

ORDINANCE 17-09 ✓

AN ORDINANCE AMENDING TITLE 19, SECTION 19.05.030 TABLE 5-1; AND CHAPTER 19.06, SECTION 19.06.020 BY AMENDING SETBACKS AND REGULATIONS FOR ACCESSORY STRUCTURES LOCATED IN THE CORNER SIDE YARD OF A CORNER LOT WITHIN ALL SINGLE FAMILY ZONING DISTRICTS; AMENDING BUILDING PERMIT REQUIREMENTS FOR ACCESSORY STRUCTURES; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE

WHEREAS, Layton City recognizes the need to balance the desire for flexible placement of accessory structures on corner lots within the corner side yard while maintaining the character of neighborhoods; and

WHEREAS, Staff has made an assessment of corner lots throughout the City and identified height limits and fencing requirements to mitigate issues related to setback reductions for accessory structures; and

WHEREAS, it is the desire of the City to amend the building permit requirements to better assist residents for legal placement of accessory structures; and

WHEREAS, the Planning Commission has reviewed the proposed ordinance and has recommended the amendment for setbacks and regulations for accessory structures located in the corner side yard of single family zoning districts be approved; and

WHEREAS, the Planning Commission has reviewed the proposed ordinance and has recommended that the amendment requiring a building permit for all accessory structures be approved; 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 has determined that these amendments are rationally based, reasonable, and consistent with the intent of the City's General Plan, which is in furtherance of the general health, safety, and welfare of the citizenry.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LAYTON, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II: Enactment. Title 19, Chapter 19.05, Section 19.05.030 Table 5-1 shall be amended and enacted to read as follows:

TABLES 5-1

	A	R-S	R-1-10	R-1-8	R-1-6	R-2	R-M1	R-M2	R-H
LOT SIZE									
Min. Lot Area 1 st Dwelling ¹	43,560 s/f	15,000 s/f	10,000 s/f	8,000 s/f	6,000 s/f	8,000 s/f	8,000 s/f	10,000 s/f	10,000 s/f
Min Lot Area for Add. Unit	43,560 s/f	15,000 s/f	10,000 s/f	8,000 s/f	6,000 s/f	4,000 s/f	2,500 s/f	1,750 s/f	1,400 s/f
Min. Lot Width @ Setback ^{2&3}	100/100 f	100/100 f	80/90 f	70/80 f	60/70 f	70/80 f	80/90 f	80/90 f	80/90 f
Min. Frontage ⁴	80 f	70 f	60 f	55 f	50 f	60 f	70 f	70 f	70 f
PRINCIPLE STRUCTURE SETBACKS									
Min. Front Yard on Arterial ⁵	30' 40'	30' 40'	25' 40'	25' 40	25' 40'	25' 40'	30' 40'	30' 40'	30' 40'
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'
Min. Corner Side Yard on Arterial	30' 30'	25' 30'	20' 30'	20' 30'	20' 30'	20' 30'	25' 30'	25' 30'	25' 30'
Min. Side to Side Separation Between Residential Structures on Same Lot			20'	16'	13'	15'	15'	15'	15'
Min. Separation Side to Front, Side to Rear, Rear to Rear			30'	30'	30'	25'	25'	25'	25'
Min. Rear Yard ⁶	30'	30'	25'	25'	25'	30'	30'	30'	30'
Min. Rear Yard (double face street) ⁶	40'	40'	35'	35'	35'	40'	30'	30'	30'
Min. Corner Rear Yard ⁶	30'	30'	25'	25'	25'	25'	25'	25'	25'
ACCESSORY STRUCTURE SETBACKS									
Min. Front Yard	30'	30'	25'	25'	25'	25'	25'	25'	25'
Min. Side Yard ⁷	3'	3'	3'	3'	3'	3'	3'	3'	3'
Min. Corner Side Yard ⁸ on Arterial	30' 30'	30' 30'	20' 30'	20' 30'	20' 30'	20' 30'	25' 30'	25' 30'	25' 30'
Min. Rear Yard	3'	3'	3'	3'	3'	3'	3'	3'	3'
Agriculture Struc. Front Yard Min.	100'	100'							
Agriculture Struc. Side Yard Min.	10'	10'							
Agriculture Struc. Rear Yard Min.	10'	10'							
Agriculture Struc. Distance from Neighboring Dwelling	100'	100'							
Distance Between Accessory and Principle Bldgs (same lot)	6'	6'	6'	6'	6'	6'	6'	6'	6'
Distance Between Accessory & Principle Struc. (adjacent lot)	12'	12'	12'	12'	12'	12'	12'	12'	12'
STRUCTURE HEIGHT AND LOT COVERAGE									
Max. Height Principle Struc.	35'	35'	30'	30'	30'	30'	35'	35'	35'
Max. Height Accessory Struc. ⁹	25'	23'	18'	18'	18'	18'	18'	18'	18'
Min. Height Principle Struc.	10'	10'	10'	10'	10'	10'	10'	10'	10'
Max. Lot Coverage			60%	60%	60%	60%	70%	70%	70%

- The R-2 and R-M1 zones require eight thousand (8,000) square feet for the first two dwelling units. The R-M2 and R-H zones require ten thousand (10,000) square feet for the first two (2) dwelling units.
- Corner lots shall meet the minimum lot width requirement on both street frontages.
- In a subdivision of eight (8) lots or more, the lots shall be designed to provide for a variety of lot widths. Twenty-five percent (25%) of the lots in the subdivision shall have a lot width at least five feet (5') wider at the required front setback, than the required minimum of the zone. Twenty-five percent (25%) of the lots in the subdivision shall have a lot width at least ten feet (10') wider at the required front setback, than the required minimum of the zone. In order to distribute the varied lot widths throughout the subdivision, no more than five (5) lots in a row of the minimum lot width of the zone shall be provided.
- Measured along the chord length for lots on curves.
- Residential building lots should not face onto arterial streets. In those limited circumstances where the only available frontage is on an arterial street, it is important to achieve the greatest setback possible to protect residents from the noise and safety hazards associated with potentially high volumes of traffic and high speeds. Side yard setbacks should also include greater setbacks for those same reasons. Arterial streets are defined in 19.02 Layton Municipal Code.
- In the R-1 and R-2 zones, the landscape buffer requirements of 19.16.090 apply.
- Minimum side yard setback for an accessory structure on an interior lot is three feet (3') if the accessory structure is located at least six feet (6') behind the principal structure - otherwise, side yard setback for principal structures would apply to the accessory structure.
- Corner lots may have an accessory structure located within five feet (5') of the corner side yard property line nearest the street when: It is not more than twelve feet (12') in height to mid-point; the yard is walled or fenced to a minimum height of six feet (6'). The wall or fence is sight-obscuring; and extended three feet (3') in length beyond the accessory structure and runs parallel to the adjacent street(s). The accessory structure is not adjacent to the front yard of the adjoining property; the accessory structure is placed behind the rear foundation line of the principle structure; and is in compliance with clear view requirements. Accessory structures with a garage door facing and running parallel with the adjacent street must comply with the corner side yard setbacks of the specific zone.
- Accessory structures over eighteen feet (18') in height shall have an additional three feet (3') setback from all property lines and the rear of the main structure for every additional one foot (1') in height.

SECTION III: Enactment. Title 19, Chapter 19.06, Section 19.06.020, shall be amended and enacted to read as follows:

19.06.020 – Principal and accessory uses

(3) Building permits shall be required for all accessory structures. No fee will be assessed for accessory structures two-hundred square feet (200) or less. Certificates of occupancy may not be issued to accessory buildings except as a part of the certificate of occupancy for the principal use.

(7) **Location and criteria for detached accessory structures and buildings.** In residential zoning districts, all accessory buildings or structures shall be located in either the rear or side yards, unless incorporated into the principal use building or structure as an architectural and integral part thereof. Corner lots may have an accessory structure located within five feet (5') of the corner side yard property line nearest to the street when:

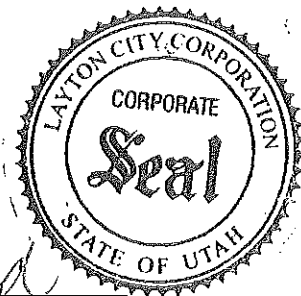
- (a) It is not more than twelve feet (12') in height to mid-point; and
 - (b) The yard is walled or fenced to a minimum height of six feet (6'). The wall or fence is sight-obscuring and extends three feet (3') in length beyond the accessory structure and runs parallel to the adjacent street(s); and
 - (c) The accessory structure is not adjacent to the front yard of the adjoining property;
- and
- (d) The accessory structure is placed behind the rear foundation line of the principle structure; and
 - (e) The accessory structure is in compliance with clear view requirements; and
 - (f) Accessory structures with a garage door facing and running parallel with the adjacent street must comply with the corner side yard setbacks of the specific zone.

In commercial and manufacturing zoning districts, accessory buildings may be located as outlined in Table 5-2. Specific setback regulations for all zoning districts are found in Table 5-1 and 5-2.

SECTION IV: Severability. If any section, subsection, sentence, clause, or phrase of this ordinance 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 ordinance.

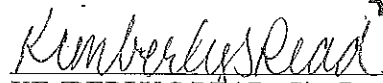
SECTION V: Effective Date. This ordinance shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is the most remote from the date of passage thereof.

PASSED AND ADOPTED by the City Council of Layton, Utah, this 27th day of April, 2017.




ROBERT J STEVENSON, Mayor

ATTEST:


KIMBERLY S READ, City Recorder