

Layton City
ORDINANCE 23-02

**UPDATE TERMS, PROVIDE CLARIFICATION, CORRECT CODE CONFLICTS
AND REMOVE OBSOLETE REQUIREMENTS**

AN ORDINANCE AMENDING TITLE 18 “LAND USE DEVELOPMENT” AND , CHAPTER 18.25 “EASEMENTS”, SECTION 18.25.040 “EASEMENT DIMENSIONS”; TITLE 19 “ZONING”, CHAPTER 19.02 “DEFINITIONS”, SECTION 19.02.020 “DEFINITIONS”; CHAPTER 19.05 “GENERAL AND SPECIFIC DEVELOPMENT REGULATIONS”, SECTION 19.05.000 “TABLES 5-1 AND 5-2”; CHAPTER 19.06 “LAND USE REGULATIONS”, SECTION 19.06.000 “TABLES 6-1, 6-2 AND 6-3”, SECTION 19.06.020 “PRINCIPAL AND ACCESSORY USES”, AND SECTION 19.06.030.3 “GENERAL HOME OCCUPATION STANDARDS”; CHAPTER 19.12 “OFF STREET PARKING”, SECTION 19.12.070 “ADA ACCESSIBLE PARKING STANDARDS (TABLE 12-3); CHAPTER 19.13 “DESIGN AND DEVELOPMENT PLAN REVIEW FOR PERMITTED USES”, SECTION 19.13.040 “DEVELOPMENT PLAN REQUIREMENTS FOR REMODELING AND CHANGE OF USE TO A PERMITTED USE IN AN EXISTING STRUCTURE ON A DEVELOPED SITE”, AND SECTION 19.13.060 “DEVELOPMENT PLAN REQUIREMENTS FOR NEW CONSTRUCTION OF AN UNDEVELOPED SITE OF COMMERCIAL/INDUSTRIAL AND MULTI-FAMILY PERMITTED AND CONDITIONAL USES, OR REMODELING OF EXISTING STRUCTURES”; CHAPTER 19.16 “LANDSCAPING AND FENCING, FENCING AND CLEAR VIEW”, SECTION 19.16.050 “LANDSCAPE PLANT BED AREAS”, AND SECTION 19.16.070 “LANDSCAPED PARK STRIP”; CHAPTER 19.21 “TEMPORARY AND SEASONAL USES”, SECTION 19.21.070 “SEASONAL OUTDOOR VENDORS”; CHAPTER 19.25 “MIXED-USE (MU) ZONING DISTRICT”, SECTION 19.25.060 “SPECIFIC DESIGN STANDARDS”; CHAPTER 19.26 “MIXED-USE/TRANSIT ORIENTED DEVELOPMENT (MU-TOD) ZONING DISTRICT”, SECTION 19.26.060 “SPECIFIC DESIGN STANDARDS; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE

WHEREAS, the City’s interest to update the Municipal Code to update terminology, add clarification, correct conflicts, and removed obsolete information;

WHEREAS, the Layton City Planning Commission reviewed the proposed changes at their December 13, 2022 meetings 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

WHEREAS, at the conclusion of the public hearing and upon making the necessary reviews, the Council of Layton City finds it to be in the best interest of the health, safety, and welfare of its citizens to make the proposed amendments to LMC Title 18 and Title 19.

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

SECTION 1: Repealer. If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.

SECTION 2: Amendment. "18.25.040 " is hereby amended as follows:

The easements shall be as follows:

1. Seven feet on the front lot line;
2. ~~10~~**Five feet** on the rear lot line; and
3. A combined total ... feet on one lot.

Where directed by the ... by the City Engineer.

...

SECTION 3: Amendment. "19.02.020 " is hereby amended as follows:

...

"Dealership, Small": A business ... under the same ownership.

"Deferred Deposit Lender": Means ... until a specific date.

"Domestic Animals": Animals accustomed to living in or about the habitation of ~~man~~**human**, including but not limited to: cats, dogs, fowls, horses, swine, goats, sheep, mules, donkeys, and cattle.

"Dwelling": Any building or ... of the mobile home.

"Dwelling, Multiple Unit": A ... or more dwelling units.

...

"Nonconforming Building or Structure": ... amendment to this Code.

"Nonconforming Use": Any existing ... amendment to this Title.

"Nonresident": A person whose primary residence is outside a home associated with a home occupation business.

"Non-View Obstructing": A fence, ... height above finished grade.

"Nursing Home": Any residential ... social, and available transportation.

...

"Person with a Disability": ... to, a residential neighborhood.

"Personal Services": Establishments primarily ... laundries or dry cleaners.

"Pet": A domesticated animal kept for pleasure rather than utility, including but not limited to: birds,

PRINCIPAL STRUCTURE SETBACKS

...

Row	A	R-S	R-1-10	R-1-8	R-1-6	R-2	R-M1	R-M2	R-H
Min. Front Yard on Arterial 5, 12	30'	25'	25'	25'	25'	25'	30'	30'	30'
Min. Between Facing Structures On Same Lot			60'	60'	60'	50'	50'	50'	50'
Min. Side Yard Side/Total	10'/24'	8'/20'	8'/16'	8'/16'	6'/12'	8'/18'	10'/22'	10'/22'	8'/18'
Min. Side Yard Between R-M & R-H adj. to A, R-S, R-1, R-2							25'	25'	25'

Row										
Min. Corner Side Yard on Arterial	30'	20'	20'	20'	20'	20'	25'	25'	25'	
	30'	25'	25'	25'	25'	25'	30'	30'	30'	

Row										
Min. Side to Side Separation Between Residential Structures on Same Lot			20'	16'	13'	15'	15'	15'	15'	

Row										
Min. Separation Side to Front, Side to Rear, Rear to Rear			30'	30'	30'	25'	25'	25'	25'	

Row										
Min. Rear Yard	30'	30'	25'	25'	25'	30'	30'	30'	30'	

Row										
Min. Rear Yard (double frontage street)	40'	40'	35'	35'	35'	40'	30'	30'	30'	

...

SECTION 5: Amendment. "19.06.000 " is hereby amended as follows:

...

RESIDENTIAL/DOMESTIC

...

Row											
Accessory Farm Bldg.	P	C									
P											

Row											
Accessory Dwelling Unit (ADU)	P	P	P	P	P						

Row											
Accessory Building	P	P	P	P	P	P	P	P	P	P	P
P	P	P	P	P	P	P	P	P	C	P	

Row	Boarding/Rooming House	C							C	C	C	
											C	

Row	Dormitory								C	C	C	
						C						

...

AUTOMOBILE RELATED USES

...

Row	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	C-TH
A-2	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD	

Row	Major Auto Repair										
					C	C	P	P			

Row	Car Wash										
			C	P	P	C	C	C	€	€	

Row	Commercial Parking Structure, Auto Only										
	C				C	C			C	C	

Row	Dealership										
					C	C		C			

...

INDUSTRIAL AND RELATED USES

...

Row	Wareh ouse and Distri bution										
							P	P			

Row	Waste Transf er Statio n										
							P	P			

Row	<u>Weldin g</u> or <u>Machi ne Shop</u>										
					<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>			

Row	Wood & Paper Manuf acturi ng										
								P			

P = PERMITTED ... Limitation(s) (See Table 6-3)

...

COMMERCIAL AND RELATED SERVICES

...

Row	Lumb er Yard										
				C	C	C	P	P			

Row	Milk Depot										
			P	P	P	P	P	P	C	C	

Row	Mixed Use Buildings										
									E2P2	E2P2	

Row	Office and Indoor Storage										
	L1		L2	L2	L2	L1	P	P	L2		

Row	Pre-School										
	C	C	C	P	P	P	P	P	P	P	

...

Row	Transfer Storage Terminal										
					C	C	P	P			

Row	Travel Trailer Park										
			C	P	P	C			C		

Row	Welding or Machine Shop										
					E	E	P	P			

2. Drive-throughs in the ... Sections 19.25.060(5) and 19.26.060(5))

...

SECTION 6: Amendment. "19.06.020 " is hereby amended as follows:

...

6. Maximum coverage for ... outlined in Table 5-2.

7. Location and criteria ... to the street when:

- a. It is not more than ~~12'~~**14'** in height to ~~mid-point~~**peak of roof**; and
- b. The yard is ... the adjacent street(s); and
- c. The accessory structure ... the adjoining property; and

...

SECTION 7: Amendment. "19.06.030 " is hereby amended as follows:

...

All home occupations shall ... forth in this section.

1. Low-Impact Home Occupation. A Low-Impact home occupation may allow for employment of household members and no more than one additional ~~nonresident employee working from the home~~**non-household employee working from the home.**

2. High-Impact Home Occupation. ... specified in this section:

a. A home occupation business which employs no more than two ~~nonresident employees working from the home, in addition to household members~~**non-household employees working from the home, in addition to household members.**

- b. Barbers, cosmetologists, manicurists.
- c. Consultant services where ... come to the home.

...

d. The home occupation ... or accessory unit structure.

i. Exception. Home daycare, ... in accordance with Code.

e. The home occupation may employ any number of ~~non-household employees off-site. Non-household employees shall not meet, congregate or park vehicles at the home or the general vicinity. Remote employees may work in other separate commercial business or home occupation locations, and shall not visit the dwelling unit (home) for any business purpose.~~**nonresident employees off-site. Nonresident employees shall not meet, congregate or park vehicles at the home or the general vicinity. Remote employees may work in other separate commercial business or home occupation locations, and shall not visit the dwelling unit (home) for any business purpose.**

- f. A home occupation ... the associated home occupation.
- g. Appointments shall be ... service between separate appointments.

...

SECTION 8: Amendment. "19.12.070 " is hereby amended as follows:

...

- 2. Accessible parking spaces ... 11 feet wide.
- 3. The access aisle ... is eight feet wide.

4. ADA parking stalls and access aisles shall be designed and constructed to be accessible in accordance with the current International Code Council (ICC) A117.1.

TABLE 12-3

...

SECTION 9: Amendment. "19.12.160 " is hereby amended as follows:

...

From the point of ... the following shall apply:

- 1. No view obstructing ... of the sidewalk.
- 2. Shade trees may be located or maintained in clear view areas in excess of the maximum planting height provided the same are pruned clear of all branches from the ground to a height of ~~6~~ **seven feet.**
- 3. Non-view obstructing fences ... allowed in this area.
- 4. The City Engineer ... of the intersecting street.

...

SECTION 10: Amendment. "19.13.040 " is hereby amended as follows:

Application for remodeling and ... comply with the following:

- 1. Appropriate application form and fee.
- 2. ~~Ten copies of the site plan, unless a greater number of copies is required by the City due to the number of reviewing agencies.~~ **A site plan shall be submitted to the City for review of compliance with municipal codes.**
- 3. The following design criteria shall be met:
 - a. Signage shall be ... the Layton Municipal Code.

...

SECTION 11: Amendment. "19.13.060 " is hereby amended as follows:

Applications for new construction ... accompanied by the following:

- 1. appropriate application form and fees;
- 2. ~~ten copies of~~ the development plan shall ~~be required and shall~~ include the following:
 - a. a site plan which also shows:
 - i. the location of ... receptacles, and loading areas;

...

SECTION 12: **Amendment.** "19.16.050 Landscape Plant Bed Areas" is hereby amended as follows:

...

- a. When calculating plant ... plant coverage calculation.
- b. Plants shall conform ... provided in section 19.16.110.

2. When applying rock or bark mulch into a plant bed ~~or park strip~~, the minimum depth shall be at least three inches to minimize weed growth and to maximize moisture retention in soil.

- a. If landscape fabric ... are not visible.
- b. Only one type ... separation between mulch types.

...

SECTION 13: **Amendment.** "19.16.070 " is hereby amended as follows:

...

- ii. crushed aggregate fines ... may be applied.
- c. decorative boulders and ... 18" in height.

3. No more than 50% of the park strip may be poured concrete or similar solid paving surface for driveway, walkway approaches, and vehicle drop off areas. Asphalt is not allowed in the park strip. The park strip may be paved by more than 50% and incorporate tree wells and planters when directly fronted by commercial or mixed-use buildings (~~see Table 16-2, Footnote 5, Urban Streetscape Alternative~~).

...

SECTION 14: **Amendment.** "19.16.110 " is hereby amended as follows:

...

3. the City Engineer ... the intersecting street.

3. Clear View for ... and Development Required.

a. No ~~view~~**building** ~~obstructing fence, wall, hedge, or planting~~**structure** ~~exceeding two feet in height above the level of the sidewalk~~, shall be located in the triangular area bounded by lines drawn from a point on the centerline of the driveway setback 15' from the front property line, to points at the property line in front of the property, 30' either side of the centerline of the driveway for local and local collectors, and 50' on collectors and arterials. ~~Except that shade trees may be located or maintained in such area in excess of the height provided the same are pruned clear of all branches between the ground and a height of six feet. Non-view obstructing fences (75% open) not exceeding six feet in height may also be allowed in this area.~~

4. Clear View Across Corner Property Required.

- a. No obstruction to ... clear view area.

...

- i. gasoline service pumps ... the zoning district;

ii. permitted signs where ... than ten feet;

iii. plantings of shrubs, bushes, or trees which are trimmed or pruned so that the shrubs or bushes do not exceed the height of ~~two feet above street level and so that trees are pruned clear of all branches between the ground and a height of six feet; and~~ three feet above street level and so that trees are pruned clear of all branches between the ground and a height of seven feet; and

iv. non-view obstructing fences ... six feet in height.

...

SECTION 15: **Amendment.** "19.21.070 " is hereby amended as follows:

...

3. In addition to ... to the following standards:

a. Firework retailers are ... Regional Commercial) zoning district;

b. Firework retailers shall ~~generally~~ adhere to all requirements of the Layton Municipal Code Chapter 9.64 – Fireworks;

c. Each firework retailer ... banners are allowed; and

d. A firework retailer ... Code, and appearance standards.

...

SECTION 16: **Amendment.** "19.25.060 " is hereby amended as follows:

...

6. All truck loading ... establishment, and grocery retail.

7. Light Commercial Flex ... to the general public.

8. Pole signs and/or box panel cabinet signs are not permitted.

HISTORY

...

SECTION 17: **Amendment.** "19.26.060 " is hereby amended as follows:

...

6. All truck loading ... establishment and grocery retail.

7. Light Commercial Flex ... to the general public.

8. Pole signs and/or box panel cabinet signs are not permitted.

HISTORY

...

SECTION 18: **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 19: **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 **5th day of January, 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 5th day of January, 2023.

PUBLISHED OR POSTED this 23rd day of January, 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