

FARMINGTON CITY  
PLANNING COMMISSION

October 03, 2024

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**NO WORK SESSION**

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**REGULAR SESSION Present:** Chair John David Mortensen; Vice Chair Frank Adams; Commissioners Joey Hansen, Tyler Turner, and George "Tony" Kalakis. **Staff:** Assistant Director/City Planner Lyle Gibson, City Planner/GIS Specialist Shannon Hansell and Planning Secretary Carly Rowe. **Excused:** Commissioners Kristen Sherlock and Sam Barlow; and Alternate Commissioners Spencer Klein and Brian Shepard. Community Development Director David Petersen.

Chair **John David Mortensen** opened the meeting at 7:02 pm.

**ZONE TEXT AMENDMENTS**

**Item #1: Farmington City – Applicant is requesting a recommendation for an amendment to Section 11-28-050, SUPPLEMENTARY YARD REGULATIONS of Title 11, ZONING REGULATIONS. The amendment is proposed to allow rear yard averaging on all residential lots. This is currently allowed only for lots which are not rectangular in shape. (ZT-14-24) public hearing**

City Planner/GIS Specialist **Shannon Hansell** presented this agenda item. Rear yard averaging is a tool that may be used by the Zoning Administrator which allows the rear setback for a main building to be determined using distances of multiple points along the building measured to the rear property line. The concept is used mostly for cul-de-sac lots, or other oddly shaped lots which would otherwise have a difficult time complying with the required rear setback.

The exact zone text for Rear Yard Averaging reads: *Rear Yard Averaging In Residential: The zoning administrator may approve a variation in the required rear yard on residential lots that are not rectangular as follows: The average distance between the main structure and rear property line (measured from the rear corners of the main structure) shall be equal to the required rear yard (setback) in the zone in which the main structure is located, except that the distance measured at either corner shall not be less than twenty feet (20').*

The applicant has requested the consideration of the zone text amendment because they are in the process of obtaining a building permit for a deck. The proposed deck is approximately 10 feet wide and at its closest point, about 20 feet from the rear property line. This does not meet the required rear setback of 30 feet in the R (Residential) zone. One possible solution Staff looks at for such situations is rear yard averaging. However, the ordinance states that it may only be used on "non-rectangular" lots. Therefore, we could not apply the average rear setback to their proposed deck site plan. There are not options for variances allowing for 25%. The hearing officer route would not work, since it does not meet the state's requirement for a variance. The deck is more than 3 feet off the ground.

Staff's recommendation, at the request of the applicant, is to amend the text to the following:

D. Rear Yard Averaging In Residential: The zoning administrator may approve a variation in the required rear yard on residential lots ~~that are not rectangular~~ as follows: The average distance between the main structure and rear property line (measured from the rear corners of the main structure) shall be equal to the required rear yard (setback) in the zone in which the main structure is located, except that the distance measured at either corner shall not be less than twenty feet (20').

Applicants **Brian and Ashley Thompson** (2 E. 1340 S., Farmington, Utah) were present online. She said there was a 10 foot deck there when they moved into the home; they just want to lengthen it the length of the home, which requires a permit. They do not want to increase its width. He said the deck is 4 to 5 feet high. There is a walking path to a park and road between their home and the next neighbor behind them. There are many homes along there that have decks that extend past 8 feet.

**John David Mortensen** opened and closed the public hearing at 7:11 pm due to no comments.

Assistant Director/City Planner **Lyle Gibson** said this could apply broadly City-wide. If it makes sense with this application, it may make sense to apply in other areas.

Commissioner **Frank Adams** asked if this makes the setback 20 feet on all lots. **Gibson** said a true setback is all portions of a building could go 20 feet from the property line; in this case, sections of the building still have to be set back 30 feet according to code. **Adams** thinks this one should go through, but it may need to be a special exception. He doesn't want a developer to come in and do his whole development at 20 feet. **Hansell** said the special exception ordinance does not allow the consideration of setbacks. A zone text amendment may be needed for the special exception chapter. **Adams** wondered if it could be written so the Zoning Administrator could approve this for a single lot, rather than

multiple lots at a time. Commissioner **Tyler Turner** said he agrees with **Adams**. He has no problems approving this particular application, but doesn't want a developer to use it across the board in the future.

**Gibson** said this is one of the few times that the lot in question is a perfect rectangle. Already, rear yard averaging is applicable to a majority of existing lots in Farmington. **Mortensen** said if it is a non-rectangular lot, it still goes to 30-foot setback through averaging. This feels like it would change it to a 20-foot setback. The way it is written, it would make the square lot a little more lenient than other lots that meet the 30-foot average. He would rather approve it through a special exception. **Turner** said this application is a no-brainer, but changing zone text applies more broadly. He would rather make an amendment to special exceptions. **Adams** said there are two ways to do the same thing. Tonight this could be approved for a single lot only, or the City could go back and amend the special exception ordinance to allow them to do the same thing. **Hansell** said an additional hearing would need to be held in order to change the special exception ordinance. **Gibson** said this still needs to go through to the City Council.

**MOTION**

**Frank Adams** made a motion that the Planning Commission recommend the City Council approve the zone text amendment to 11-28-050 D Rear Yard Averaging in Residential, subject to all applicable Farmington City development standards and ordinances, with additional verbiage under subsection D as follows:

D. Rear Yard Averaging In Residential: The zoning administrator may approve a variation in the required rear yard on a single residential lot that are not rectangular as follows: The average distance between the main structure and rear property line (measured from the rear corners of the main structure) shall be equal to the required rear yard (setback) in the zone in which the main structure is located, except that the distance measured at either corner shall not be less than twenty feet (20').

**Findings:**

The proposed amendment allows for a reasonable amount of flexibility already allotted to many properties within the City.

**Tyler Turner** seconded the motion, which was unanimously approved.

Chair John David Mortensen	<b>X</b> Aye ____Nay
Vice Chair Frank Adams	<b>X</b> Aye ____Nay
Commissioner George Kalakis	<b>X</b> Aye ____Nay
Commissioner Tyler Turner	<b>X</b> Aye ____Nay
Commissioner Joey Hansen	<b>X</b> Aye ____Nay

**Item #2 Farmington City – Applicant is requesting an amendment to Chapter 11-2, DEFINITIONS of Title 11, ZONING REGULATIONS. The amendment is to include a new definition for “Live/Work Residential,” which is an existing use identified in create zoning districts. (ZT-12-24) no public hearing: tabled Sept. 19, 2024**

**Gibson** presented this agenda item. A definition for “live/work residential” is needed for several reasons, including how to handle licensing of businesses using these kinds of spaces.

Staff has prepared a draft definition to consider: “A dwelling unit which combines residential and non-residential uses allowed in the underlying zone where the proprietor of the business is also the resident of the same dwelling unit. The non-residential use of the dwelling unit may be licensed as either a Home Occupation which complies with the standards of Chapter 11-35 or a commercial business if the impact exceeds the standards for a home occupation including use of signs as allowed in 15-5-070 (C) with the ability to hold open office or store hours rather than accepting customers by appointment only. Non-residential use of the unit shall be limited to uses permitted in the applicable zoning district. The business operation of a life/work residential unit shall be limited to the main floor of a building. No additional off-street parking is required beyond what the ordinance requires for a residential unit.”

**Update from Sept. 19, 2024 meeting:** The Planning Commission asked if it might be possible to allow the work or shop space on the main floor to be operated by an individual or entity other than the resident of the residential unit above it. Appearance-wise to the public, it would seem to be the same. In reviewing this concept, Staff has determined that this type of space or use is possible within the zoning district, but it is different than live/work space.

Per building code, a space occupied by a different entity or individual separate from the home would be constructed differently. Separation requirements change and it is actually built as a commercial space under a residential space, whereas a live/work space is its own category.

In effect, if the City is okay with a business that isn't connected to the resident of the adjoining dwelling; they simply need to approve a space as such. When space is approved as live/work space, it is now defined as to how that works.

**Update from August 22, 2024 meeting:** Staff was asked to further research how signage would be different on a live/work unit than a typical commercial building. Updates to the City's sign ordinance have been included and the item has been re-noticed for a public hearing as additional sections of code are being included.

**Background:** The City's mixed-use zoning districts currently include an allowed use called "Live/Work Residential." The City has even approved multiple projects yet to be constructed which include units with ground floor store/shop space. Buildings which include this type of space could be available for purchase or rent by early 2025. Staff is looking to define what this means in order to prepare to manage and license the types of businesses that may fill these spaces.

**Gibson** said separation of the commercial and residential spaces must be considered for building code purposes. If there are two different entities without connection (other than a lease), then firewall, HVAC, and utility separations must be addressed. The idea still has some merit and may be do-able in mixed-use areas. However, it would no longer be considered "live/work" space, and the City would approve the main floor business as a commercial business instead.

For signage, 9 square feet was selected as a limitation for blade signs, but Commissioners are welcome to adjust that. The sign must not extend beyond 3 feet from the main façade. **Gibson** said language could be added that signage shall not extend above the ceiling of the ground-floor level, or 14 feet, which would be pedestrian height. Fourteen feet is fairly common in commercial spaces. Signs should be below the windows of the second floor. **Mortensen** said there could be some ambiguity about "main floor" signage that could use more definition. He is a fan of the "live/work" concept. **Turner** said he loves it. Commissioner **Joey Hansen** appreciates the Staff's work on this.

**MOTION**

**Frank Adams** made a motion that the Planning Commission recommend that the City Council approve the proposed changes to Chapter 11-2 and 15-5 of the City ordinances, with amendment to the language under Part C i. to read: "to not be placed above the ceiling of the commercial floor of the building."

**Finding:**

- 1. The proposed changes provide clarity to an already allowed use which has not yet been defined.

**Supplemental Information 1-2:**

- 1. Proposed definition and additional text for the zoning ordinance.
- 2. Example Live/Work Unit

**Joey Hansen** seconded the motion, which was unanimously approved.

Chair John David Mortensen	X Aye ____Nay
Vice Chair Frank Adams	X Aye ____Nay
Commissioner George Kalakis	X Aye ____Nay
Commissioner Tyler Turner	X Aye ____Nay
Commissioner Joey Hansen	X Aye ____Nay

**OTHER BUSINESS**

**Item #3 – Miscellaneous, Correspondence, etc.**

a) **Planning Commission minutes from September 19, 2024: Joey Hansen** made a motion to approve the minutes from the date above; **Tony Kalakis** seconded the motion, which was unanimously approved.

Chair John David Mortensen	Abstained
Vice Chair Frank Adams	X Aye ____Nay
Commissioner George Kalakis	X Aye ____Nay
Commissioner Tyler Turner	X Aye ____Nay
Commissioner Joey Hansen	X Aye ____Nay

b) **City Council Report from October 1, 2024. Gibson** provided this report. The City Council approved the Lyon Meadows Schematic Subdivision, which will return to the Commission for preliminary approvals. The Council approved the layout, but kicked the moderate-income housing details, deed restrictions, and development agreements back to the Commission. The Council also approved the 200 East Street Vacation.

c) **Review of second October meeting date.** The 17<sup>th</sup> as originally scheduled conflicts with the Davis School District's fall break, and most commission members will be out of town. Therefore, we will hold our second

**ADJOURNMENT**

**Tyler Turner** motioned to adjourn at 7:48 PM.

Chair John David Mortensen

Vice Chair Frank Adams

Commissioner George Kalakis

Commissioner Tyler Turner

Commissioner Joey Hansen

X Aye \_\_\_\_ Nay

X Aye \_\_\_\_ Nay

X Aye \_\_\_\_ Nay

X Aye \_\_\_\_ Nay

X Aye \_\_\_\_ Nay



**Frank Adams, Vice Chair**