

FARMINGTON CITY, UTAH
ORDINANCE NO. 2024 - 43

AN ORDINANCE AMENDING TITLE 11-12, SUBDIVISIONS, ALIGN THE CITY'S ORDINANCES WITH THE STATE OF UTAH'S REQUIREMENTS FOR SUBDIVISION IMPROVEMENT WARRANTIES AND TO ESTABLISH THE PLANNING COMMISSION AS THE LAND USE AUTHORITY FOR CREATING A DADU PARCEL BY METES AND BOUNDS. (ZT-10-24)

WHEREAS, the Planning Commission has held a public hearing in which the text changes proposed for Title 12 were 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; and

WHEREAS, the proposed changes align with recent changes to the subdivision ordinance allowing the Planning Commission to act as the land use authority for plat amendments when creating a new lot.; and

WHEREAS, The proposed changes to the subdivision warranty language brings the city's code into compliance with the regulations of the State of Utah;

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


Section 1. Amendment. Certain sections of Title 12 of the Farmington City Zoning Ordinance are amended in as shown in Exhibit "A"

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 July, 2024.

ATTEST:


DeAnn Carlile, City Recorder

FARMINGTON CITY

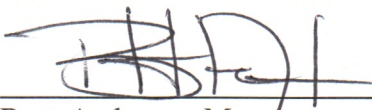

Brett Anderson, Mayor



Exhibit "A"

12-3-080: SUBDIVISIONS BY METES AND BOUNDS:

A. Purpose: The intent of this section is to allow the division of lots located in agricultural and residential zones into two (2) lots through the recording of approved deeds in restricted situations rather than requiring the recording of a subdivision plat.

B. Metes And Bounds Subdivisions; When Permitted: An owner or developer of property consisting of a single parcel of land or lot located within any zone may subdivide the parcel of land or lot into not more than two (2) lots for residential dwellings or accessory buildings related to the primary use by recording deeds containing metes and bounds descriptions of the lots without the necessity of recording a plat; provided, that:

1. The area to be divided is immediately adjacent to existing streets and utilities and does not involve the extension of any such streets or utilities;
2. The area to be divided is not traversed by the mapped lines of a proposed street as shown in the comprehensive general plan and does not require the dedication of any land for street or other public purposes;
3. The proposed lots conform to the city's zoning regulations and comprehensive general plan for the area;
4. No remnant parcels are created which, due to size, configuration or location, cannot be developed under the provisions of the Farmington City zoning ordinance;
5. No land immediately adjacent to the parcel of land or lot has been divided by the recording of metes and bounds deeds within five (5) years of the date of the application; and
6. The division of the property is approved by the city as set forth in this chapter.

C. Application: An owner or subdivider wishing to divide a single parcel of land or lot within an agricultural or residential zone within the city into not more than two (2) lots shall submit an application to the city planner on a form approved by the city. The application shall detail the proposed boundaries of the property to be divided with a legal description prepared by a licensed surveyor. The application shall also be accompanied by any necessary plans for the installation of required public improvements and accompanying bond agreements. At the time the application is submitted, the applicant shall also pay the required application fee, as set forth in the city's consolidated fee schedule.

D. City Planner Review: The city planner shall review the application with applicable city departments to assure compliance with city ordinances and shall determine if the application should be submitted to the providers of any utility service for comment.

E. Requirements:

1. Improvements: As a condition of approval of a metes and bounds subdivision, the applicant may be required to install or provide the following improvements, unless specifically waived in writing by the city engineer:
 - a. Boundary monuments, established in accordance with standards set forth by the Davis County surveyor and Utah Code Annotated title 17, chapter 23;
 - b. Curb and gutter;
 - c. Sidewalk;
 - d. Asphalt or concrete paving of rights of way;
 - e. Appropriate storm drainage facilities; and
 - f. Public utility easements.

2. Installation: All required public improvements shall be installed in accordance with the provisions of chapter 8 of this title and the city construction standards and specifications.

3. Security: The installation of any required public improvements shall be secured as provided in section [12-6-160](#) Chapter 6 of this title.

F. Statement Of Approval: Upon approval of an application under this chapter and the performance of all required conditions by the applicant, the applicant shall submit to the city such proposed deeds as the applicant intends to record to accomplish the division of the property provided for under this chapter, along with one reproducible copy and two (2) prints of the record of survey map filed in accordance with Utah Code Annotated title 17, chapter 23. The city shall review such deeds to assure that they conform to the representations made in the application. Upon approval, the city planner shall sign a statement to be attached to the deeds reflecting the city's approval of the division of the property into two (2) lots.

G. DADU Parcel – An existing lot which described by Metes and Bounds which is not part of a platted subdivision may be subdivided by metes and bounds for the purpose of creating a DADU parcel as defined in Section 11-2-020. The Planning Commission shall act as the land use authority when considering subdivision of a parcel by metes and bounds for the creation of a DADU Parcel.

12-5-100: WARRANTY PERIOD:

The warranty period shall commence upon the date that all improvements required by the city to be installed within the subdivision have been completed to the satisfaction of the city and a final inspection thereof has been made approving the same. The warranty period shall commence at that date and shall continue for a period of one year thereafter. If any deficiencies are found by the city during the warranty period in materials or workmanship, the subdivider shall promptly resolve such defects or deficiencies and request the city engineer to reinspect the improvements. At the end of the ~~two-one~~ (21) year warranty period, the subdivider shall request the city engineer to make a final warranty period inspection of all improvements. If the city engineer verifies that the improvements are acceptable, the city engineer shall notify the city manager, ~~who shall refer the matter to the city council.~~ The city ~~council~~ manager shall then review the matter and upon approval of the same shall release the balance of the security posted by the subdivider under the bond agreement.

12-6-160: SECURITY BOND; SUBDIVIDER:

D. Amount: The bond amount shall be equal to one hundred ~~twenty~~ ten percent (~~120~~%) of the city engineer's estimated cost of the public improvements to be installed;