

FARMINGTON CITY, UTAH

ORDINANCE NO. 2024-62

AN ORDINANCE AMENDING SECTIONS 11-2-020, 11-28-200, and 11-17-050 OF THE FARMINGTON CITY ZONING ORDINANCE REGARDING ADUs, SSFs, and OTHER MISCELLANEOUS ITEMS, AND REPEALING SECTION 11-28-110 TITLED “MINIMUM SIZE OF DWELLINGS”.

WHEREAS, the Planning Commission held a public hearing in which the text changes proposed to the Zoning Ordinance were 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 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. Specific definitions in Section 11-2-020, Sections 11-28-200, 11-28-110, and 11-17-050 E. 1. of the Farmington City Zoning Ordinance are hereby presented, amended, or repealed as set forth in Exhibit “A” attached hereto and by the reference made a part hereof, subject to necessary renumbering of existing Sections after Section 110 of Chapter 28.

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 17th day of December, 2024.

FARMINGTON CITY



Brett Anderson, Mayor



ATTEST:


DeAnn Carlile, City Recorder

Exhibit "A"

11-2-020: DEFINITIONS OF WORDS AND TERMS:

ACCESSORY DWELLING UNIT (ADU): A Detached Accessory Dwelling unit (DADU) or an Internal Accessory Dwelling Unit (IADU) both as defined herein.

ACCESSORY DWELLING UNIT, DETACHED (DADU): A detached dwelling unit consisting of all or any part of a detached accessory building, **as defined by the Building Code**, to a single-family dwelling ~~not physically connected in any way to the single family dwelling~~ which is architecturally compatible to the neighborhood and single-family dwelling and located on the same lot, ~~or on a DADU parcel.~~

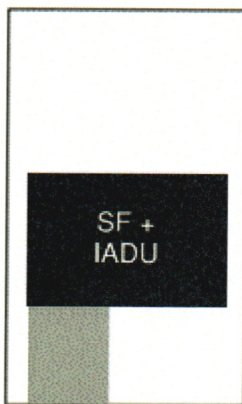
ACCESSORY DWELLING UNIT, INTERNAL (IADU): An attached dwelling unit within, or adding to, the footprint of a single-family dwelling and is architecturally compatible with the single-family dwelling and neighborhood.

11-28-200: ACCESSORY DWELLING UNITS (ADUs):

- A. Purpose: The purposes of this section and any rules, regulations, standards and specifications adopted pursuant hereto are:
 1. Minimal Impacts: To accommodate such housing in residential neighborhoods with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion, proximity to neighboring dwelling units, and compatible scale and appearance of residential buildings.
 2. Decline In Quality: To prevent the proliferation of rental dwellings, absentee ownership, Building Code violations and associated decline in quality of residential neighborhoods.
 3. Terms And Conditions: To set forth standardized terms and conditions for ADUs and procedures for review and approval of the same.
- B. Applications. Applications for an IADU shall be submitted and reviewed by the Planning Department.
- C. Allowed Use: ADUs may be an allowed use as designated by the underlying zone(s) found in this title.
- D. Standards: The following standards and conditions shall apply to all ADUs, and Detached Accessory Dwelling Units (DADUs) or Internal Accessory Dwelling Units (IADUs) as specified, in addition to any terms and conditions of approval as imposed by the Planning Department or the Planning Commission during the permitted use, conditional use permit, or subdivision process:

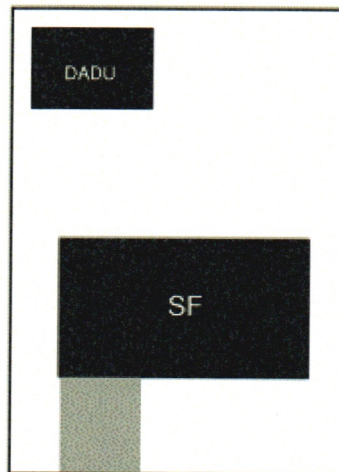
1. Location, Height, and Footprint: An ADU shall only be allowed as part of, or in conjunction with, a single-family dwelling, and DADUs shall meet the height and building footprint area standards of the underlying zone for accessory buildings.
2. Number: A maximum of one ADU shall be allowed per single-family dwelling except as provided for in subparagraph F below. An ADU shall contain no more than one dwelling unit.
3. Parking: At least one off-street parking stall shall be provided for the ADU. Such parking stall must be in addition to all off street parking requirements for the primary single-family dwelling on the lot and shall conform with the City parking standards specified in this title.
- ~~4. Design And Character: The ADU or IADU shall be clearly incidental to the single-family dwelling, and shall not adversely affect the residential character of the surrounding neighborhood. An IADU shall be designed in such a way that neighbors or passersby would not, under normal circumstances, be aware of its existence.~~
5. Size: DADU shall be equal to or subordinate to the footprint of the original Single-family dwelling. An IADU shall be equal to or subordinate to the floor area of the original single-family dwelling.
6. Lot Size:
 - a. The creation of an IADU is prohibited if the lot size\containing the primary dwelling is less than six thousand (6,000) square feet in size.
 - b. The creation of a DADU is prohibited if the lot containing the primary dwelling is less than ten thousand (10,000) square feet in size.

IADU Example



-Owner must live on-site.
- Lot size \geq 6,000 sq. ft.

DADU Example



-Owner must live on-site.
- Lot size \geq 10,000 sq. ft.

*SF = Single-Family Dwelling

76. Construction Codes: The ADU shall comply with all Construction, Housing and Building Codes in effect at the time the ADU is constructed and shall comply with all procedures and requirements of the City building regulations.
87. Foundation: The ADU must be adequately installed and secured to a permanent concrete foundation in accordance with the building codes, as adopted and amended by the city.
98. Occupants: The ADU shall be occupied exclusively by one family.
109. Occupancy: Either the single-family dwelling or the ADU shall be owner occupied.
104. Temporary Absentee Ownership:
- a. Temporary absentee property ownership may be allowed due to circumstances, such as military assignments, employment commitments, family obligations and quasi-public service.
 - b. Notwithstanding the foregoing, the maximum time period allowed for temporary absentee property ownership shall not exceed twelve (12) months. In the event such temporary absentee property ownership occurs, the property owner may rent both the ADU and the primary dwelling to unrelated third parties as defined herein.
 - c. The zoning administrator may extend the twelve (12) month temporary absentee owner period when the property owner can provide sufficient evidence that the circumstances justifying the exception will last longer than one year. The zoning administrator may not authorize a temporary absentee ownership unless the application includes a definite termination date of the temporary absence.
 - d. An unrelated third party is any person who is not related to the primary owner of a dwelling within 3 degrees of consanguinity.
 - e. This subsection does not prohibit the occupation of a primary dwelling or ADU by a related party, or a domestic partner of the property owner, during a period of the property owner's absence.
112. Notice Of ADU: Farmington City may record a notice in the office of the Davis County Recorder on the lot in which the ADU is located. The notice shall include:
- a. A statement that the lot contains an ADU; and
 - b. A statement that the ADU may only be used in accordance with the City's regulations.

The City shall, upon recording the notice deliver a copy of the notice to the owner of the ADU.

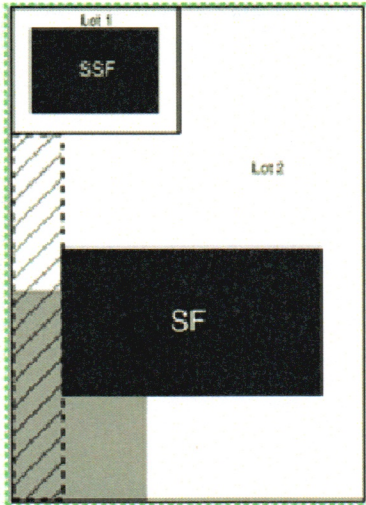
- E. Site Development: Upon consideration of approval of a permitted use, or a conditional use permit, for an ADU, an application for site development shall be submitted in accordance with the provisions of chapter 7 of this title.

- F. DADU Ownership: The DADU owner may be different or the same as the owner of the single-family dwelling, including but not limited to a lot split. The DADU owner may own or acquire an interest in the DADU where such interest is memorialized in a writing, that it is a legally enforceable and binding instrument fully describing the legal obligations between the owner of the single-family dwelling and the owner/proposed owner or interest holder as well as their respective successors in interest in the DADU in such a form and manner as will run with the land. Such instrument shall be in recordable form and shall be recorded with the office of the county recorder as a condition of issuance of any building permit or certificate of occupancy by the city. Ownership may include transfers to successors in interest to the original owner where the original owner retains ultimate control of the DADU such as to a wholly owned corporation or living trust where the owner is both grantor and trustee and the like. All such instruments must be approved by the city attorney as to form and content prior to recordation. Standards for any such DADU created under this Section are as follows:
 - 1. SSF: A Subordinate Single-Family dwelling (SSF) is a DADU held in separate ownership from owner of the single-family dwelling, which ownership includes land separate from the ~~single-family dwelling~~-DADU.
 - 2. DADU Parcel: A defined area of ground which contains only two lots, each with a dwelling, and which, if combined together as one lot, including the structures thereon, meets the building lot, building placement, building height, parking standards, and other requirements of the underlying zone.
 - 3. DADU Parcel Compliance: An SSF and a single-family dwelling shall comply with the definition of a DADU parcel.
 - 4. Land Use Approvals/Permits: Any subdivision and building permit necessary to enable an SSF must follow the building code, the city's subdivision process, and other rules and regulations of the Farmington City Code.
 - 5. Separate Utilities Required: As part of the subdivision and building permit process, the owner of a DADU shall provide separate culinary water and sewer laterals, and other utilities (and if necessary a separate connection for secondary water), as well as customary metering, prior to occupancy of the SSF, and shall provide easements acceptable to the City for the same prior to or concurrent with the recordation of the subdivision. In the event separate utilities for the DADU are not installed, or approved by any or all respective service providers, the owner of the single-family

dwelling shall not offer the DADU for sale as an SSF and the city shall not approve the subdivision of the property.

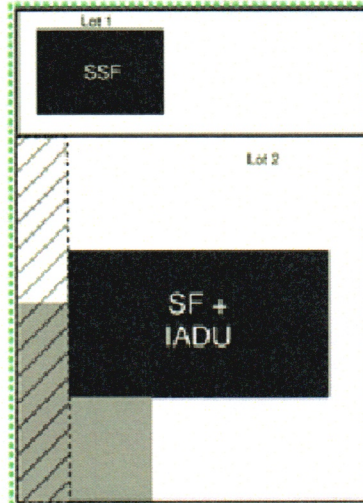
6. **Parking and Access Easements:** If an SSF lot frontage on public or private right-of-way is not wide enough to accommodate parking or pedestrian access, or if an SSF lot has no frontage, the owner of the single-family dwelling lot shall provide parking and pedestrian access easements, acceptable to the city, to the owner of the SSF prior to or concurrent with the recordation of the subdivision.
7. **Certificate of Occupancy:** A property owner, or the City, shall not record a subdivision to enable an SSF until the City has issued a certificate of occupancy for the SSF, **unless a deed restriction, acceptable to the City, is recorded concurrent with the newly created vacant lot which states:**
 - a. **The owner may establish a DADU thereon so long as both lots are held under one ownership, meet DADU Parcel requirements, and the owner must live on-site in either the DADU or the single-family dwelling; and**
 - b. **Any future SSF on the lot must meet all related requirements, included but not limited to SSF Occupancy standards.**
8. **SSF Occupancy:** An SSF must be owner occupied for two (2) years upon initial separation of ownership from the single-family dwelling regardless if such two (2) years is interrupted by an allowed temporary absentee ownership time period set forth herein, and all instruments recorded against the property to implement the separation shall require the same standard. Initial separation shall mean for purposes of this part the date upon which the initial owner of the single-family dwelling divests or sells a fee simple interest in the DADU creating the SSF.
9. **Number of Permissible Dwelling Units:**
 - a. An SSF shall contain no more than one dwelling unit, and shall not have a DADU or an IADU.
 - b. A Single-Family Dwelling which is essential to the creation of an SSF shall not have an DADU, but may have an IADU. In the event this occurs, the lot size for the SSF must be greater than or equal to two thousand five hundred square feet (2,500 sq. ft.) in area, the lot size for the Single-family dwelling must be greater than or equal to six thousand square feet (6,000 sq. ft.) in area, and the size for the DADU parcel must be greater than or equal to Twelve thousand square feet (12,000 sq. ft.) in area.

DADU Parcel Example 1



- Lot 1: Owner must live on-site the first two years.
- Lot 2: Owner need not live on-site
- DADU parcel $\geq 10,000$ sq. ft.
- Access, Utility, and Parking Easement

DADU Parcel Example 2



- Lot 1: Owner must live on-site the first 2 years
- Lot 2: Owner must live on-site.
- Size
Lot 1: $\geq 2,500$ sq. ft.
Lot 2: $\geq 6,000$ sq. ft.
- DADU parcel $\geq 12,000$ sq. ft.
- Access, Utility, and Parking Easement

*SF = Single-Family Dwelling

11-28-110: MINIMUM SIZE OF DWELLINGS:

All dwellings erected within the city shall have a minimum of eight hundred fifty (850) square feet of gross floor area, unless approved by the planning commission as a conditional use.

11-17-050: ACCESSORY BUILDINGS AND STRUCTURES (INCLUDING ATTACHED OR DETACHED GARAGES):

- E. Garages: All garages and any similarly related accessory buildings, whether attached or detached, shall be considered for approval as follows:
 1. Notwithstanding subsection A, a garage shall not encroach into the front yard, or side corner yard, or any other yard, except side yards and the rear yard, of the building lot, with the exception that 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.