ordinance imposed restrictions primarily on multi-family, planned unit development, and commercial developments while limiting what could be done in park strips on all developments.

At the time, 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.

Gibson said landscapes are changing in a more water-efficient direction lately throughout the State. There is public eagerness to get this passed. Farmington City has two water districts: Benchland Water District and Weber Basin Water Conservancy District, and this would make all residents eligible no matter the provider. For residents to be eligible for the Flip Your Strip or Lawn Exchange programs, Farmington would have to pass this ordinance, and the resident would have to have certain plantings. However, Farmington would not regulate those plantings.

Erin Christensen opened and closed the public hearing at 7:46 PM due to no comments.

**MOTION**

Tyler Turner made a motion that the Planning Commission recommend to the City Council the proposed text amendment to Chapter 11-7, creating additional water-efficient landscaping requirements for new residential construction.

**Findings for Recommendation 1-5:**

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 puts single-family development under similar restrictions to do their part to conserve water.

**Supplemental Information 1-5:**

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>

Clay Monroe seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye ____ Nay
Commissioner Tyler Turner	X Aye ____ Nay
Commissioner Samuel Barlow	X Aye ____ Nay
Commissioner Clay Monroe	X Aye ____ Nay

**Item #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 Original Townsite Residential (OTR) zone, and possibly other zone text changes as well. (continued from previous meeting).**

Gibson presented this agenda item. The placement of homes in the older part of town varied, so this gives direction on where garages can be placed.

On May 18, 2023, the Planning Commission reviewed a draft hand-out summary table (see table titled “Original Townsite Compared with Other Areas in Farmington” enclosed in Staff Report), and one of the key elements that 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 buildings. 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 5/18/23 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 may be affected by the proposed text amendment. The table (included in the Staff Report) 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 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.

**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** said she likes maintaining the restriction because it is intentional that garages are not prominent. She also likes the flexibility of adding a garage with the same look and feel as the main building.

#### **MOTION**

**Clay Monroe** made a motion that the Planning Commission recommend that the City Council amend Section 11-17-050 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 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 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.*
- 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 special exception).*
- 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.*
- 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, under 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 for Recommendation 1-3:**

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 "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.

Samuel Barlow seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye	_____	Nay
Commissioner Tyler Turner	X Aye	_____	Nay
Commissioner Samuel Barlow	X Aye	_____	Nay
Commissioner Clay Monroe	X Aye	_____	Nay

**Item #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).**

Gibson 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.” 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, 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 use 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.

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.

**Christensen** said her biggest concerns are with the exceptions (Section F). She would like the option to have the Planning Commission consider the exception if needed. She would not like to have an applicant exceed the height and lot coverage. In F1, she would like the Commission to have discretion to consider other conditions, and not be strictly limited. Consensus was to strike Section F.

**MOTION**

**Clay Monroe** made a motion that the Planning Commission recommend the City Council approve the zone text amendments as listed with the exception of 11-28-200 F being stricken, subject to all applicable Farmington City development standards and ordinances, and any changes as noted by the Commission.

**Findings for Recommendation 1-3:**

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.

**Samuel Barlow** seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye _____ Nay
Commissioner Tyler Turner	X Aye _____ Nay
Commissioner Samuel Barlow	X Aye _____ Nay
Commissioner Clay Monroe	X Aye _____ Nay

**Item #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).**

**Gibson** presented this agenda item. 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 they relate to main structures alone, 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-served situation, a property owner’s 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:**

- 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.
- 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.
- On a small single-family lot in a Planned Unit Development (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. **Gibson** said in a residential district, accessory buildings are allowed in a side yard, as long as they doesn’t exceed a 33% lot coverage and aren’t too close to other buildings on neighboring property. However, the proposed change says side yards can be used for accessory buildings no matter how close any of the neighbor’s buildings are. For a shed under 200 square feet, a building permit is not required unless utilities are being run to it. It can be built up to the property line. This change will likely legitimize many structures not currently meeting code.

**Erin Christensen** reopened the public hearing at 8:26 PM.

**Kenneth Blair** (2132 Chapman Lane, Farmington, Utah) came to the City months ago regarding his neighbor’s home placement in relation to his shed. The neighbor built his home 4 feet closer to **Blair’s** pad (for a 10 foot by 12 foot shed) than was originally agreed on. He is now 11 feet 5 inches from the neighbor’s structure.

**Erin Christensen** closed the public hearing at 8:27 PM.

Commission members agreed it would be fair to ask accessory buildings to be 3 to 5 feet off the property line, rather than a particular measurement from a neighboring structure. That would make it so one property owner’s choices didn’t impact another’s. The Commission discussed the impact this code could have on ADUs. In order to prevent the spread of fire, fire code could dictate more regulations for buildings close to property lines. **Barlow** said it needs some tweaking for ADU use, so it is not a land rush. **Gibson** said building code says structures can be 2 feet from the property line as long as the fire rating is met, and those may need to be grandfathered. Tool sheds are different than ADUs, and the ordinance should address each differently.

**MOTION**

**Samuel Barlow** made a motion to table the item to give Staff may address the Commission’s comments and concerns.

**Clay Monroe** seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye	_____	Nay
Commissioner Tyler Turner	X Aye	_____	Nay
Commissioner Samuel Barlow	X Aye	_____	Nay
Commissioner Clay Monroe	X Aye	_____	Nay

**OTHER BUSINESS**

**Item #7 Miscellaneous, correspondence, etc.**

- a. Minutes from May 4 and 18, 2023. **Christensen** feels it would be appropriate to wait to approve those, as most Commissioners who were in attendance at the previous meetings are now absent. These will be considered at the next meeting.
- b. City Council Report June 6, 2023
  - i. Planning and GIS Specialist **Shannon Hansell** attended. The Council authorized the City to condemn the **Brown** property in the Farmington Crossing area, north of Rose Cove Apartments. The Council also authorized a boundary adjustment study with Kaysville City regarding 950 North. The City owns a property on Park Lane where Innovator Drive would begin, and the plat has been cleaned up since. The Council discussed the park Level of Service (LOS) and the new park design.

**ADJOURNMENT**

**Clay Monroe** made a motion to adjourn at 9:05 PM.

- Chair Erin Christensen
- Commissioner Tyler Turner
- Commissioner Samuel Barlow
- Commissioner Clay Monroe

- X Aye  Nay
- X Aye  Nay
- X Aye  Nay
- X Aye  Nay

  
 Erin Christensen, Chair

