

FARMINGTON CITY, UTAH
ORDINANCE NO. 2024- 06

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF TITLE 11, ZONING REGULATIONS AND TITLE 12, SUBDIVISION REGULATIONS TO MODIFY THE PROCESS BY WHICH SUBDIVISION S AND BOUNDARY LINE ADJUSTMENTS ARE CONSIDERED TO ALLOW FLEXIBILITY IN LOT SIZE. (ZT-1-24)

WHEREAS, recent development review and use of recent changes to the subdivision ordinances has identified potential for improved process; and

WHEREAS, addition research in city policy determinations has brought forward some discrepancy in the code that is resolved by this ordinance; and

WHEREAS, the City is desirous to more readily facilitate an appropriate amount of flexibility in how lots are laid out to promote better design but to also promote more efficient use of property; and

WHEREAS, the City is seeking to improve its processes in order to better promote the creation of moderate income housing units within the city; and

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

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

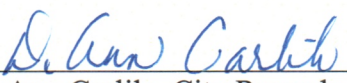
Section 1. Amendment. Multiple Sections of Title 11, Planning and Zoning and Title 12, Subdivision Regulations, of the Farmington City Ordinance are hereby amended as set forth in **Exhibit “A”** attached hereto and by this reference made a part hereof

Section 2. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 3. Effective Date. This ordinance shall take effect immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

PASSED AND ADOPTED by the City Council of Farmington City, State of Utah, on this 16th day of January, 2024.

ATTEST:


DeAnn Carlile, City Recorder

FARMINGTON CITY



Brett Anderson, Mayor



Exhibit A

11-10-040: LOT AREA, WIDTH, AND SETBACK STANDARDS:

A. Minimum Conventional 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' | 15' minimum, total 30' | 30' | 40' |
| A | 2 acre | 100' | 110' | 30' | 10' minimum, total 24' | 25' | 30' |
| AE | 1 acre | 100' | 110' | 30' | 10' minimum, total 24' | 25' | 30' |

B. Additional Lot Alternatives And Standards:

1. Alternatives:

a. Open Space: As an incentive for a subdivider to provide open space, the City, at its discretion, may approve a transfer of development right (TDR) or conservation subdivision as follows:

(1) Additional lots are those the City approves in exchange for a TDR as set forth in section [11-28-240](#) of this title; or in exchange for which the City obtains improved or unimproved land in fee title, or easement, for public purposes, such as parks, trails, detention basins, etc. The value of which, and the total number of lots related thereto, shall be determined by the City at its sole discretion as part of the subdivision process. Any applicant seeking additional lots under this section must provide a subdivision yield plan as defined in Chapter 2 of this title consistent with the underlying zone and the conventional subdivision standards within that zone to establish the base number of lots allowed prior to a request for additional lots, and the yield plan must also conform to subsections [11-12-070A](#) and B of this title.

(2) Additional lots under this section may also be available for subdivisions consisting of five (5) acres or more, or for subdivisions located in the Conservation Subdivision Overlay Zone as set forth in Chapter 12 of the title "Conservation Subdivision (CS) Overlay Zone And Development Standards"; or

b. Moderate Income Housing: The City may approve a smaller lot size as set forth in the following table which will result in additional lots than what is conventionally allowed in the underlying zone as an incentive to a subdivider to provide moderate income housing.

| Zone | Lot Area |
|------|----------|
| AA | 5 acres |
| A | 1 acre |
| AE | ½ acre |

(1) Minimum Requirement: Subdividers must provide or set aside lots (or dwelling units at the option of the City) equal in number to at least ten percent (10%) of the total number of lots approved for the subdivision for moderate income housing subject to ~~entering into an agreement with the City~~ recording a deed restriction(s) to ensure the required number of lots or units are

available for a qualifying moderate income household; unless, at the sole discretion of, and by agreement with the City, the subdivider provides:

- (a) A fee in lieu thereof determined in consideration of factors set forth in Section 11-28-270 of this Title;
- (b) Some other public benefit; or
- (c) A combination of (a) and (b) above.

2. Alternate Standards:

- a. Following the Subdivision Yield Plan defined in Chapter 11-2 and using the minimum standards of 11-10-040 (A) to establish a maximum number of lots, a subdivider may alter the lot area, width, setback, and other dimensional requirements of lots within a subdivision using standards set forth in Section 11-12-070 (C).
- b. Lot area, width, setback, and other dimensional requirements for additional lots may meet such standards set forth in Chapter 12 of this Title, but the number of lots in the subdivision cannot exceed the total number of lots resulting from the respective yield plan identified in 11-12-070.

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

A. Minimum Conventional 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 18' | 20' | 30' |
| LR | 20,000 | 85' | 95' | 25' | 10' minimum, total 22' | 20' | 30' |
| S | 30,000 | 95' | 100' | 25' | 10' minimum, total 22' | 20' | 30' |
| LS | 40,000 | 100' | 110' | 30' | 10' minimum, total 24' | 25' | 30' |

B. Additional Lot Alternatives And Standards:

1. Alternatives:

a. Open Space: As an incentive for a subdivider to provide open space, the City, at its discretion, may approve a transfer of development right (TDR) or conservation subdivision as follows:

(1) Additional lots are those the city approves in exchange for a TDR as set forth in section 11-28-240 of this title; or in exchange for which the City obtains improved or unimproved land in fee title, or easement, for public purposes, such as parks, trails, detention basins, etc. The value of which, and the total number of lots related thereto, shall be determined by the City at its sole discretion as part of the subdivision process. Any applicant seeking additional lots under this section must provide a subdivision yield plan as defined in Chapter 2 of this title consistent with the underlying zone and the conventional subdivision standards within that zone to establish the base number of lots allowed prior to a request for additional lots, and the yield plan must also conform to subsections 11-12-070A. and B. of this title.

(2) Additional lots under this section may also be available for subdivisions consisting of ten (10) acres or more, or for subdivisions located in the conservation subdivision overlay zone as set forth in Chapter 12 of the Title "Conservation Subdivision (CS) Overlay Zone And Development Standards"; or

b. Moderate Income Housing: The City may approve a smaller lot size as set forth in the following table which will result in additional lots than what is conventionally allowed in the underlying zone as an incentive to a subdivider to provide moderate income housing.

| Zone | Lot Area |
|------|----------|
| R | 8,000 |
| LR | 10,000 |
| S | 15,000 |
| LS | 20,000 |

(1) Minimum Requirement: Subdividers must provide or set aside lots (or dwelling units at the option of the City) equal in number to at least ten percent (10%) of the total number of lots approved for the subdivision for moderate income housing subject to recording a deed restriction(s) to ensure the required number of lots or units are available for a qualifying moderate income household entering into an agreement with the City; unless, at the sole discretion of, and by agreement with the City, the subdivider provides:

(a) A fee in lieu thereof determined in consideration of factors set forth in Section 11-28-270 of this Title;

(b) Some other public benefit; or

(c) A combination of (a) and (b) above.

2. Alternate Standards:

a. Following the Subdivision Yield Plan defined in Chapter 11-2 and using the minimum standards of 11-11-050 (A) to establish a maximum number of lots, a subdivider may alter the lot area, width, setback, and other dimensional requirements of lots within a subdivision using standards set forth in Section 11-12-070 (C).

a. Low Lot area, width, setback, and other dimensional requirements for additional lots may meet such standards set forth in Chapter 12 of this Title, but the number of lots in the subdivision cannot exceed the total number of lots resulting from the respective yield plan identified in 11-12-070.

11-17-035: MODERATE INCOME HOUSING:

A. Minimum Requirement: Subdividers must provide or set aside lots (or dwelling units at the option of the City) equal in number to at least ten percent (10%) of the total number of lots approved for the subdivision for moderate income housing subject to recording a deed restriction(s) to ensure the required number of lots or units are available for a qualifying moderate income household~~entering into an agreement with the City~~; unless, at the sole discretion of, and by agreement with the City, the subdivider provides:

1. Open space; or
2. A fee in lieu thereof determined in consideration of factors set forth in Section 11-28-270 of this Title; or
3. Some other public benefit; or
4. A combination of 1, 2, and 3 above.

B. Exemption: Subdivisions resulting in two (2) or fewer additional lots are exempt from the minimum moderate-income housing requirements of this Section.

C. Additional Lots: The City Council may approve additional lots than what is conventionally allowed in the underlying zone as an incentive to a subdivider to provide moderate income housing.

11-13-035: MODERATE INCOME HOUSING:

A. Minimum Requirement: Developers must provide or set aside dwelling units equal in number at least to ten percent (10%) of the total number of dwelling units approved for the development for moderate income housing subject to recording a deed restriction(s) to ensure the required number of lots or units are available for a qualifying moderate income household~~entering into an agreement with the City~~; unless, at the sole discretion of, and by agreement with the City, the developer provides:

1. Open space;
2. A fee in lieu thereof determined in consideration of factors set forth in Section 11-28-270 of this Title;
3. Some other public benefit; or
4. A combination of 1, 2, and 3 above.

B. Exemption: Developments resulting in two (2) or fewer additional units are exempt from the minimum moderate-income housing requirements of this Section.

C. Additional Dwelling Units: The City Council may approve additional dwelling units than what is conventionally allowed in the underlying zone as an incentive to a developer to provide moderate income housing.

12-1-040: DEFINITIONS:

Conventional Subdivision: Any exclusively residential subdivision of property for single family, two-family, or townhome development which meets all development standards adopted by ordinances and all minimum lot size and frontage requirements identified by the applicable zoning district. Subdivisions which include variation in lot sizes but which follow established standards and do not increase density. Subdivisions which meet Moderate Income housing requirements for additional lots by setting aside units for moderate income housing via deed restriction also qualify as conventional subdivisions.

Non-Conventional Subdivision: Any subdivision which is not a Conventional Subdivision, including but not limited to 1 or more of the following processes or considerations:

- a. Planned Unit Development (PUD),
- b. Conservation Subdivision,
- c. Subdivisions ~~which includes alternative lot sizes and frontages, or~~ which deviates from development standards for public improvements,
- d. Subdivisions seeking moderate income housing bonus density through means other than setting aside units for moderate income housing via deed restriction,
- de. Subdivisions which includes Commercial, Industrial, or Multifamily Development
- ef. Any subdivision requiring a Project Master Plan (PMP) or similar approval memorialized by a development agreement.