

**FARMINGTON CITY, UTAH**  
**ORDINANCE NO. 2024 - 18**

AN ORDINANCE ENACTING SECTION 180 OF CHAPTER 20 OF THE ZONING ORDINANCE TO PROVIDE AN ALTERNATIVE APPROVAL PROCESS BY DEVELOPMENT AGREEMENT AT THE DISCRETION OF THE CITY IN THE NMU ZONE. (ZT-5-24)

**WHEREAS**, the Planning Commission has held a public hearing in which the additional text proposed for Chapter 11-20 was thoroughly reviewed and has recommended that this ordinance be approved by the City Council; and

**WHEREAS**, the Farmington City Council has also held a public meeting 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. Enactment.** Sections 11-20-180 of the Farmington City Zoning Ordinance is hereby enacted in its entirety as follows:

**11-20-180: ALTERNATIVE APPROVAL PROCESS; DEVELOPMENT AGREEMENTS:**

A. **Alternative Development Agreement Approval Process:** Projects within the NMU Zone may elect the alternative approval process described in this section, resulting in the approval, execution and recordation of a development agreement. An approved development agreement shall govern the specific uses, densities and intensities of use proposed for the project area and the specific development standards to be applied in the development of the project, and include where the City Council determines an alternative development standard proposed by the project developer is appropriate for the development of the project and the Council finds there is appropriate consideration, in the form of monetary, tangible or intangible consideration of benefit to City or the public from the proposed development and/or other appropriate reasons that justify the determination of the City to alter generally applicable standards. The development standards of an approved development agreement shall also govern over any conflicting development standards contained in any other provisions of Farmington City ordinances, including, without limitation, provisions relating to site development standards in chapter 7 of this title, standards or limitations in this chapter, off street parking in chapter 32 of this title, supplementary and qualifying regulations in chapter 28 of this title, and signage standards in title 15 of this Code.

B. **Approvals:** The processes for approval of a development agreement and subsequent approvals for a project covered by a development agreement shall be governed by the

provisions of this section and any supplemental procedural provisions agreed by the parties in an approved development agreement.

C. Application For Development Agreement: Simultaneously with the application for a PMP (Project Master Plan) as set forth elsewhere in Section 11-18-080 of the Title, an applicant may apply for approval of a development agreement. In addition to the application requirements for a PMP, the applicant shall provide in narrative form a proposed development agreement including a specific description of the proposed uses and intensities of use proposed for the project area and a statement of the specific development standards proposed by the applicant to be applied in the development of any necessary public infrastructure and the private improvements to be located on the project site. The proposed uses shall be consistent with the purpose of the NMU Zone, but the other proposed development standards may vary from those development standards set forth elsewhere in this chapter, this zoning title or this Code. However, nothing herein shall be construed to allow any deviation from uniform construction codes or standards as set forth in this Code. Any application information required by this section may be waived by the Zoning Administrator on the basis that the information is not necessary to review the proposed PMP and development agreement.

D. Consideration And Approval Of Development Agreement: The development agreement shall be considered at the same time as the PMP and following the same approval process described in section 11-18-080 of this chapter 18 of the Title.

E. Final Development Agreement: The final development agreement shall incorporate the terms of the approved PMP, and shall contain development standards for the development of the project site and any public infrastructure required to be improved, the duration of the agreement and the rights granted pursuant thereto and such conditions of approval as may be imposed by the City Council and agreed to by the applicant. In addition to addressing uses, densities and intensities of use and development standards governing the project, the final development agreement may contain such other agreements between the City and the applicant as may be agreed by such parties and necessary for the development and financing of the project, including, without limitation, agreements regarding the phasing of development, the vesting of development rights and approvals, terms for moderate income housing, the terms and conditions for the extension of public infrastructure, the extension by developer of infrastructure, and any payment or repayment obligations associated therewith, the donation of any land or any other agreement reflecting an agreement between developer and the City, not covered within the description of the approved PMP.

F. Controlling Provisions: The terms of a development agreement shall be binding on the City and all successors in the ownership and occupancy of any portion of the project site covered by the development agreement. The provisions of the development agreement shall control over any inconsistent provision in the zoning ordinance. Upon approval and recordation of a development agreement, the property covered by the development agreement shall be deemed to be established as a separate district for purposes of establishing and enforcing the development regulations contained in the development agreement.

**G. Approval Processes After Approval Of Development Agreement:**

1. **Site Plan Review:** Notwithstanding any inconsistent provision of this title, a final development agreement may contain such site plan review processes as may be agreed between developer and the City, including such application requirements and review processes.

2. **Amendment:** Notwithstanding any inconsistent provision of this title, a development agreement and a PMP for a project covered by a development agreement may be amended on such terms and following such processes as is provided in the final development agreement. A PMP shall be deemed amended by any changes to the PMP approved at the time of final site plan or final plat review. No amendment of a PMP or a development agreement shall be required to reflect normal adjustments to the locations of improvements that occur as a result of the development of more specific plats, plans and specifications.

**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 9<sup>th</sup> day of April, 2024.

**FARMINGTON CITY**



Brett Anderson, Mayor

**ATTEST:**

  
DeAnn Carlile, City Recorder

