

Layton City
ORDINANCE 23-01

APPLICATION OF LANDSCAPE REQUIREMENTS

AN ORDINANCE AMENDING TITLE 19 ZONING, CHAPTER 19.16 "LANDSCAPING AND FENCING" TO ESTABLISH APPROPRIATE LANDSCAPING APPLICATION REQUIREMENT STANDARDS FOR DEVELOPMENT PROJECTS IN LAYTON CITY; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE

WHEREAS, it is a countervailing interest for the State of Utah to conserve water and reduce demand for current and future water resources;

WHEREAS, it is in the City's interest that landscaping on commercial and multifamily properties be well maintained;

WHEREAS, the City adopted new water-wise landscaping standards in 2021 for new developments and existing developments that receive modifications;

WHEREAS, it is in the City's interest that the requirements for landscape improvements be roughly proportionate to improvements/remodel costs of a property;

WHEREAS, water-wise landscaping requirements shall apply gradually, proportionately, or in full, based on the expansion of and/or investment into the building/site;

WHEREAS, at the conclusion of the public hearing and upon making the necessary reviews, the Council finds it to be in the best interest of the health, safety, and welfare of its citizens to make the proposed amendments to Layton Municipal Code Title 19.

WHEREAS, the Layton City Planning Commission reviewed the proposed changes at their January 24, 2023 meeting and after holding a public hearing recommended approval of the proposed changes;

WHEREAS, the Council has reviewed the Planning Commission's recommendation and has received pertinent information in the public hearing regarding the proposal; and

NOW THEREFORE, be it ordained by the City Council of Layton City, UT as follows:

SECTION I: Repealer. If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.

SECTION 2: Amendment. "19.16.020 Application Of Landscape Requirements" is hereby amended as follows:

19.16.020 Application Of Landscape Requirements

~~The requirements of this chapter shall be considered a minimum, except in those cases where otherwise noted (i.e. specified ranges or specific numbers).~~

1. The requirements of this chapter shall be considered a minimum and shall apply to both public and private development. Compliance with landscaping requirements shall be required under the following situations and criteria:

a. All new construction/development requiring a building permit.

b. Addition and/or expansion of building(s), use, or parking area(s) for commercial, industrial, mixed-use, and/or multi-family sites.

~~The requirements of this chapter shall apply to both public and private development and shall take effect when building permits are required for the following situations:~~

i. Compliance with this chapter shall be required when an addition and/or expansion exceeds the present size of a building or parking area as listed in Table 16.20-1.

Table 16.20-1

| Row | <u>Increase of Building(s)/Parking Area(s)</u> | <u>Compliance Requirements</u> |
|-----|---|---|
| Row | <u>15% - 19.9%</u> | <u>Comply with park strip landscaping requirements (see 19.16.070)</u> |
| Row | <u>20% and over</u> | <u>Compliance with landscaping standards for entire site</u> |

~~all new construction on vacant parcels, expansions of existing uses, exterior remodeling, enlargement, or change of land use.~~

c. Exterior/Interior Remodel for commercial, industrial, mixed-use, and/or multi-family sites.

i. Compliance with this chapter shall be required when the proposed construction costs meet or exceed the percentage of the building value as listed in Table 16.

20-2.

~~any substantial modification to an existing site or structure in which the~~

ii. The value of the building shall be established based on the most recent market valuation notice issued by Davis County; or

iii. if a market valuation notice is not available and/or cannot be provided, the applicant may submit a building appraisal that has been completed by a licensed appraiser within 90 days prior to the submission of the building permit application.

~~Estimated construction cost is greater than \$75,000.00 in either a single application or any number of applications within a ten year period.~~

iv. Estimated construction costs shall not include the cost of retail shelves/racking, solar PV systems, reroofing, seismic upgrades, ADA compliance, and/or safety improvements required by the building and/or fire code as approved by the Community and Economic Development Director or designee.

3Table 16.20-2

| <p>Row</p> <p><u>Percentage of Construction Costs to Building Valuation</u></p> | <p><u>Compliance Requirements</u></p> |
|---|---|
| <p>Row</p> <p><u>15% - 19.9%</u></p> | <p><u>Comply with park strip landscaping requirements (see 19.16.070).</u></p> |
| <p>Row</p> <p><u>20% - 50.9%</u></p> | <p><u>Compliance for the percentage of landscaped area shall be proportionally equivalent to the percentage of building valuation. (*See footnote for example.)</u></p> |
| <p>Row</p> <p><u>51% and over</u></p> | <p><u>Compliance with landscaping standards for entire site.</u></p> |
| <p>Row</p> <p><u>* Example: Building Valuation \$750,000, Remodel Costs \$225,000, equals 30% of Building Valuation. Which means 30% of existing Landscape Area requires compliance with the landscape ordinance.</u></p> | |

~~the following shall be exempt from the standards of this chapter:~~

d. When landscaping compliance is required in a proportional amount, preference shall be given to park strips and areas where turf grass is not permitted as outlined in 19.16.036(1).

e. Proportional landscape compliance shall apply to the portions of landscape that are not compliant with the landscape standards as outlined in this chapter.

~~a~~f. Agriculture structures associated with a bona fide agricultural use within an A Zone;

~~b. minor improvements or repairs to existing development that do no result in an increase in floor area;~~ and an accessory structure associated with a commercial or industrial use that does not exceed 1,000 square feet, shall be exempt from the standards of this chapter.

~~4~~2. The required landscaping percentage shall be strictly followed; however, the Land Use Authority may reduce the percentage requirement through a landscape modification process. Exceptions shall be limited in their application and shall be based on the following criteria:

a. there is a physical hardship associated with the property that results in a unique circumstance that does not generally apply to other similar properties;

b. the proposed reduction in landscape area shall be mitigated through enhanced landscaping improvements and/or the provision of amenity areas that exceed the minimum standards of this chapter;

c. exceptions shall not ... off-street parking stall requirement.

3. Any landscape component associated with a property's approved landscape that does not survive or is in need of repair shall be addressed promptly. Replacement trees and plantings shall be of a like kind

and species of tree(s) and plantings removed. The removal and replacement of existing trees, with the exception of invasive tree species, shall only be permitted with prior approval by the Community and Economic Development Director, or designee and under the following criteria:

a. disease, which shall require a written recommendation from an arborist stating the disease and reason for removal;

b. sidewalk buckling;

c. approved building expansion; or

d. interference and/or conflict with public utilities or public right-of-way;

e. health and safety of individuals and/or surrounding properties including but not limited to clear view requirements.

...

SECTION 3: Amendment. "19.16.030 " is hereby amended as follows:

1. The following completion ... or community association.

a. Landscaping, plantings, sprinkling systems, walls, fences, and/or screening structures, shall be installed in accordance with approved final site plan / development plan(s) prior to issuance of a business license and/or any occupancy permit. If the installation of any of these improvements cannot be completed due to weather, including drought conditions or other circumstances beyond the control of the owner or developer, a Temporary Certificate of Occupancy may be issued if a Performance Security and Deferral Agreement is signed by the developer or owner which shall guarantee completion of all unfinished improvements. Such agreement shall be on a form provided by the City and shall be reviewed and approved by appropriate City staff. The agreement shall include the following:

i. projects for which ... cost of improvements;

ii. a time schedule ... of building construction.

...

SECTION 4: Severability. If any section, subsection, sentence, clause, or phrase of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this amendment.

SECTION 5: Effective Date. This ordinance being necessary for the peace, health, and safety of the City, shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is the more remote from the date of passage thereof.

****Signatures On Next Page****

PASSED AND ADOPTED by Layton City Council this **16th day of February, 2023.**



JOY PETRO, Mayor
Layton City

Attest:



KIMBERLY S READ, City Recorder
Layton City



DARREN CURTIS, Assistant City Attorney
Layton City



CHAD WILKINSON, Community Development Director
Layton City

| City Council Vote as Recorded: | AYE | NAY | ABSTAIN | ABSENT |
|--------------------------------|----------|-----|---------|--------|
| Zach Bloxham | <u>X</u> | — | — | — |
| Clint Morris | <u>X</u> | — | — | — |
| Tyson Roberts | <u>X</u> | — | — | — |
| Bettina Smith Edmondson | <u>X</u> | — | — | — |
| Dave Thomas | <u>X</u> | — | — | — |



RECORDED this 27th day of March, 2023.

PUBLISHED OR POSTED this 7th day of March, 2023.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Layton City, hereby certifies that the foregoing Amendment was duly passed and published or posted at:

1. Layton City Center
2. Surf 'n Swim Bulletin Board
3. Davis County Library - Layton Branch

on the above referenced dates.



KIMBERLY S READ, City Recorder
Layton City