

**LAYTON CITY
ORDINANCE 20-14**

**AN ORDINANCE AMENDING TITLE 19, CHAPTER 19.06, SECTION 19.06.080
“FARM ANIMALS”, AMENDING THE REQUIREMENTS FOR DOMESTICATED
NON-FLYING DUCKS AND CHICKENS IN THE R-S AND R-1 SINGLE FAMILY
RESIDENTIAL ZONES. PROVIDING FOR REPEALER; SEVERABILITY; AND
AN EFFECTIVE DATE**

WHEREAS, the City has been petitioned for a change in the zoning ordinance to allow the keeping of chickens and ducks within single family residential zones on lots/parcels with eight-thousand (8,000) square feet; and

WHEREAS, the City Staff has researched regulations for the keeping of ducks and chickens in comparable zoning codes; and

WHEREAS, City Staff and the Layton City Planning Commission have determined that issues associated with permitting chickens and ducks on properties with eight-thousand square feet (8,000) can be reasonably mitigated; and

WHEREAS, the Layton City Planning Commission held a public hearing on May 12, 2020 and voted unanimously to approve the proposed amendment; and

WHEREAS, the City 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 City 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 Title 19 of Layton Municipal Code.

NOW THEREFORE, be it ordained by the Council of Layton City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “19.06.080 Farm Animals” of the Layton Municipal Code is hereby *amended* as follows:

AMENDMENT

19.06.080 Farm Animals

1. Except as otherwise provided herein, farm animals shall only be allowed in the A

(agricultural) and R-S (residential suburban) zoning districts. The number and type of animals and fowl allowed in these zoning districts shall be limited as follows:

Not more than one (1) cow or horse and two (2) sheep or goats and ~~twenty-five(25)~~ pheasants ~~or chickens~~, or rabbits, or pigeons; and ~~ten(10)~~ geese ~~or ducks~~, for every ~~twenty thousand~~ (20,000) square feet of lot area. Animals and fowl not specifically listed may be substituted for those listed of similar size. Combinations of animals and fowl are also allowed within the numbers listed for each category. An increase in this density is allowed only by a conditional use permit for a farm industry as set forth in this Title.

2. Residential ~~C~~chicken and Duck Permit Requirementss. The purpose of this Section is to provide regulations for the keeping of chickens and/or ducks in residential zoning districts. For the purpose of this Subsection, the term "chicken" refers only to the female, or hen, of the species. Chickens and/or ducks in residential zoning districts may be kept in a way which will ensure the continued health and welfare of Layton residents and maintaining the residential character of Layton City neighborhoods while permitting a more sustainable way of living. Any resident with the intent of keeping chickens and/or ducks within a single-family zoned lot or parcel ~~residential neighborhood on lots with a minimum of ten thousand (10,000) square feet~~ shall comply with the following provisions:
 - a. Permitted Number of Chickens and/or Ducks based on lot size:

Animals	Lot Size in Sq. Ft. Min. Lot/Parcel Size in Square Feet	Lot Area/Parcel Size in Square Feet Required for Every One (1) Animal	Zones
Chickens, Ducks (Permit Required)	8,000	1,600	R-1-6, R-1-8, R-1-10, R-S
	14,000	1,400	
	20,000	1,200	
Chickens, Ducks	43,560	1,000	R-S, A

~~Chickens in residential subdivisions shall be allowed in the R-1-6, R-1-8, R-1-10, and R-S zoning districts.~~ All other fowl associated with being kept outdoors are prohibited in R-1-6, R-1-8, and R-1-10 zones. Fowl that require a permit cannot be substituted for any other animal or fowl. ~~In R-S (residential suburban) and A (agriculture) zoning districts additional chickens are allowed as outlined in Section 19.06.080 of this Code.~~

- b. Combination of fowl: a combination of chickens and ducks are allowed within the numbers listed for each category.

c. Computation. When the computation of permitted animals results in a fraction, any fraction below 1/2 shall be disregarded, and fractions including 1/2 and over shall be permitted one additional animal.

d. Chickens and duck permit requirements. ~~Lots in residential subdivisions shall have no more than six (6) hens on a property with a minimum overall lot area of ten thousand (10,000) square feet.~~

i. A City permit is required ~~for the keeping of chickens and/or ducks in the R-1-6, R-1-8, R-1-10, and R-S zoning districts. for all chicken coops together with a Thirty Dollar (\$30.00) annual permit fee.~~ A permit shall not be required for properties zones R-S that have one acre or more.

ii. A one-time permit shall apply. The permit fee shall be in accordance with the City's latest Consolidated Fee Schedule.

iii. The permit application shall include a plot plan ~~that shows the location, setbacks, size, and height of the coop, pen, cage, and/or similar structure.~~ based on the following guidelines:

e. Requirements for coop, pen, cage, or similar structure and including run:

i. shall not be taller than seven feet at the highest point of roof;

ii. shall be restricted to the rear or backyard of a residential use;

iii. properties with less than 20,000 square feet shall have a pen/run maximum on 120 square feet and shall be located not less than five feet from all property lines;

iv. properties with over 20,000 square feet that may have a pen/run larger than 100 square feet provided the pen/run is located not less than ten feet from all property lines;

~~1. The coop, pen, cage, or similar structure shall be restricted to the rear or backyard of a residential use, and shall be located not less than five feet (5') from any property line.~~

~~2. No coop, pen, cage, or similar structure shall exceed one hundred twenty (120) square feet (includes coop space and chicken run) and shall be no taller than seven feet (7') at the highest point of the roof.~~

a. v. All animals must be kept in an area enclosed by a fence sufficient to prohibit escape; this is in addition to the coop, pen, cage, or other similar structure;

vi. All pens, coops, and cages shall be kept clean and free from objectionable odor and waste. Waste and debris must be kept from becoming offensive or a health hazard.

f. Roosters are not permitted in R-1-6, R-1-8, R-1-10, and R-S zoning districts.

g. No slaughter is allowed.

h. A permit may be revoked upon the conviction of the permit holder of a violation of this Ssection.

Ownership and Maintenance of Apiaries (Honeybee, *Apis Mellifera*). The purpose of this Section is to provide regulations for the keeping of apiaries in residential zones.

1. Each beekeeper must register and maintain an active license with the Utah Department of Agriculture and Food.
2. A suitable source of water must be available to the colony(s) continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.
3. Hive(s) shall be restricted to the rear or backyard of a residential use.
4. Hive(s) shall be placed on a property in a location that directs the general flight pattern of bees in a direction that will deter bee contact with humans and domesticated animals.
5. A person shall not locate nor allow a hive on a property owned or occupied by another person without first obtaining written permission from the owner or occupant.
6. Each beekeeper shall ensure that bee comb and all beekeeping equipment are not abandoned on the site. All such equipment shall promptly be stored within a building or other bee-proof enclosures or disposed of in a sealed container.
7. It is the beekeeper's responsibility to make attempts to prevent swarming.
8. Notwithstanding compliance with the various requirements for owning and maintaining apiaries, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance. Bees and associated beehives may be ordered removed from any property if they are determined to be a nuisance.

Hives located in R-1-10, R-1-8, R-1-6, R-S, or A zoning districts on one (1) acre or less shall adhere to the following setbacks and criteria:

1. Hives shall be set back a minimum of five feet (5') from any property line and public right-of-way.
2. Hives shall be a minimum of six inches (6") above the average grade with the total height not to exceed six feet (6').
3. A flyway barrier is required when any aspect of a hive is located within twenty-five feet (25') of any property line or public right-of-way. Flyway barrier(s) must be six feet (6') in height, adjacent to the hive(s) and extend a minimum of ten feet (10') in length beyond the hive.
4. The number of hives permitted is based on the residential lot size in Table 1.

Table 1

Lot Size	Permitted Number of Hives
0 — 10,890 sq. ft.	Up to 3 Hives
10,891 — 21,780 sq. ft.	Up to 5 Hives
21,781 — 32,670 sq. ft.	Up to 6 Hives
32,671 — 43,560 sq. ft.	Up to 8 Hives

Hives located in A and R-S zoning districts on lots larger than one (1) acre shall adhere to the following setbacks and criteria:

1. Hives shall be set back a minimum of ten feet (10') from any property line and public right-of-way.
2. Hives shall be set back a minimum of fifty feet (50') from any primary residential structure on any adjacent lot.
3. Hive(s) shall be placed on the property in a manner that the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals.
4. Hives must be a minimum of six inches (6") above the ground.
5. The keeping of apiaries for commercial purposes is permitted within A and R-S zoning districts on lots larger than one (1) acre.
6. A flyway barrier is required when any aspect of a hive is located within twenty-five feet (25') of any property line or public right-of-way. Flyway barrier(s) must be six feet (6') in height, adjacent to the hive(s) and extend a minimum of ten feet (10') in length beyond the hive.
7. The number of hives permitted in A and R-S zoning districts is based on lot size as shown in Table 2.

Table 2

Lot Size	Permitted Number of Hives
43,561 sq. ft. or larger	No Limit

Ord. No. 97-35, Recodified, 6/19/1997
 Ord. No. 10-02, Amended, 2/18/2010
 Ord. No. 12-26, Amended, 9/20/2012
 Ord. No. 97-19, Enacted, 4/17/1997
 Ord. No. 04-69, Recodified, 12/16/2004
 Ord. No. 15-17, Amended, 9/17/2015

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from June 4, 2020 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE LAYTON CITY COUNCIL

June 4, 2020

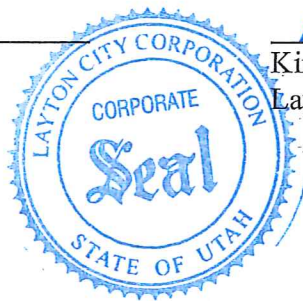
	AYE	NAY	ABSENT	ABSTAIN
Joy Petro	_____	_____	_____	_____
Tom Day	<u>X</u>	_____	_____	_____
Dave Thomas	<u>X</u>	_____	_____	_____
Zach Bloxham	<u>X</u>	_____	_____	_____
Clint Morris	<u>X</u>	_____	_____	_____
Dawn Fitzpatrick	_____	<u>X</u>	_____	_____

Presiding Officer

Attest

Joy Petro
Joy Petro, Mayor, Layton City

Kimberly S Read
Kimberly S Read, City Recorder,
Layton City



Chad Wilkinson
Chad Wilkinson, Director,
Community & Economic
Development, Layton City

Gary Crane
Gary Crane, City Attorney Layton
City

