

ORDINANCE 17-13

AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.31, SECTION 2.31.010; AND TITLE 12, CHAPTER 12.12, SECTION 12.12.040; AND TITLE 15, CHAPTER 15.28, SECTIONS 15.28.040 AND 15.28.140; AND TITLE 18, CHAPTER 18.01, SECTIONS 18.01.030, .040 AND .070; CHAPTER 18.04, SECTION 18.04.010; CHAPTER 18.07, SECTION 18.07.020; CHAPTER 18.10, SECTIONS 18.10.010, AND .020; CHAPTER 18.12, SECTIONS 18.12.010, .030, .050, .060, AND .070; CHAPTER 18.16, SECTIONS 18.16.010, .025, .030, .035, AND .040; CHAPTER 18.18, SECTIONS 18.18.010, AND .020; CHAPTER 18.20, SECTIONS 18.20.010, .020, AND .040; CHAPTER 18.24, SECTIONS 18.24.010, .020, .060, .070, AND .080; CHAPTER 18.25, SECTIONS 18.25.010, .040, AND .050; CHAPTER 18.28, SECTION 18.28.020; CHAPTER 18.32, SECTION 18.32.070; CHAPTER 18.36, SECTIONS 18.36.020, .030, .041, .065, .070, .100, .110, .130, .133, .140, .145, .150, AND .180; CHAPTER 18.44, SECTION 18.44.010; CHAPTER 18.48, SECTION 18.48.010; CHAPTER 18.50, SECTIONS 18.50.020, .045, .060, .075, .130, .140 AND .160; CHAPTER 18.52, SECTION 18.52.010; CHAPTER 18.56, 18.56.010; AND TITLE 19, CHAPTER 19.01, SECTIONS 19.01.135, .140, .150, .200, .220, .225, AND .240; CHAPTER 19.02, SECTION 19.02.020; CHAPTER 19.04, SECTION 19.04.050; CHAPTER 19.05, SECTIONS 19.05.020, .030, .050, AND .060; CHAPTER 19.06, SECTIONS 19.06.030, .070, .110, .130, .180, AND .200; CHAPTER 19.07, SECTIONS 19.07.040, .050, .060, .070, .080, .090, .110, AND .120; CHAPTER 19.08, SECTIONS 19.08.030, .070, .080, .090, .100, .130, .140, .160, .170, AND .180; CHAPTER 19.09, SECTIONS 19.09.010, .030, .040, .050, .060, AND .070; CHAPTER 19.11, SECTIONS 19.11.040, .050, .060, .080, .090, .110, AND .120; CHAPTER 19.12, SECTIONS 19.12.040, .050, .100, .120, .150, .160, AND .170; CHAPTER 19.13, SECTIONS 19.13.060, .090, AND .100; CHAPTER 19.14, SECTIONS 19.14.020, .030, .040, .050, .060, .070, .075, .080, .090, AND .100; CHAPTER 19.15, SECTIONS 19.15.010, .020, .030, .040, .050, .060, .070, .080, .090, AND .100; CHAPTER 19.16, SECTIONS 19.16.020, .040, .050, AND .080; CHAPTER 19.17, SECTIONS 19.17.010, .030, AND .050; CHAPTER 19.18, SECTIONS 19.18.010, .020, .030, .040, .050, .060, .070, .080; CHAPTER 19.19, SECTION 19.19.020; CHAPTER 19.20, TABLE 20-1; CHAPTER 19.24, SECTIONS 19.24.040, .050, .060, .070, AND .080; CHAPTER 19.25, SECTIONS 19.25.020, .050, AND .060; CHAPTER 19.26, SECTIONS 19.26.020, .040, .050, AND .060; CHAPTER 19.27, SECTIONS 19.27.010, .020, .030, .031, .032, .033, .040, .041, .042, .043, AND .050; REPLACING THE BOARD OF ADJUSTMENT WITH THE APPROPRIATE LAND USE APPEAL AUTHORITY; AMENDING THE APPROVAL PROCESS FOR SUBDIVISIONS AND LAND USE DECISIONS BY DESIGNATING A LAND USE AUTHORITY; AMENDING THE REQUIREMENTS OF NONCONFORMING USES AND NONCOMPLYING STRUCTURES; AND OTHER TECHNICAL AMENDMENTS; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, in a review of Title 18 and 19 of the Layton Municipal Code, respectively entitled Land Use Development and Zoning, it was determined an update is needed due to a change in companion regulations, terminology, and the desire of improved processes; and

WHEREAS, the proposed amendments will aid in clarifying the administrative and legislative authority of certain city bodies; and

WHEREAS, the City desires to improve the efficiency of the process whereby property within the city can be rezoned or developed; and

WHEREAS, the City further desires to keep the Land Use Development and Zoning regulations current and to protect the interests of the city and property owners; and

WHEREAS, the proposed ordinances meet these stated objectives; and

WHEREAS, the City Council of Layton City finds it to be in the best interest of its citizens to make the proposed amendments to Title 2, 12, 15, 18 and 19 of the Layton Municipal Code; and

WHEREAS, the Planning Commission has reviewed the proposed ordinance and has recommended the amendments 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 2, Chapter 2.31, Section 2.31.010, shall be amended and enacted to read as follows:

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2.31.010. Community and Economic Development Director; Duties.

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(4) **Ordinance interpretation.** For purposes of clarification, the Community and Economic Development Director is authorized to interpret the zoning ordinance, the zoning district map, the subdivision ordinance, and other ordinances regulating physical development in the City. Decisions regarding the interpretations or administration of the ordinances herein may be appealed to the Land Use Appeal Authority, pursuant to Chapter 19.18 of this Code.

(5) **Administrative staff assistance and technical advice.** The Community and Economic Development Director shall provide staff assistance to the Planning Commission and Land Use Appeal Authority. Staff assistance shall include attendance at regularly scheduled meetings, and the preparation and publication of agendas. The Community and Economic Development Director shall act as technical advisor to the City Council, and other City commissions, boards, and departments as needed.

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SECTION III: Enactment. Title 12, Chapter 12.12, Section 12.12.040, shall be amended and enacted to read as follows:

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12.12.040. Building permits restricted.

No building permit shall be issued for any building or structure or part thereof to be erected on any land located between the mapped exterior boundary lines of any street as shown on the official map. Land Use Appeal Authority shall have the power, upon an appeal filed with it by the owner of

any such land, to authorize the grant of a permit for a building or structure or part thereof, within any mapped street location in any case in which the Land Use Appeal Authority, upon the evidence, finds:

(1) That the property of the appellant of which such mapped street location forms a part will not yield a reasonable return to the owner unless such permit be granted; or

(2) That, balancing of interest of the municipality in preserving the integrity of the official map and the interest of the owner in the use and benefits of the property the grant of such permit is required by consideration of justice and equity.

Before taking any such action, the Land Use Appeal Authority shall hold a public hearing thereon. In the event that the Land Use Appeal Authority decides to authorize a building permit, it shall have the power to specify the exact location, ground, area, height, and other details and conditions of extent and character and also the duration of the building, structure or part thereof to be permitted.

...

SECTION IV: Enactment. Title 15, Chapter 15.28, Sections 15.28.040 and 15.28.140, shall be amended and enacted to read as follows:

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15.28.040. Definitions.

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(3) "Appeal" means a request for a review by the Land Use Appeal Authority for the interpretation of any provision of this Chapter or a request for a variance.

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15.28.140. Variance procedure.

(1) **Appeal authority.**

(a) The Land Use Appeal Authority as established by Layton City shall hear and decide appeals and requests for variances from the requirements of this Chapter.

(b) The Land Use Appeal Authority shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Engineer.

(c) Those aggrieved by the decision of the Land Use Appeal Authority may appeal such decision, as provided by law.

(d) In passing upon such applications, the Land Use Appeal Authority shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Chapter, and:

...

(e) Upon consideration of the factors of Section 15.28.140(d) and the purposes of this Chapter, the Land Use Appeal Authority may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

...

(2) **Conditions for variances.**

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(e) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built in accordance with the conditions established by the Land Use Appeal Authority and that the cost of flood insurance will be commensurate with the increased risk of flooding.

...

SECTION V: Enactment. Title 18, Chapter 18, shall be amended and enacted to read as follows:

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Chapter 18.01. GENERAL PROVISIONS

- 18.01.010. Purpose.**
- 18.01.020. Public interest.**
- 18.01.030. Variations, exceptions.**
- 18.01.040. Development agreement.**
- 18.01.050. Concurrency of utility services.**
- 18.01.060. Development Guidelines and Design Standards.**
- 18.01.070. Designation of Land Use Authority**

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18.01.030. Variations, exceptions.

In cases where unusual topographic or other exceptional conditions exist, variations and exceptions from this Title may be made by the Land Use Authority as defined in Section 19.01.135. Such recommendation shall be in writing and shall set forth the pertinent reasons therefore.

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18.01.040. Development agreement.

The Land Use Authority as defined in Section 19.01.135 is hereby authorized to enter into development agreements with individuals and/or entities. The Land Use Authority may require a development agreement for any development, rehabilitation, reconstruction, or placement of improvements upon any property, for which a permit would be required, for the purpose of:

...

18.01.070. Designation of Land Use Authority.

The following chart designates the Land Use Authority for subdivision approvals.

Type of Plat	Review Body	Recommending Body	Land Use Authority	Appeal Authority
PRUD <ul style="list-style-type: none"> Rezone w/ Concept Plan 	Development Staff	Planning Commission	City Council	District Court
<ul style="list-style-type: none"> Concept Plan (with existing PRUD zoning) 	Development Staff	Development Staff	Planning Commission	Hearing Officer
<ul style="list-style-type: none"> Preliminary Plat 	DRC, Development Staff	Planning Commission	City Council	Hearing Officer
<ul style="list-style-type: none"> Final Plat 	Development Staff	Development Staff	Community and Economic Development Director	Hearing Officer
Sensitive Lands <ul style="list-style-type: none"> Concept 	Staff, 3 rd Party Geotech	Planning Commission	City Council	Hearing Officer
<ul style="list-style-type: none"> Preliminary Plat 	Staff, 3 rd Party Geotech	Planning Commission	City Council	Hearing Officer
<ul style="list-style-type: none"> Final Plat 	Development Staff	Planning Commission	City Council	Hearing Officer
Preliminary Plat	Development Staff	Development Staff	Planning Commission	Hearing Officer
Final Plat	Development Staff	Development Staff	Community and Economic Development Director	Hearing Officer
Condominium Plat	Development Staff	Development Staff	Planning Commission	Hearing Officer
Vacating or Amending a Plat	Development Staff	Planning Commission	City Council	District Court

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Chapter 18.04. DEFINITIONS

18.04.010. Generally.

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(10) "Design Review Committee (DRC)" means a committee responsible for providing support and recommendations to staff and the Land Use Authority regarding basic design elements of development projects. The Design Review Committee is composed of at least five (5) members who are

professionals in the fields of: architectural design, landscape architecture, urban design, architectural history, urban planning and engineering. See also 19.08.160.

(11) **"Developer"** ...

(12) **"Development staff"** means a body of City officials made up of the City Attorney, City Engineer, Building Official, Fire Marshall, Parks Director and Community and Economic Development Director or their designee.

(13) **"Final acceptance"** means that point at which the City accepts the construction and workmanship of all off-site improvements for which the developer is responsible. An inspection of the improvements shall be done under the direction of the City Engineer after the one (1) year guarantee period.

(14) **"Final plat"** means the final map, drawing, or chart on which the subdivider's plat of a subdivision is presented to the Land Use Authority for approval and which, if approved, will be submitted to the County Recorder for recording.

(15) **"Improvement"** ...

(16) **"Initially accepted"** ...

(17) **"Lot line adjustment"** ...

(18) **"General plan"** means a comprehensive plan prepared by the Planning Commission and adopted by the City Council which indicates the general location recommended for the various land uses and functional classes of public works, places and structures, and for the general physical development of the City and includes any unit or part of such plan separately adopted and any amendment thereto.

(19) **"Master Street Plan"** means a map of the City area showing existing major streets and extensions thereof, and proposed additional or new major streets.

(20) **"Minor street"** ...

(21) **"Off-site improvement"** ...

(22) **"Owner"** ...

(23) **"Person"** ...

(24) **"Planning Commission"** ...

(25) **"Preconstruction meeting"** ...

(26) **"Preliminary plat"** ...

(27) **"Public Works Director"** ...

(28) **"Residential collector street"** ...

(29) **"Residential street"** ...

(30) **"Street lighting"** means uniform designed lighting and installation of street light systems for residential and commercial streets. All street light systems shall meet Layton City standards in the current Development Guidelines and Standards. The street light system fee is to be paid by the land developer and/or subdivider and installed by the City.

(31) **"Subdivider"** ...

(32) **"Subdivision"** ...

(33) **"Subdivision construction permit"** means the permit required to be obtained for all improvements. The developer or his contractor shall be responsible to obtain such permit prior to beginning the construction of any improvements.

(34) **"Subdivision final acceptance"** means the City will "finally accept" the subdivision one (1) year after all improvements are completed and "initially accepted" if no problems occur with any of the improvements. If problems occur, the provisions of the developer's agreement and escrow agreement shall apply. A written letter of final acceptance shall be issued to the developer. During the one (1) year guarantee period the City is not responsible for any maintenance or construction problems connected with the improvements. ...

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Chapter 18.07. NOTICE REQUIREMENTS

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18.07.020. Notice for proposal to vacate, alter, or amend a plat.

For any proposal to vacate, alter, or amend a platted street, the City Council shall hold a public hearing and shall give notice of the date and time of the hearing by complying with the provisions of the state code.

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Chapter 18.10. VACATING OR AMENDING A SUBDIVISION PLAT

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18.10.010. Vacating or amending requirements.

(1) (a) Subject to ordinance, and provided that notice has been given pursuant to local ordinance and Section 18.07.010 of this Title, the Land Use Authority as defined in Section 18.01.070 may, with or without petition, consider and resolve any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat.

(b) If a petition is filed, the Land Use Authority shall hold a public hearing within forty-five (45) days after receipt of the Planning Commission's recommendation under Subsection (2) if:

...

(2) (a) The Planning Commission shall consider and provide a recommendation for proposed vacation, alteration, or amendment under Subsection (1)(a) or (6), before the Land Use Authority takes final action.

...

(7) (a) The owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the Land Use Authority in accordance with Subsection (7)(b).

(b) The Land Use Authority shall approve an exchange of title under Subsection (7)(a) if:

...

(c) If an exchange of title is approved under Subsection (7)(b), a notice of approval shall be recorded in the office of the County Recorder which:

(i) is executed by each owner included in the exchange and by the Land Use Authority;

...

18.10.020. Consideration of petition to vacate or change plat.

(1) Within thirty (30) days after the public hearing required by this part, or as that time period may be extended by agreement of the parties, the Land Use Authority shall consider the petition to vacate or change the plat.

(2) If the Land Use Authority is satisfied that neither the public interest nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the Land Use Authority may vacate, alter, or amend the plat, any portion of the plat, or any street or lot.

(3) The Land Use Authority may approve the vacation, alteration, or amendment by resolution, amended plat, administrative order, or deed containing a stamp or mark indicating approval by the City Council.

(4) The Land Use Authority shall ensure that the vacation, alteration, or amendment is recorded in the office of the Davis County Recorder in which the land is located.

(5) The action of the Land Use Authority vacating or narrowing a street or alley that has been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating ordinance, as revocation of the acceptance thereof, and the relinquishment of the City's fee therein, but the right-of-way and easements therein, if any, of any lot owner and the franchise rights of any public utility may not be impaired thereby.

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Chapter 18.12. PRELIMINARY PLAT

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18.12.010. **Filing required.**

Any subdivider desiring approval of the Land Use Authority as defined in Section 18.01.070 for a subdivision shall file five (5) copies of a preliminary plat thereof with the Community and Economic Development Department not less than three (3) weeks prior to the Planning Commission meeting at which first consideration of the subdivision is to be given.

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18.12.030. **Distribution.**

If it conforms, the Community and Economic Development Department shall forward a notice of the preliminary plat, and/or utility plan to each of the following:

- City Engineer
- Fire Department
- City Planner
- Parks and Recreation Department
- Police Department
- City Attorney
- Natural Gas Company
- Electric Service Company
- Telephone Company
- Secondary Water or Irrigation Company (if relevant)
- Cable Companies
- Davis County Flood Control (if relevant)

Each department may submit comments on the plat and utility plan to the Community and Economic Development Department within ten (10) business days.

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18.12.050. **Approval; Disapproval.**

(1) Upon a determination of conformity, pursuant to Section 18.12.020, the plat shall be considered by the Land Use Authority at the next meeting for which the filing deadline has been met. Unless agreed upon by the applicant, and absent any extenuating circumstances, the Land Use Authority shall, within thirty (30) days of the first meeting at which the Land Use Authority gives consideration to the preliminary plat, decide whether to approve, disapprove, or approve on specific conditions. If the plat is approved on specified conditions, such shall be stated in writing, and the writing shall be signed by the subdivider (personally and not be an agent).

(2) Preliminary plats being reviewed under Section 19.07.070, Sensitive Lands Development Regulations, shall be considered by the Recommending Body and to decide whether to forward their approval, disapproval, or approval with specific conditions to the Land Use Authority.

(3) Preliminary plats, whether original or amended, and final plats, regarding the same project, are not to be considered for approval during the same, single meeting of the Land Use Authority.

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18.12.060. **Requirements.**

(1) The preliminary plat shall:

(a) contain five (5) sets of drawings;

...

(f) have contour lines at three foot (3') intervals;

...

(h) show the location of cuts and fills in excess of three feet (3');

(i) show the boundary lines of the subdivision;

...

(k) show existing sanitary sewers, storm drainage systems, culinary and secondary water supply mains, land drain systems, irrigation systems, and culverts within the subdivision or within one hundred feet (100') of the boundary thereof;

...

(q) include a legal description of the land included in the subdivision, which is tied to a found Davis County Section Monument, which description shall run to and include the land to the centerline of existing streets;

...

(s) show the proposed method of handling sanitary sewers, culinary water, land drains, irrigation, storm drains, and secondary water (if applicable) within the subdivision, and the interconnection of such systems with the major street plan and the City storm drainage system;

...

(v) show written approval by the fee simple owner(s) in the affidavit which gives the subdivider the authority to act for and in behalf of the fee simple owner to make all decisions on any requirements set by the Land Use Authority;

(w) submit two (2) copies of the geotechnical report;

...

(2) In addition, the preliminary plat shall have attached to it on separate sheets:

...

(d) written approval by the fee simple owner(s) in the affidavit which gives the subdivider the authority to act for and in behalf of the fee simple owner to make all decisions on any requirements set by the Land Use Authority.

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18.12.070. Expiration of preliminary approval.

All approvals, conditions, and agreements regarding a preliminary plat shall expire one (1) year from the date of preliminary plat approval, by the Land Use Authority, if required, whichever is later, unless:

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Chapter 18.16. FINAL PLAT

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18.16.010. Approval procedure.

(1) At any time after approval of the preliminary plat but not later than one (1) year thereafter, the subdivider may file the final subdivision plat for approval by the Land Use Authority as defined in Section 18.01.070. It shall be filed with five (5) black and white copies of the plat and current Title Report prepared within ninety (90) days of filing. After filing, the Community and Economic Development Department will submit the plat to the City Engineer, Fire Department, Legal Department and Community and Economic Development Department for approval and checking by staff. If staff finds that it meets the requirements of the City, the staff shall approve and submit it to the Land Use Authority for final approval. If the Land Use Authority makes a finding of Fact of Substantive Change, then the Plat shall be returned to the previous approval authority for reconsideration of approval. Substantive Change is defined as an increase in the number of lots or units, changes that are not consistent with the Design Review Committee (DRC) approvals, or changes to the development agreement.

For subdivisions containing Sensitive Lands and PRUDs, the final plat shall be submitted to the Land Use Authority for approval. Upon approval by the Land Use Authority, the City Engineer, City Attorney, Planning Commission Chair and the Mayor shall sign the mylar plat following which the Plat shall be signed and attested by the City Recorder. If the final plat is rejected by any of the foregoing officers or agencies of the City, it shall be returned to the subdivider with a written statement of the reasons for the rejection.

(2) A person may not submit a subdivision plat to the County Recorder's office for recording unless the plat has been approved by the Land Use Authority all approvals are entered in writing on the plat by the designated officers.

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18.16.025. Plat required when land is subdivided; Approval of plat; Recording of plat.

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(3) The City may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

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18.16.030. Requirements.

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(22) Follow the system approved for numbering lots and blocks;

...
18.16.035. Exemptions from plat requirements.

(1) Notwithstanding Sections 18.16.025 and 18.16.010, the Land Use Authority may approve a subdivision of ten (10) lots or less without a plat, by certifying in writing that:

...
(b) the proposed subdivision:
(i) is not traversed by the mapped lines of a proposed street as shown in the Master Street Plan and does not require the dedication of any land or street or other public purposes;

...
(3) (a) Documents recorded in the Davis County Recorder's office that divide property by a metes and bounds description do not create an approved subdivision allowed by this part unless the Land Use Authority grants approval required by Subsection (1) is attached to the document.

...
18.16.040. Expiration of final approval.

All approvals, conditions, and agreements regarding a final plat shall expire one (1) year from the date of final plat approval, granted by the Land Use Authority, unless:

- (1) A development permit has been issued and is being diligently pursued;
- (2) A single extension of up to one (1) year has been granted by the Community and Economic Development Director based on good cause shown; or
- (3) A further extension beyond one (1) year has been granted by the Appeal Authority based on continued good cause shown.

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Chapter 18.18. COMMERCIAL AND INDUSTRIAL SUBDIVISION PLAT APPROVAL

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18.18.010. Preliminary plat approval.

(1) In commercial/industrial subdivisions of less than ten (10) lots, the Land Use Authority as defined in Section 18.01.070 shall review the preliminary subdivision plat in accordance with the requirements of Chapter 18.12 of this Title. After review and approval of a preliminary overall plat, the applicant shall record a dedication plat of the subject property showing streets to be dedicated, all appropriate easements and cross easements, and a legal description of the boundary of the proposed subdivision.

...
(3) If the proposed lot is not in keeping with the approved overall preliminary plat, the overall preliminary plat must be amended to allow for the proposed lot. The Land Use Authority must review and approve the proposed amendment and lot before recordation of a deed.

...
18.18.020. Final Plat Approval.

After approval of the preliminary plat and any subsequent deeds, the subdivider shall file the final commercial/industrial subdivision plat for approval by the Land Use Authority. Said final plat shall reflect the lots which have been created by the deeds which have been recorded in accordance with the approved overall preliminary plat.

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Chapter 18.20. COMPLIANCE REQUIREMENTS

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18.20.010. Generally.

No person shall subdivide any tract or parcel of land which is located wholly or in part in the City without first securing approval of a final plat of the proposed subdivision by the Land Use Authority as defined in Section 18.01.070. No person shall send, exchange, or transfer, whether or not for a consideration, any subdivided land nor offer for recording in the office of the Davis County Recorder any deed conveying such land or any interest therein unless such subdivision has been carried out pursuant to and in compliance with this Title, and all improvements are installed as outlined in Chapter 18.36. In extenuating circumstances, the Land Use Authority upon recommendation of the construction staff, may give exception to this rule.

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18.20.020. Erroneous approval not waiver of requirements.

(1) Should a plat, by inadvertence, be approved which shows on its face, or in any documents attached thereto or which are deemed to be a part thereof, that the subdivision does not comply in one (1) or more respects with the requirements of this Title or with the requirements of approved subdivision standards and specifications relating the quality, size, type, grade, distance, or dimension, and no variation or exception thereto has been approved by the Land Use Authority, such plat approval shall not be deemed a waiver of such requirements, but on the contrary such requirements shall remain in full force and effect. Any discrepancy between the preliminary plat, as approved, and the final plat which may not be noticed in inspection of the final plat and which is not approved by the City Engineer and Land Use Authority shall be the responsibility of the subdivider, and approval of the final plat in such case shall not be deemed a waiver of the requirements of this Title or any standards or specifications approved in connection herewith.

(2) The failure of any preliminary or final plat to meet any and all of the requirements enumerated in this Code or as imposed by the Land Use Authority, shall, as provided herein, cause any approval by the Land Use Authority to be suspended. Such a suspension shall be issued by the Community and Economic Development Director immediately upon discovery of an applicable error or omission. The matter shall then be referred to the Land Use Authority as soon as is practicable, unless otherwise correctable within thirty (30) days from the date of suspension. The Land Use Authority shall review the matter and either issue a correcting requirement or refer it to the appropriate body for action.

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18.20.040. Restrictions for solar and other energy devices.

The Land Use Authority may refuse to approve or renew any plat, subdivision plan, or dedication of any street or other ground, if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the plat or subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar collectors, clothesline, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the plat or subdivision.

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Chapter 18.24. STREETS

18.24.010. Arrangement.

18.24.020. Widths.

18.24.025. Application of development requirements along state and county roadways.

18.24.030. Alleys.

18.24.040. Cul-de-sacs.

18.24.050. Easements.

18.24.060. Exceptions.

18.24.070. Temporary turnarounds.

18.24.080. Street calming techniques.

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18.24.010. Arrangement.

The arrangement of streets in a new or proposed subdivision or development shall be compatible with existing streets in adjoining areas and shall be platted as deemed necessary by the Land Use

Authority as defined in Section 18.01.070 to be in the public interest. Such arrangement shall cause no unnecessary hardship to owners of unimproved adjoining property. Street approach angles shall be not less than eighty degrees (80°) to the intersecting street. Grudge strips or holding strips along or at the end of any street shall not be allowed.

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18.24.020. Widths.

Where an arterial, minor arterial, or collector street is shown on the Master Street Plan of Layton City, all development that traverses or abuts those corridors shall accommodate the construction thereof. The width of those streets shall be incorporated into the plans of any development as shown on the Master Street Plan. The width of any street not shown on the Master Street Plan shall be constructed as required by the Land Use Authority. The minimum width of proposed streets measured from lot line to lot line shall be:

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18.24.060. Exceptions.

On all roadways, other than split roadways, exceptions to the width requirements may be granted by the Land Use Authority. Such exceptions are to be used sparingly and must be supported by a finding of existing conditions that warrant exception, including but not limited to, topography; the need for immediate access while land acquisition is being completed; temporary access routes (not to exceed six (6) months). Before allowing such an exception the Commission and Council must determine that allowing the exception will not violate the purpose and intent of the ordinance. At any time such an exception is granted, on street parking shall be prohibited so as to ensure that twenty feet (20') of unobstructed travel way is maintained.

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18.24.070. Temporary turnarounds.

(1) A temporary turnaround is required on any street which is anticipated to be extended at any time in the future, but, for the time being said street is a dead end street. A temporary turnaround shall be required on any fire access road for future development that is more than one hundred fifty feet (150') or two (2) adjacent lots from an intersection and shall meet the provisions as outlined in the Layton City Development Guidelines and Design Standards Manual, Street Improvements, Temporary Turnaround.

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18.24.080. Street calming techniques.

The Community and Economic Development Director, upon recommendation of the Fire Department, the Police Department, and Engineering Division of the Public Works Department may require the construction of street calming facilities within the new proposed developments.

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Chapter 18.25. EASEMENTS

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18.25.010. Public utility and drainage easements.

A public utility and drainage easement (PU&DE) shall be established on all property lot lines as described hereafter. The PU&DE shall be for the installation of underground utilities such as power, fiber, telecommunications, gas, cable T.V., water, secondary water, sewer, storm drains, irrigation, residential post office boxes, and subsurface drains. The PU&DE shall also be used to convey surface runoff to the nearest street or storm drain structure.

The PU&DE shall be established as a part of the subdivision process on property being divided. For existing lots, the PU&DE shall be created as a prerequisite to obtaining a building or other development permit.

...

18.25.040. Easement dimensions.

The easements shall be as follows:

- (1) Seven foot (7') on the front lot line;
- (2) Ten foot (10') on the rear lot line; and

...

18.25.050. Compliance.

A subdivider's final plat shall show the required easements and also contain the statement "Public utility and drainage easements are shown and conform to Layton Municipal Code Section 18.25.010."

...

Chapter 18.28. BLOCKS

...

18.28.020. Walkways.

Where any block is over eight hundred feet (800') in length, the City Engineer may require a dedicated walkway through the block approximately at its center. Such walkway shall not be less than ten feet (10') in width.

...

Chapter 18.32. LOTS

...

18.32.070. Divided ownership.

Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer shall be certified by the County Recorder.

...

Chapter 18.36. IMPROVEMENTS

18.36.010. Definitions.

18.36.020. Plan to be filed.

18.36.030. Site plan.

18.36.040. Conditions for permit or license for building or improvements and the establishment of a bond for off-site improvements.

18.36.041. Performance bond; Subdivider.

18.36.050. Violation deemed misdemeanor.

18.36.060. Postponement agreement.

18.36.065. Conditions for issuing postponement agreements.

18.36.070. Off-site.

18.36.080. Time of installation.

18.36.090. Irrigation and sub-surface water.

18.36.095. Surface drainage; Requirements.

18.36.100. Underground utilities.

18.36.110. Subdivision construction permit.

18.36.120. Plan approval required.

18.36.130. Bond agreement with subdivider.

...

18.36.020. Plan to be filed.

No person shall develop, make improvements to or construct improvements on any lot or tract of land without first submitting up to five (5) black and white prints of a preliminary plan or layout thereof to the Land Use Authority as defined in Section 18.01.070.

...

18.36.030. Site plan.

A site plan may include landscaping, fences, and walls designed to further the purposes of the regulations for commercial and industrial zones and such features shall be provided and maintained as a condition of the establishment and maintenance of any use to which they are appurtenant. In considering any site plan hereunder the City Engineer shall endeavor to assure safety and convenience of traffic movement both within the area covered and in relation to access streets, harmonious and beneficial

relation among the buildings and uses in the area covered, and satisfactory and harmonious relation between such area and contiguous land and buildings and adjacent neighborhoods.

...

18.36.041. Performance bond; Subdivider.

(1) Prior to recordation of a final plat, after it has received Land Use Authority approval, the subdivider shall complete all of the public improvements required in the subdivision. At the option of the City, prior to recordation, the subdivider may enter into a performance bond agreement with the City to insure completion of all public improvements required to be installed in the subdivision. Also, prior to final plat approval, the City may require a subdivider to bond for the improvements where, in a prior application with the City, the subdivider has failed to comply with state law or the City's subdivision requirements. The bond agreement shall be in a form and contain such provisions as approved by the City Attorney's office. The agreement shall include but not be limited to:

...

(e) The City shall have exclusive control over the bond proceeds and they may be released only upon written approval of the City Engineer.

(f) The bond proceeds may be reduced upon request of the subdivider as the improvements are installed. The amount of the reduction shall be determined by the Public Works Department. Such requests may be made only once every thirty (30) days and no reductions shall be authorized until such time as the Public Works Department has inspected the improvements and found them to be in compliance with City standards. All reductions shall be by the written authorization of the City Engineer.

(g) If the bond proceeds are inadequate to pay the cost of the completion of the improvements according to City standards for whatever reason, including previous reductions, then the subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed or, with City Engineer approval, a new bond has been executed to insure completion of the remaining improvements.

...

(2) Such bond agreement shall be one of the following types as dictated by the City:

(a) Cash Bond - A cashier's check or a money market certificate made payable only to the City.

(b) Escrow Bond - A trust or escrow account with a financial institution federally or state insured.

(c) Financial Institution Bond - An agreement with a financial institution federally or state insured to release certain construction funds upon approval by the City.

(3) The City Manager or his designee shall be authorized to execute the bond agreements.

(4) The time period for the completion of the required public improvements may be extended in the following manner:

(a) The City Engineer may grant one (1) extension to the original bond agreement. Said extension shall not be for more than one (1) year from the expiration date of the original bond agreement.

(b) Said approval shall be in a form approved by the City Attorney's office and in compliance with all provisions of this Chapter.

(c) If the development is not complete at the date set by the City Engineer for the extension, the City shall move forward to complete the improvements in the development and revoke the necessary bond amount to cover the costs thereof.

...

18.36.065. Conditions for issuing postponement agreements.

The City Council may issue postponement agreements as follows:

(1) Where it is determined by the City Council that the placement of any isolated sidewalk would constitute a threat to public safety, such as the proximity to open ditches, canals, or similar hazards.

...

18.36.070. Off-site.

...
(c) **Exception.** The City Engineer may waive this requirement upon a finding that it is not foreseeable that the subject area will have secondary water available in the future. This finding will be based on information from the City Engineer, respective suppliers of secondary water, and the applicant.

...
18.36.100. Underground utilities.

Underground telephone and power utilities will be required in all subdivisions unless otherwise agreed to by the City Engineer.

...
18.36.110. Subdivision construction permit.

No construction work shall begin on any portion of a subdivision until a "subdivision construction permit" is issued by the City Engineer. The City Engineer shall not be authorized to issue the subdivision construction permit until:

- (1) Final approval of the subdivision plat has been granted by the Land Use Authority.

...
18.36.130. Bond agreement with subdivider.

The City shall enter into a written Bond Agreement with each proposed subdivider prior to the recording of the final plat. Such agreement shall be in writing and shall be signed by the subdivider. By its terms, the subdivider shall agree to comply with the provisions of Title 18 of the Layton Municipal Code to meet subdivision standards and specifications of the City in connection with the subdivision. Such agreement shall, among other requirements, provide the time for completion (not to exceed eighteen (18) months) and shall set forth the security arrangement between the subdivider and the City for compliance with the subdivision requirements for installation of the improvements in the subdivision. Such agreement shall incorporate by reference conditions and provisions of the Land Use Authority. It shall be executed in duplicate originals, one (1) copy to go to the subdivider and the other to be retained as part of the City records relating to the subdivision.

...
18.36.133. Extension of agreements.

No extension of the eighteen (18) month time period allotted to complete the off-site improvements in a subdivision shall be granted by the City Engineer without a potential increase in the amount held in the escrow account. The additional amount required shall be sufficient to complete the remaining off-site improvements and shall be determined by the construction staff.

...
18.36.140. Storm sewer; Required.

Every person who subdivides ground or who develops or improves an individual lot or any tract of land by the construction of a building or buildings thereon shall install adequate storm sewer structures and facilities to provide surface drainage and disposal of surface water from the subdivision, lot, or tract into the City's storm sewer system as approved by the City Engineer. In a proposed subdivision, it is the responsibility of the subdivider to provide adequate storm water drainage for the entire subdivision with the approval of the plans by the City Engineer. No subdivision can be approved for development by the City unless an acceptable storm water system is provided for in the developer's plans.

...
18.36.145. Payback agreements for improvements.

...
The City shall, in all cases, be immune and not liable for any payments to the developer if the payback agreement is determined to be unenforceable. The payback agreement shall not confer a benefit upon any third party and shall be in a form approved by the City Attorney. The responsibility for payment of the required improvements or facilities shall rest entirely with the developer.

...
18.36.150. Storm sewers; Standards and timing.

Such structures shall be planned and installed in accordance with minimum standards to be furnished by the City Engineer and shall be subject to inspection by the City. Such structures shall be

installed at the same time as the off-site improvements are installed in the case of a subdivision, or as the building is constructed in the case of an individual lot or tract.

...

18.36.180. Installation of development fencing.

(1) Any fence that is required to be installed either as a condition attached to the approval of a development, or as required by Title 19 of the Layton Municipal Code, shall be completed within 30 days of the completion of construction of any subdivision road.

...

Chapter 18.44. DEDICATION PROVISIONS

...

18.44.010. Generally.

The lawful recordation of a plat at the office of the County Recorder shall operate as a dedication of all streets, alleys, and other public places shown on the plat, and shall vest the fee title of all such areas named or indicated on the plat for public use, in the City for the uses therein indicated or intended, subject to the requirements as set forth in Title 18 of the Layton Municipal Code and the conditions of approval as set forth by the Land Use Authority as defined in Section 18.01.070 when the plat was approved.

...

Chapter 18.48. SMALL SUBDIVISIONS

18.48.010. Generally.

A final plat shall be required for all small subdivisions, under the conditions listed below with approval by the Land Use Authority as defined in Section 18.01.070. The requirements of a final plat shall provide such improvements on existing streets within the subdivision as required by Chapter 18.36. Preliminary plats of small subdivisions shall not be required where all of the following conditions exist:

...

Chapter 18.50. PRIVATE RESIDENTIAL SUBDIVISIONS AND DEVELOPMENTS

...

18.50.020. Development plan review.

...

(1) **Preliminary approval.** Private subdivisions where separate lots are sold shall submit plans as outlined in Chapter 18.12, Preliminary Plat. In addition to the review process outlined in Chapter 18.12, the preliminary plat for a private subdivision shall be forwarded to the Land Use Authority as defined in Section 18.01.070 for review

...

(4) Approval of a private residential subdivision or development by the Land Use Authority may only be granted after conducting a public review.

...

18.50.045. Land Drain Systems. The Layton City Development Guidelines and Design Standards and Standard Plans for Public Facilities Construction shall be followed for the placement and construction of land drain systems.

The developer or subsequent homeowner's association will be responsible for the maintenance of all facilities within the property lines of the development and those facilities off the property as designated by the City Engineer and which, either in part or wholly, service the private subdivision/development.

...

18.50.060. Street and driveway improvements.

...

Sidewalks will be placed as directed by the City Engineer as approved by the Land Use Authority. More than one (1) point of access to a private subdivision/development may be required if deemed necessary by the construction staff.

...

(a) Private drives shall not be longer than three hundred and fifty feet (350') except as granted by the construction staff. Any private drive longer than one hundred and fifty feet (150') shall be provided with an alternative turnaround approved by the Fire Department, City Engineer, and development staff. Alternative turnarounds are only allowed as approved by the Fire Department, the City Engineer, and development staff. Residential buildings serviced by the private drive shall be equipped throughout with an NFPA 13D automatic fire sprinkler system. Such drives may not be converted to public ownership. Any gates or planters within a private drive right-of-way shall be approved by the City and shall not impede the required clear width. No parking will be allowed in the twenty feet (20') of pavement area. Private drives shall be constructed so as to support the weight of a fire apparatus to within one hundred and fifty feet (150') of any structure.

...

18.50.075. Street lighting.

The subdivider or land developer install all private street light systems within its development for a private subdivision or planned residential unit development (PRUD). The subdivider or land developer shall pay a public street light system fee. Public street light systems shall meet the current design standards as outlined in Layton City's Development Guidelines and Design Standards. The amount of the street light system fee is based upon the adopted Layton City Consolidated Fee Schedule.

...

18.50.130. Private subdivision; Development agreements.

All developers of a private subdivision/development are required to enter into a written agreement. The agreement must be signed by the subdivider/developer and an authorized agent of the City. By its terms, the subdivider/developer shall agree to comply with the applicable provisions of Title 18 of the Layton Municipal Code. Such agreement shall, among other requirements, provide for the time of completion (not to exceed eighteen (18) months) and shall set forth the security arrangement between the subdivider/developer and the City for compliance with the private subdivision requirements for installation of improvements in the development. Such agreement shall incorporate by reference conditions and provisions of the Land Use Authority approval. It shall be executed in duplicate originals, one (1) copy to go to the subdivider/developer and the other to be retained as part of the City records relating to private development.

...

18.50.140. Private subdivision construction permit.

No construction work shall begin on any portion of a private subdivision/development until a "subdivision construction permit" is issued by the City Engineer. The City Engineer shall not be authorized to issue the subdivision construction permit until:

(1) Final approval of the subdivision plat or site plan has been granted by the appropriate Land use Authority;

...

18.50.160. Building permits for structures.

No building permits for any structure shall be issued within any private subdivision/development where separate lots are sold until all fire approved access, sanitary sewers, land drains, storm sewers, culinary water lines, and secondary water lines have been installed and are functional and until "as constructed" drawings including laterals are provided to the City.

...

Chapter 18.52. INSPECTION

...

18.52.010. Required.

Construction and installation of all work in a subdivision shall be subject to inspection by the Building Official and the City Engineer, or either of them, and their agents. Any work as to which the

Building Official requires inspection which was not or cannot be inspected may be required to be uncovered, removed and/or replaced, if necessary, so that proper inspection may take place.

...

Chapter 18.56. FEES

18.56.010. Fees.

Prior to granting of final approval by the Land Use Authority as defined in Section 18.01.070, each subdivider shall pay the following fees:

- (1) Those fees as adopted in the City's latest Consolidated Fee Schedule.
- (2) Recording fees as determined by the County Recorder.
- (3) Fees for various site materials and workmanship tests as required during construction.

...

SECTION VI: Enactment. Title 19, Chapter 19, shall be amended and enacted to read as follows:

...

Title 19. ZONING

...

Chapter 19.15. NONCONFORMING USES AND NONCOMPLYING STRUCTURES

...

Chapter 19.18. APPEAL AUTHORITY

...

Chapter 19.01. GENERAL PROVISIONS

- 19.01.010. Short title.**
- 19.01.020. Application.**
- 19.01.030. Scope.**
- 19.01.040. Purpose.**
- 19.01.050. Effect on governmental entities.**
- 19.01.060. Effect of other regulations.**
- 19.01.070. Effect of private covenants and agreements.**
- 19.01.080. Classification of annexed territory.**
- 19.01.090. Establishment of zoning districts.**
- 19.01.100. Requirements declared minimums.**
- 19.01.110. Property use regulations.**
- 19.01.120. Effect on previous ordinances and maps.**
- 19.01.130. Licensing.**
- 19.01.135. Designation of Land Use Authority**

...

19.01.135. Designation of Land Use Authority.

The following chart designates the Land Use Authority for land use approvals.

Type of Land Use Decision	Review Body	Recommending Body	Land Use Authority	Appeal Authority	Final Appeal Authority
General Plan Amendment	Planning Staff	Planning Commission	City Council	District Court	
Zoning Text Amendment	Planning Staff	Planning Commission	City Council	District Court	
Zoning Map Amendment	Development Staff	Planning Commission	City Council	District Court	
Conditional Use	Development Staff	Development Staff	Planning Commission	Hearing Officer	District Court
Landscape Buffer/Fencing Modifications and Waivers	Development Staff	Development Staff	Planning Commission	Hearing Officer	
Variance	Development Staff	Development Staff	Hearing Officer	District Court	
Routine and Uncontested Variance	Development Staff	Development Staff	Zoning Administrator	Hearing Officer	District Court
Condominium Approvals	Development Staff	Development Staff	Zoning Administrator	Hearing Officer	District Court
Site Plan Review	Development Staff	Development Staff	Zoning Administrator	Hearing Officer	District Court
Development Agreement	Development Staff	Planning Commission	City Council	District Court	
MU and MU-TOD Development Plan	DRC, Development Staff	Development Staff	Planning Commission	City Council	District Court
C-TH Preliminary Plan	DRC, Development Staff	Planning Commission	City Council	Hearing Officer	District Court
C-TH Final Plan	DRC, Development Staff	Development Staff	Zoning Administrator	Hearing Officer	District Court

...

19.01.140. Administrative determination for uses not listed as conditional or permitted uses.

Determination as to the classification of uses not specifically listed in this Title, shall be made by the Zoning Administrator and shall be subject to appeal to the Land Use Appeal Authority as set forth in Chapter 19.18 of this Code. The procedure shall be as follows:

...

19.01.150. Administrative reviews, certificates, and permits.

...

(3) **Conditional use permit.** Applications for a conditional use permit shall be submitted to the Community and Economic Development Department as provided for in Chapter 19.14. The Community and Economic Development Director shall assure completeness and prepare submittal for review and action by the Land Use Authority as defined in Section 19.01.135. Permits approved by the Land Use Authority shall be issued by the Community and Economic Development Director.

...

19.01.200. Hearings.

Hearing procedures for zoning ordinance amendments are described in Chapter 19.17, Ordinance

and Map Amendments, of this Title and in the Utah Code. Hearing procedures for appeals from administration or enforcement of this Title are set forth in Chapter 19.18, Appeal Authority.

...

19.01.220. Mandatory reviews.

(1) Any board, commission, committee, administrative officer, or other employee of the City, or any other person having jurisdiction over or responsibility for the development of, or the carrying out of plans or other matters relating to the physical development of the City, shall first refer such matters to the Land Use Authority and receive its recommendation thereon before taking any action pertaining thereto.

(2) The following matters shall be referred to the Land Use Authority:

...

19.01.225. Development agreements.

The Land use Authority as defined in Section 19.01.135, upon recommendation of the Planning Commission, is hereby authorized to enter into development agreements with individuals and/or entities. The Land Use Authority may require a development agreement for any annexation application, rezone application, development, rehabilitation, reconstruction, or placement of improvement upon any property, for which a permit would be required, for the purpose of:

...

19.01.240. Development Guidelines and Design Standards.

The City Engineer, or a designee of the City Engineer, is hereby authorized to draft, approve, adopt, and interpret a set of Development Guidelines and Design Standards for development activity approvals in Layton City. Such guidelines and standards may be amended from time to time as determined necessary by the City Engineer. The standards and guidelines shall be based upon reasonable engineering standards and practices. Any appeal from a guideline or design standard imposed by the City Engineer, shall be made to the City Manager, pursuant to Section 19.18.040 of the Layton Municipal Code.

...

Chapter 19.02. DEFINITIONS

...

19.02.020. Definitions.

...

"Land Use Authority": The body established as the final approval authority for land use decisions as established in Section 19.01.135 – Designation of Land Use Authority.

...

"Streets, Arterial, Major, and Minor": A street which serves the major movement of traffic in Layton City, connecting to high-use areas and limited-access highways such as I-15 and Highway 89. For purposes of this Title arterial streets are identified in the Transportation Master Plan.

...

"Street, Public": ...

Where a public thoroughfare existed prior to the adoption of the Title codified herein, which fulfills all the requirements for a public street except for the required width, this thoroughfare may be classified as a public street for the purpose of establishing building lots fronting thereon; provided, that the depth of that portion of each intended building lot needed to complete the required width for a public street, as determined by Development Staff, is dedicated to public use.

...

"Zoning Administrator": The Community and Economic Development Director shall be the Zoning Administrator, who is the administrative officer charged with enforcement of the Code provisions involving or related to land use planning, zoning, development, signs, and subdivisions. See also Section 2.31.010.

...

Chapter 19.04. ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL MAP

...
19.04.050. Zoning district boundary interpretation.

...
(6) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning District Map, or in other circumstances not covered in the aforementioned rules, the Zoning Administrator shall interpret the zoning district boundaries.
...

Chapter 19.05. GENERAL AND SPECIFIC DEVELOPMENT REGULATIONS

...
19.05.020. General development and lot requirements for all zoning districts.

(1) **Semi-private recreation clubs.** The Land Use Authority as defined in Section 19.01.135 may permit, as a conditional use, the use of land in any zoning district for semi-private swimming clubs, tennis courts, or other recreational facilities providing that in all such cases, the following conditions are met:

...
(4) **Reduction in lot size permitted.** No parcel of land, which has less than the minimum width frontage, and area requirements for a building lot for the zoning district in which it is located, may be cut off, placed under separate deed, or sold from a larger parcel of land for the purpose, whether immediate or future, of building or development as a building lot unless a variance is granted by the Land Use Appeal Authority as per Section 19.18.070 of this Title.
...

19.05.030. Requirements specific to residential and agricultural zoning districts, lot area, coverage, width, minimum dwelling size, height regulations, and dwellings per lot.

...
(5) **Accessory structures and dwelling units; permit required.** Accessory structures that are not designed for human occupancy shall be reviewed as a permitted use in the applicable zoning districts. Accessory residential dwelling units shall require a conditional use permit issued by the Land Use Authority as defined in Section 19.01.135. The applicant/owner shall be required to sign a letter of agreement with the conditional use permit and building permit that states that the accessory residential dwelling unit is approved for individuals that are related by blood and the owner of the property must reside in either the primary or accessory dwelling.
...

(10) **Limitation on front setback requirements.** No dwelling shall be set back more than one hundred feet (100') from a front lot line unless approved by the Development Staff. (See Title 18, Land Use Development.)
...

19.05.050. Development regulations specific to professional business, commercial, and manufacturing zoning districts.

...
(4) **Reduction of commercial setbacks adjacent to residential zoning districts.** The Zoning Administrator may reduce or waive the building setbacks for commercial uses adjacent to residential zoning districts with consideration to the following stipulations:
...

19.05.060. Wireless telecommunication equipment.

Wireless Telecommunication equipment may be allowed with the following requirements:

(1) **Wall mounted antennas.** Wall mounted antennas are permitted uses in C-H, CP-3, M-1, and M-2 zoning districts. Wall mounted antennas must comply with the following criteria:

...
(b) The Zoning Administrator may require antennas and all associated equipment to be painted to match the color of the building or surrounding area;

...
(f) Any appeals from a decision by the Zoning Administrator shall be to the Hearing Officer and must be in writing, filed within ten (10) days of the Zoning Administrator's decision.

(2) **Roof mounted antennas.** Roof mounted antennas are permitted uses in the C-H, CP-3, M-1, and M-2 zoning districts. The following provisions and any applicable provisions in Subsection (1) above shall apply to roof mounted antennas:

(a) Roof mounted antennas can only be mounted on structures with flat roofs. Exceptions may be granted by Staff with the following stipulations:

...
(iii) Staff decisions may be appealed to the Hearing Officer.

...
(3) **Site location master plans.** Each company desiring placement of wireless telecommunications facilities shall submit a site location master plan. The master plan shall be submitted to the Land Use Authority as defined in Section 19.01.135 and the Community and Economic Development Department prior to processing any permits for permitted or conditional use locations. The master plan shall include an inventory of existing and anticipated sites for the City and within one-half (½) mile of the City boundary. The plan shall indicate area coverage, if known, location, antenna height above existing grade, and antenna type for each site and be updated upon request from the Land Use Authority.

...

Chapter 19.06. LAND USE REGULATIONS

- 19.06.010. Uses permitted by right and conditional uses.**
- 19.06.020. Principal and accessory uses.**
- 19.06.030. Home occupation.**
- 19.06.040. Preschool, home.**
- 19.06.045. Home day care regulations.**
- 19.06.050. Residential facility for elderly persons.**
- 19.06.060. Residential facility for persons with a disability.**
- 19.06.070. Household pets.**
- 19.06.080. Farm animals.**
- 19.06.090. Temporary permitted uses.**
- 19.06.100. Prohibition of undesirable emissions.**
- 19.06.110. Outdoor storage.**
- 19.06.120. Swap meets.**
- 19.06.130. Storage facility requirements.**
- 19.06.150. Outdoor trash receptacles.**
- 19.06.160. Auto wrecking.**
- 19.06.170. Commercial uses in Manufacturing Zoning Districts.**
- 19.06.180. Reserved**
- 19.06.190. Charter schools.**
- 19.06.200. Title Loan, Payday Loan, Deferred Deposit Lending and Similar Businesses**

...
19.06.030. Home occupation.

...
(11) An application for a home occupation shall be reviewed by the Zoning Administrator for approval. The decision of the Zoning Administrator may be appealed to the Hearing Officer. Such appeal shall be applied for within thirty (30) days of the Zoning Administrator's decision. If the Hearing Officer approves the application, the Zoning Administrator shall issue a home occupation permit. The Zoning Administrator may revoke the home occupation permit for violation of any provision of this Code. Inspections may be performed without notice to ensure compliance to this ordinance.

...

19.06.070. Household pets.

(1) Household pets shall be limited to the keeping of not more than two (2) dogs or cats, or combination thereof, four (4) months old or older. In addition to the two (2) permitted animals, one seeing-eye, search and rescue, or other aid dog may be allowed under the following circumstances:

(a) A permit is issued by the Zoning Administrator. In addition to the typical items considered by the Zoning Administrator for the permit, the following shall also be reviewed:

...

(b) The aid dog is certified to serve in the capacity intended by the independent and qualified agency. Aid dogs that are in the process of being trained shall have not more than six (6) months to become certified unless a longer period is granted by the Zoning Administrator. The certification of the aid dog is subject to inspection annually by the Community and Economic Development Department. Failure to obtain the certification in the prescribed time period, and maintenance of it thereafter, shall result in the revocation of the conditional use permit; and

...

19.06.110. Outdoor storage.

...

(5) Outdoor storage in the M-2 and M-1 zoning districts may exceed the height of six feet (6') when all surrounding properties have the same zone. If a railroad right-of-way is adjacent to the property, storage may exceed six feet (6') upon Zoning Administrator approval. The following shall be the criteria by which the Zoning Administrator shall approve the storage:

...

(b) The storage is screened to prevent a view of the storage from a commuter rail train. Screening can be accomplished by a change in grade, landscaping, or sight-obscuring fences and walls. The Zoning Administrator may impose any other features designed to mitigate the impact of the storage. In no case may storage exceed the height of fifteen feet (15').

(6) All automobile repair shops and reconditioning shops shall have all vehicles kept for repair for more than one (1) day, stored in an area screened from the view of any adjacent property or street. Such screening shall be accomplished by placing said vehicles within an area surrounded by a solid, view obstructing fence or wall at least six feet (6') in height. The Zoning Administrator may require higher fences or walls where deemed appropriate. The storage area may not be used as a junkyard. No items stored in the enclosed area may be stacked higher than the fence or wall of the enclosure. Such facilities shall also meet the parking lot requirements of Section 19.12.100 of this Title.

...

19.06.130. Storage facility requirements.

...

(2) All outdoor storage areas shall meet the parking lot requirements of Section 19.12.100 of this Title and shall be enclosed by a fence or wall at least six feet (6') in height and impervious to sight, adequate to conceal such facilities from adjacent property and the street. The Zoning Administrator may require higher fences if deemed necessary to ensure screening. No junk may be stored within the enclosure and no items may be stacked higher than the fence or wall of the enclosure; and

...

19.06.180. Reserved

...

**19.06.200. Title Loan, Payday Loan, Deferred Deposit Lending and Similar Businesses
Criteria and conditions.**

...

Chapter 19.07. SENSITIVE LANDS DEVELOPMENT REGULATIONS

- 19.07.010. Purpose.**
- 19.07.020. Scope and application.**
- 19.07.030. Sensitive Lands Overlay Map.**
- 19.07.040. Development Staff.**

...

19.07.040. Development Staff.

The Development Staff shall consist of the City Engineer, Chief Building Official, Fire Marshall and representative of the Planning Department. Proposals in the overlay area and geologic reports on sites in the overlay area shall be reviewed by the Development Staff, which is authorized to determine the process that proposals will be required to go through for approval and make recommendations to the Land Use Authority as defined in Section 18.01.070. The Development Staff is authorized to determine, after review of submitted reports, if properties are appropriate for development.

...

19.07.050. Appeals – Boundaries of mapped hazards.

...

(3) If, after additional reviews are made, a consensus is not reached by staff and the applicant the item may be appealed to the Land Use Authority.

...

(5) Appeals to staff decisions shall be made to the Land Use Authority.

(6) The Development Staff agrees with the applicants engineer and the site is determined to be out of the sensitive lands overlay area.

...

19.07.060. Sensitive lands overlay; Submittal and approval process for annexations, rezones, and conceptual approvals.

...

(1) Meet with Development Staff to determine the feasibility of the development and review the Sensitive Lands Overlay Map to determine if the site is in the overlay area and if it is, what hazards may be associated with the site. If the site is outside of the overlay area, the process outlined in Title 18 will be followed, excepting PRUD's which will follow the process outlined in Chapter 19.08. If it is subsequently determined that the site is within the sensitive lands overlay or the site has geologic hazards that are not shown on the map the review process will be pursuant to this Chapter.

...

(4) Application for annexation, rezone, and conceptual approval to the Land Use Authority. All applications required in this Section shall first be submitted for review and recommendation to the Community and Economic Development Department. The following items are required to be submitted with the application for annexations, rezones, and conceptual approvals:

...

(5) After the application is received by the Community and Economic Development Department, the geologic and soil report will be reviewed by Development Staff and, if the report finds that geologic hazards exist, the report will be reviewed by other geotechnical advisors which may include the Utah Geologic Survey (UGS). If after review, the geotechnical advisors concur with the geologic and soil report and the proposed remedial measures submitted by the applicant, the item will be forwarded to the Land Use Authority for review for conceptual, annexation, or rezone approval, and the process will follow the outline under Section 19.07.070. The required reports and the plans to address the concerns set forth in those reports shall be stamped and approved by a licensed professional engineer. If the staff and/or their advisors do not agree with the applicant's geologic and soils report, the following action may be taken:

(a) Additional studies may be required to be performed.

(b) The Development Staff and the City's geotechnical advisors review the submitted reports and determine that a third party, selected by the City, should review the submitted studies at the cost of the applicant. The third party should review the information that has been submitted. Additional fieldwork will only be performed after consultation with the geotechnical advisors and applicant and if it is determined to be necessary to make a determination.

(c) On recommendation of the City's geotechnical advisors, the construction staff may determine that the site cannot be developed and no further action is taken. An appeal from this decision can be made to the Land Use Authority. Such an appeal must be in writing and submitted to the Planning Department within thirty (30) days of the Development Staff decision.

...

19.07.070. Preliminary review and approval procedure.

...

(2) The Land Use Authority shall consider said application and for approval or disapproval of the application. If the Land Use Authority approves of the preliminary phases, the Land Use Authority may attach such conditions as may be deemed necessary to secure the purposes as set forth in this Chapter. If the Recommending Body recommends the application not be approved it shall forward the reasons therefor to the City Council.

...

19.07.080. Final approval.

(1) The application for final approval shall be filed with the Community and Economic Development Department. Such application shall include the applicable information required by the provisions of Chapters 19.05 and 19.08 of this Title, and Title 18, of this Code as the case may be. Application for final approval may only be made after preliminary approval has been granted by the Land Use Authority.

(2) The Land Use Authority shall consider said application for approval or disapproval of the application. If the Land Use Authority approves the final plan, the Land Use Authority may attach such conditions as may be deemed necessary to secure the purposes as set forth in this Chapter. If the Recommending Body recommends the application not be approved it shall forward its reasons therefore to the Land Use Authority.

...

19.07.090. Density, lot size, width, and characteristics.

...

(i) **Recommendation.** Prior receipt of a recommendation from Development Staff based on its review of utility services, surrounding land conditions, coordination of development and similar circumstances; and

...

19.07.110. Flag lots.

...

(10) The maximum number of flag lots in the development site shall be not more than ten percent (10%) of the total number of lots within the development site.

...

19.07.120. Development standards.

...

(e) Variations of the street design standard developed to solve special hillside visual and functional problems may be presented to the City Engineer for consideration. Examples of such variations may be the use of split roadways to avoid deep cuts, modifications of surface drainage treatments, or sidewalk design;

(7) **Architectural design.**

(a) Buildings proposed for construction in the Layton Sensitive Lands Overlay Zoning District shall use building materials and colors that will blend harmoniously with the natural setting. Such materials as natural woods, masonry, brick (earth tones), and stone are required.

(b) The Land Use Authority shall review the design and specified exterior materials and colors for all structures other than single-family dwellings. Building permits for such structures shall not be granted until building materials and colors have been approved by the Land Use Authority.

(8) **Bond.** In addition to the provisions requiring posting of a bond as set forth in the ordinances of Layton City, a bond, in a form acceptable to the City Council and City Attorney, may be required by the Land Use Authority, to guarantee the completion of revegetation projects, the stabilization of grading, cut and fills, and other elements involved in the construction of such projects.

(9) **Exceptions.** Exceptions to the requirements and provisions as outlined in this Section may be approved by the Land Use Authority, provided that the developer or owner of such development site can demonstrate to the satisfaction of the Land Use Authority that the requested exceptions shall not be detrimental or injurious to the property or improvements adjacent thereto, or detrimental to the general

well being of the neighborhood, or in violation of the stated purposes of this Chapter.

...

Chapter 19.08. PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) OVERLAY ZONE

...

19.08.170. Preliminary PRUD plat approval.

...

19.08.030. General PRUD standards.

...

(2) Application for the PRUD overlay zone does not guarantee the property owner the right to exercise the provisions of the PRUD. PRUD's shall be approved by the Land Use Authority only if, in their judgment, the proposed PRUD fully meets the intent, purposes, and requirements of the zoning ordinance.

...

19.08.070. Classification of land to PRUD overlay zone.

(1) Land shall be classified as being in the PRUD overlay zone pursuant to an amendment to the zoning ordinance adopted pursuant to the provisions of Chapter 19.17 of the Layton Municipal Code provided, however, in order to classify any land as being in the PRUD overlay zone the following conditions shall be considered by the Land Use Authority with respect to such land.

...

(3) The Land Use Authority, may classify certain areas of the City as being in the PRUD overlay zone in order to ensure that future residential development will be compatible with the sensitive lands and natural features of the area. Sensitive lands and natural features shall include, but not be limited to canyons and slopes, ridge lines, streams or other natural water features, wetlands, geologically sensitive areas, and prime agricultural land.

...

19.08.080. Permitted uses.

...

(3) In addition to permitted residential and recreational uses, a PRUD may provide offices and professional service uses in a planned environment. Where a PRUD proposes a mix of residential and office uses, the Land Use Authority should make the following findings as part of the approved Preliminary PRUD Plan:

...

(4) In considering non-residential land uses as part of a PRUD plan, the Land Use Authority shall address the following:

(a) **Size of project.** The proposed PRUD must propose a minimum of fifty (50) units in order for the Land Use Authority to consider office, professional service and smaller format retail uses as part of the PRUD plan. Office and professional service uses shall not occupy more than ten percent (10%) of the PRUD project site.

...

19.08.090. Application of PRUD to underlying zoning district.

(1) Upon combining the PRUD overlay zone with an appropriate existing zoning district, variations from the development standards of the underlying zone may be permitted and approved by the Land Use Authority. Variations, however, shall not include changes in the uses allowed by the zoning district with which the PRUD zone has been combined, except as permitted by 19.08.080.

(2) The Land Use Authority may, in the process of approving Preliminary PRUD Plat, approve the variations from the minimum standards of the underlying zone where there is sufficient evidence that the variations will not adversely affect neighboring property and that the designation standards of Section 19.08.100 are met.

...

(8) **Density Bonus and Incentives.** The inclusion of certain amenities or design options may result in an allowed increase in density, referred to as a density bonus. The total density bonus shall

not exceed forty percent (40%).

The Land Use Authority, may determine the density bonus upon acceptance of the design options, as set forth below:

...

(14) The Land Use Authority shall require the preservation, maintenance, and ownership of all open space through one, or a combination of the following:

...

(16) Following final plat PRUD approval, any substantial changes in use, or arrangement of lots, blocks, and building tracts, or any changes in the provision or type of common open spaces must be resubmitted for final plat review and approval by the Land Use Authority.

...

19.08.100. Variations from development standards.

(1) The Land Use Authority may, in the process of approving conceptual, preliminary, or final PRUD plats, approve variations from applicable development standards in the underlying zoning district only if it finds that all of the following conditions are met:

...

19.08.130. Conceptual PRUD plan approval and PRUD overlay.

...

(2) Concurrent with any request to rezone property to the PRUD overlay zone, a conceptual PRUD plan shall be submitted to, and reviewed by, the Land Use Authority as defined in Section 18.01.070. The Land Use Authority shall review the rezone and conceptual PRUD plan in accordance with Section 19.17.030 of this Code. The Land use Authority shall hold a public hearing to review the proposed rezone and conceptual PRUD plan request in accordance with Section 19.17.040 of this Title.

...

(4) The conceptual plan shall be reviewed by the Land Use Authority and considered for approval as outlined above, and shall contain the following information:

...

19.08.140. Sensitive lands overlay development regulations.

If the proposed PRUD project is located in the sensitive lands overlay area the PRUD project shall be reviewed under the guidelines and process outlined under Chapter 19.07. Conceptual sensitive lands development application shall include topographic contours and an estimate of average slope of the proposed PRUD development. As part of the conceptual review phase, the Land Use Authority as defined in Section 18.01.070 may recommend such conditions as may be deemed necessary to secure the purposes set forth in Chapter 19.07.

...

19.08.160. PRUD Design Review Committee.

...

(2) The Development Staff shall select a group of at least five (5) members who are professionals from among the fields of: architectural design, landscape architecture, urban design, architectural history, planning, and engineering.

...

(c) If a density bonus is proposed, the PRUD Design Review Committee, together with staff, shall determine an acceptable density bonus for the PRUD project, the density bonus recommendation shall be forwarded to the Land Use Authority as defined in Section 18.01.070 for consideration.

...

19.08.170. Preliminary PRUD plat approval.

(1) The preliminary PRUD plat shall be reviewed and approved by the Land Use Authority as defined in Section 18.01.070. Said preliminary PRUD Plat shall contain the following information:

...

(2) The Land Use Authority may impose such conditions on a preliminary PRUD plan, as it may deem appropriate to meet the goals and objectives of this Chapter and the General Plan.

...

19.08.180. Final PRUD plan approval.

(1) After the approval of the preliminary PRUD plat and prior to the construction of any building or structure in the PRUD overlay zone, a final PRUD plat shall be submitted and approved by the Land Use Authority as defined in Section 18.01.070. Said plans may be submitted in phases, provided each phase can exist as a separate project capable of independently meeting all of the requirements of this Chapter and of the underlying zoning district with which the PRUD zone has been combined. The separate development of said phases shall not be detrimental to the PRUD nor to the adjacent properties in the event that the remainder of the project is not completed. Said final PRUD plan shall be drawn to scale and shall contain the following information:

...

(i) Fully executed declaration of covenants, conditions, and restrictions, together with open space easements and other bonds, guarantees, or agreements as required herein or, as approved by the Land Use Authority to meet the objectives of this Chapter. The bond will be one hundred ten percent (110%) of all improvements both public and private. Including, but not limited to, all landscaping, playgrounds, pathways, fencing, and any other recreational amenity;

...

(2) Any failure to receive final PRUD plat approval from the Land Use Authority within two (2) years of the approval of the preliminary PRUD plat shall terminate all proceedings and render the preliminary PRUD plat unapproved.

...

Chapter 19.09. CONDOMINIUM ORDINANCE

19.09.010. Description; General limitations.

19.09.020. Definitions.

19.09.030. Land Use Authority review.

19.09.040. Final plat approval.

19.09.050. Reserved.

...

19.09.010. Description; General limitations.

This Chapter is intended to allow flexibility and diversification in the use of land in the following zoning districts of Layton City: A, R-S, R-1-6, R-1-8, R-1-10, R-2, R-M1, R-M2, R-H, CP-1, CP-2, CP-3, C-H, M-1, and M-2, C-TH, PB, B-RP, MU and MU-TOD. Condominium ownership of spaces may be allowed as main uses in each of these zoning districts. Uses of the condominium space shall be limited to those uses allowed in each zoning district. Residential development may also be required to follow those procedures set forth in Chapter 19.08 of the Layton Municipal Code. A condominium project shall be considered to be a subdivision, and a record of survey map or supplement thereto prepared. Nothing in this Title shall be interpreted to state or imply that a condominium project, unit, association or unit owners, or management committee is exempt from compliance with the zoning ordinance, building and sanitary codes, or similar development regulations which have been adopted by Layton City. No condominium or any record of survey, declaration, or other material as required for recordation under this Title or the Utah State Condominium Act shall be recorded in the office of the County Recorder until all attributes of the condominium project have been approved by Layton City.

...

19.09.030. Land Use Authority review.

In reviewing a condominium project, the Land Use Authority as defined in Section 19.01.135 shall review such things as:

...

19.09.040. Final plat approval.

For a condominium project to receive final approval, the following standards and procedures must be adhered to:

(1) Any person desiring approval from the Land Use Authority for a condominium project shall file the final plat with Development Staff. Within thirty (30) days of the first meeting at which the

Land Use Authority gives consideration to the final plat, a decision shall be made to approve, disapprove, or approve with specific conditions.

(2) The final plat shall be distributed to the appropriate utility companies and to all development review departments of Layton City.

(3) Final plats shall:

...

(m) Certain items listed above may be waived at the discretion of the Land Use Authority when the condominium project involves the conversion of the existing structures into condominium ownership; however, all conversions must be inspected by the City prior to preliminary approval to insure compliance to the current building codes.

...

19.09.050. Reserved.

...

19.09.060. Recording required.

The final plat when, and only when, it bears all official approvals and required signatures shall be filed for record in the office of the Davis County Recorder.

...

19.09.070. Requirements.

...

(4) Have reserved the proper spaces for dedication, certification, approval, or recording as the case may be, for owners, City Engineer, City Attorney, County Health, Land Use Authority, and County Recorder;

...

Chapter 19.11. MOBILE HOME PARKS AND TRAVEL VEHICLE PARKS

...

19.11.040. Application.

Overall plan requirement. An overall plan for development of a mobile home park shall be submitted to the Community and Economic Development Department for site plan review. (See Chapter 19.13.) The plan shall be drawn to a scale no smaller than one inch (1") to fifty feet (50'). At least eight (8) copies of the plan shall be submitted. The plan shall show the following in addition to that required for site plan review:

(1) The topography of the site represented by contours, shown at not greater intervals than two feet (2');

...

(7) Any other data that the Development Staff may require.

...

19.11.050. Approval process and considerations.

As all mobile home parks are conditional uses, a request for a conditional use permit must be made in conjunction with a preliminary plat to the Land Use Authority as defined in Section 19.01.135. An overall master plan for the development of the mobile home park shall be submitted to the Land Use Authority. The Land Use Authority shall then approve, approve with conditions or deny because no mitigation of impacts are possible with the conditional use permit. In determining the appropriateness of the proposed project, the Land Use Authority shall specifically consider whether the proposed development will:

...

19.11.060. Standards and requirements.

(1) **Approval.** Approval of a conditional use permit shall be subject to the following conditions and regulations, and any additional conditions required by the Land Use Authority to mitigate impacts.

...

(b) The plans for a mobile home park shall be prepared by such qualified persons and with such additional plans as the Land Use Authority may require.

...
(k) Service buildings including offices, clubhouses, manager residences, and other accessory buildings as defined in Chapter 19.02, may be constructed within any mobile home park as approved by the Land Use Authority. All storage and solid waste receptacles outside the confines of any mobile home must be housed in a closed structure compatible in design and construction to any service buildings within the development. The service building shall be constructed to standard commercial practice and kept in good repair as approved by the chief Building Official.

...
(p) Energy considerations shall be taken into account to site the pads and the inclusion of landscaping.

...
19.11.080. Utilities.

Every mobile home park shall provide utility service to every mobile home stand or lot as required by Layton City ordinances and as required by the Land Use Authority.

...
19.11.090. Guarantees.

For mobile home parks, adequate and reasonable guarantees must be provided as determined by Development Staff for permanent retention of open space and for the maintenance of roadways, storage facilities, service facilities, and landscaping resulting from the application of these regulations. Guarantees may be in the form of a bond or an interest in real estate or in other forms to be determined by the City Attorney.

...
19.11.110. Provisions applying to travel vehicles and travel vehicle parks.

(1) **Location and use.**

...
(g) Travel vehicles may be accommodated in an approved and licensed mobile home park, provided that:

...
(iii) Separate ingress and egress shall be provided for travel vehicles.

...
19.11.120. Standards and requirements.

...
(14) Every travel vehicle park shall provide utility service to every vehicle stand as required by Layton City ordinances.

...
Chapter 19.12. OFF STREET PARKING

...
19.12.040. Parking space for all residential dwelling units.

...
(4) For a "Planned Residential Unit Development" (PRUD) or residential condominium project, two (2) spaces per unit with at least fifty percent (50%) of the parking spaces enclosed or having an overhead covering. Where there are twenty-five (25) or more units that are attached in a proposed project, recreational vehicle parking may be required in an amount to be set by the Land Use Authority as defined in Section 19.01.135. In addition there shall be one (1) space for each two (2) units designated as guest parking scattered in small groups to conveniently serve the various blocks within the development.

...
19.12.050. Parking space for commercial, industrial, and institutional uses.

...
(24) **Museum:** As determined by the Zoning Administrator with submission of a professional parking analysis.

...
Uses not listed above, or commercial units with undetermined occupants at the time of

construction: To be determined by the Zoning Administrator as set forth herein for uses which are similar to the proposed use.

...

19.12.100. Parking lot improvement requirements.

...

(2) The sides and rear of any off-street parking area for more than five (5) vehicles which adjoins a residential or institutional building, or is contiguous to a residential zone, shall be effectively screened by light-tight masonry wall or solid fence. Such wall or fence shall be of a height determined by the Zoning Administrator not to exceed eight feet (8') in height, and shall be maintained in good condition. Advertising on walls and fences is prohibited except as an integral architectural part of the wall or fence;

...

(7) All applications for a building or occupancy permit shall be accompanied by a plot plan showing the required parking spaces, with ingress and egress. Said plan shall be reviewed and approved as outlined in Chapter 19.13 of the Layton Municipal Code.

...

19.12.120. Loading space berth requirements.

Each use for which off-street loading space is required shall provide the number of loading berths necessary to properly service that use, plus an area or means for adequate ingress and egress to each berth. Where any required or permitted loading dock or area is to be constructed in conjunction with a proposed use which is adjoining a residential zoning district, said loading dock or area shall be screened from the adjoining property by constructing a light-tight masonry wall or solid fence but not exceeding eight feet (8'). A landscape buffer may also be specifically required which shall be properly maintained in perpetuity by the commercial/industrial use or decided to be deeded to adjacent owners.

...

19.12.150. Authorization for parking space reduction or combination.

The Zoning Administrator may authorize a reduction of off-street parking and loading space as follows:

(1) **Reduction in parking space.** The Zoning Administrator may authorize on appeal, a reduction in the proportions required in this Chapter if it should be determined that in the particular case, the peculiar nature of the buildings or premises, or the exceptional situation or condition would mitigate the need for the parking spaces as specified in this Chapter.

(2) **Combine parking space.** When two (2) dissimilar uses are located adjacent to each other and the demand for parking in conjunction with those uses would not conflict, the Zoning Administrator may authorize the use of such combined facilities requiring the maximum number of parking spaces for the larger use.

...

19.12.160. Access to residential property including four (4) or less dwellings.

...

(5) Lots shall be limited to one (1) driveway approach except where a second driveway approach is specifically approved by the Zoning Administrator. Lots may have two (2) driveway approaches under the following circumstances:

...

19.12.170. Access to all other uses.

...

(1) **Location of driveway.** Location of driveway where access is provided by one (1) driveway or two (2) or more connecting driveways shall be as follows: (See Diagram A-10.)

(a) Access shall be by not more than one (1) driveway for the first one hundred feet (100') of frontage and one (1) additional driveway for each additional one hundred fifty feet (150') of frontage. For lots with more than one hundred seventy-five feet (175') and less than two hundred fifty feet (250') of frontage, two (2) driveways may be allowed by the Zoning Administrator.

(b) No two (2) of these driveways shall be closer to each other than fifty feet (50'), and no driveway shall be closer to a side lot line than twenty feet (20') except as granted by the Zoning

Administrator.

(c) Driveways are to be located as approved by the City staff. In no case shall a driveway on an arterial street, be located closer than eighty feet (80') from the point of intersection of the arterial or any other street. For any local or collector street intersecting an arterial street, driveways on the local or collector shall be a minimum of fifty feet (50') from the intersection. For all collector and local streets, the minimum distance for a driveway from any intersection of such streets shall be fifty feet (50'). Where a traffic signal either exists, or is anticipated at any street intersection, the setback for any driveway from that intersection shall be a minimum of two hundred feet (200') unless an exception is granted by the Zoning Administrator. The distance shall be measured from the point of intersection of the two (2) converging front lot lines or of two (2) lines lying tangent to and in the same direction as the front lot lines. No driveway shall be located across any curved section of frontage lying between the point of intersection and the point of tangency.

(d) Lots with frontages of one hundred fifty feet (150') or less are encouraged to share access to streets with adjacent lots. Where this is feasible, the Zoning Administrator may require joint access on any width lot(s). Where it is determined to be infeasible an exception may be granted by the Zoning Administrator.

...

Chapter 19.13. DESIGN AND DEVELOPMENT PLAN REVIEW FOR PERMITTED USES

19.13.010. Purpose.

19.13.020. Application for development plan review.

19.13.030. Definitions.

19.13.040. Development plan requirements for remodeling and change of use to a permitted use in an existing structure on a developed site.

19.13.050. Development plan requirements for new construction of a single or two-family dwelling in Layton City.

19.13.060. Development plan requirements for new construction on an undeveloped site of commercial/industrial and multi-family permitted and conditional uses, or remodeling of existing structures.

19.13.070. Design and development plan review/decision process.

19.13.080. Final design and development plan requirements.

19.13.090. Appeal procedure.

19.13.100. Appeal of Land Use Authority Decision.

...

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.

...

(i) Alternative materials other than masonry may be used with the approval of the Zoning Administrator only upon finding that the proposed building design will create a more attractive project.

...

(l) On commercial/industrial buildings where the Zoning Administrator determines that an unreasonable hardship is created by compliance with Subsection 19.13.060(j), any two (2) of the following items may be required on at least sixty percent (60%) of the façade(s) predominantly visible from a public street(s): (An unreasonable hardship is considered to be financial, structural, or topographical.)

(i) Arcades.

(ii) Awnings.

(iii) Raised or ground level integral planters.

(iv) Windows.

(v) Reveals projecting ribs, false columns, etc.

In allowing this option, the Zoning Administrator must find that the design will meet the intent of the requirements in Subsection 19.13.060(j). (See Diagram A-12.) For the purposes of this Section, unreasonable hardship may be considered to be significant financial increases, or structural, or topographic difficulties.

...

19.13.090. Appeal procedure.

(1) The applicant or any other person or entity adversely affected by a decision administering or interpreting a zoning ordinance may appeal, to the Land Use Appeal Authority that decision applying the zoning ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in the administration or interpretation of the zoning ordinance.

...

(3) A person may not appeal, and the Land Use Appeal Authority may not consider, any zoning ordinance amendments.

...

19.13.100. Appeal of Land Use Authority decision.

The appellant may appeal any decision of the Land Use Appeal Authority to the District Court as provided by statute.

...

Chapter 19.14. CONDITIONAL USES

19.14.010. Purpose.

19.14.020. Conditional use permit.

19.14.030. Notification of a conditional use.

19.14.040. Appeals of decision.

19.14.050. Inspection.

19.14.060. Time limit.

19.14.070. Temporary; Conditional uses.

19.14.075. Revocation of conditional use permit.

...

19.14.020. Conditional use permit.

...

(1) **Application.** Application for a conditional use permit shall be made by the property owner or certified agent thereof to the Community and Economic Development Department.

(2) **Considerations of conditional use procedure.** The application shall be accompanied by maps, drawings, or other documents sufficient to meet the requirements of a site plan review (see Chapter 19.13), for those conditional uses which require such a review, and sufficient to demonstrate that the general and specific requirements of this Title will be met by the construction and operation of the proposed building, structure, or use. In considering an application for a conditional use permit, the Land Use Authority as defined in Section 19.01.135 shall give due regard to the nature and condition of adjacent uses and structures.

(a) A conditional use shall be approved if reasonable conditions are proposed or can be imposed, to mitigate the reasonable anticipated detrimental effects of the proposed use in accordance with applicable standards.

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, then the conditional use may be denied.

The granting of a conditional use permit shall not exempt the application from other relevant provisions of this or other ordinances of the City of Layton.

(3) **Fee.** The application for any conditional use permit shall be accompanied by the appropriate fee as authorized in the City's Consolidated Fee Schedule.

...

19.14.030. Notification of a conditional use.

At least seven (7) days prior to the Land Use Authority meeting during which the conditional use will be considered a Notice Sign shall be posted a minimum of one (1) sign on each street frontage of the subject property stating the proposed conditional use, and the date, time and location of the Land Use Authority meeting in which the conditional use will be considered. The applicant shall be notified of the date, time and location of the public meeting and of any final action on a pending application.

...

19.14.040. Appeals of decision.

Any person shall have the right to appeal the decision of the Land Use Authority to the Land Use Appeal Authority. Such appeal shall be applied for within thirty (30) days from the date of the decision of the Land Use Authority. Upon receipt of such appeal, the Land Use Appeal Authority shall respond within forty-five (45) days. Failure by the Land Use Appeal Authority to respond shall be deemed to be an approval of the appeal.

...

19.14.050. Inspection.

Following the issuance of a conditional use permit by the Land Use Authority, the application for a building permit or certificate of occupancy may be approved in compliance with the conditional use permit.

...

19.14.060. Time limit.

Unless the uses and conditions prescribed in a conditional use permit are implemented within a maximum period of one (1) year of its issuance, the conditional use permit shall expire. The Zoning Administrator may grant a maximum extension of six (6) months under exceptional circumstances. If the conditional use permit expires, a reapplication shall not be submitted for the same purpose for a minimum period of twelve (12) months.

...

19.14.070. Temporary; Conditional uses.

A conditional use permit for temporary business buildings may be issued by the Land Use Authority only as indicated in Subsection (1) below. The conditional use permit shall be valid for a period of one (1) year or as further qualified in Subsection (1) below. The Zoning Administrator may grant a maximum of two (2) extensions of six (6) months each to the conditional use permit so long as all other provisions of this Section are complied with and any associated building permit remains valid.

(1) Temporary business buildings in any zoning district that are used during construction of the permanent structure may be allowed if granted a conditional use by the Land Use Authority, and if the following conditions have been met:

...

19.14.075. Revocation of conditional use permit.

(1) A conditional use permit may be revoked by the Land use Authority upon failure of compliance with the conditions precedent to the original approval of the permit or for any violation of this Title occurring on the site for which the conditional use permit was approved. Prior to the revocation of a conditional use permit, the Land Use Authority shall convene a meeting. Notice of the meeting and the grounds for consideration of revocation shall be mailed to the permittee at least ten (10) days prior to the meeting. An appeal of the decision to revoke a conditional use permit shall be filed, in writing, with the Land Use Appeal Authority within thirty (30) days from the date of revocation.

19.14.080. Determination and considerations.

The Land Use Authority may allow a conditional use to be located in any zoning district in which the particular use is allowed as a conditional use by this Title. In authorizing any conditional use, the Land Use Authority shall impose such requirements and conditions to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards provided in this Chapter or elsewhere in this Title necessary for the protection of adjacent properties and the public welfare. An applicant for the conditional use shall establish that the proposed use:

(1) At the specified location, is in harmony with the general intent and purpose of the Layton

City General Plan and the applicable zoning district regulations;

...

(4) Conditions imposed by the Land Use Authority shall be based upon options described in this Chapter or any special conditions or requirements as may be specified elsewhere in this Title.

...

19.14.090. Standards for conditions.

Applicants for conditional use permits shall meet all specific requirements made in this Title. In addition, the Land Use Authority may establish reasonable conditions as outlined herein to mitigate the reasonable anticipated detrimental effects of the proposed use. More specifically, the Land Use Authority may require:

(1) **Conditions relating to compliance with the intent of the comprehensive plan and characteristics of the zoning district.**

...

(d) Landscaping to insure compatibility with the intended neighboring land uses.

...

(f) The relocation of proposed or existing structures as necessary to provide for street widening or street placement within the area under application, as provided in the Layton City General Plan, adequate sight distances for general safety, groundwater control, or similar issues.

(g) Modification to allowed population density and intensity of land use where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety, and welfare.

(h) Other improvements which serve the property and which may mitigate, in part or in whole, reasonably anticipated detrimental effects of the proposed use.

(2) **Conditions relating to safety for persons and property.**

...

(c) Increased setback distances from lot lines where the Land Use Authority determines it to be necessary to insure public safety and to insure compatibility with the intended characteristics of the zoning district as outlined in this Title, or where the lot abuts an arterial or collector street.

...

(e) Limitations and control of the number, location, color, size, height, lighting, and landscaping of signs and structures in relation to the creation of traffic hazards.

...

(3) **Conditions relating to health and sanitation.**

...

(b) A wastewater disposal system and a solid waste disposal system meeting standards adopted by the City.

...

(4) **Conditions relating to environmental concerns.**

...

(d) Restructuring of the land and planting of the same as directed by the Land Use Authority when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured and re-vegetated.

...

19.14.100. Conditions relating to specific types of uses.

All uses listed in this Section shall be required to meet all standards provided in this Chapter. Where there is a conflict between another provision and the provisions of this Section, the more specific requirement shall apply.

...

(2) **Wireless Telecommunication equipment.** Wireless Telecommunication equipment may be allowed with the following requirements:

(a) **Wall mounted antennas.** Wall mounted antennas are conditional uses in residential zoning districts at institutional uses. Wall mounted antennas must comply with the following

criteria:

...

(b) **Roof mounted antennas.** Roof mounted antennas are conditional in residential zoning districts at institutional uses. The following provisions and any applicable provisions in Subsection (a) above shall apply to roof mounted antennas:

...

(3) **Bus shelters.** Bus shelters located in the public right-of-way shall comply with all requirements listed in Section 19.05.070 (if applicable) as well as the following:

(a) Require review and approval by the City Engineer.

...

(5) **Kennels.**

(a) **Kennels, private.**

...

(iv) In addition to other conditions imposed to mitigate the impact of this use, the Land Use Authority may restrict the location of any pens and the number of dogs and/or cats allowed on the site.

...

(7) **Cemetery/Mortuary/Funeral Home.** The provision of mortuary/funeral home services in appropriate locations is an important land use objective of the City. The purpose of this Section is to ensure appropriate locations for these type of facilities and preserve the character of surrounding neighborhoods.

A mortuary/funeral home on a cemetery site in the A (agriculture) zoning district may be allowed if granted a conditional use permit by the Land Use Authority and if the following conditions have been met:

...

Chapter 19.15. NONCONFORMING USES AND NONCOMPLYING STRUCTURES

- 19.15.010. Determination of nonconforming uses and noncomplying structures.**
- 19.15.020. Nonconforming use and noncomplying structure decisions.**
- 19.15.030. Alterations or modifications of noncomplying buildings or structures.**
- 19.15.040. Nonconforming use of land.**
- 19.15.050. Change in status of nonconforming use.**
- 19.15.060. Alteration, enlargement, or modification of nonconforming use.**
- 19.15.070. Reconstruction of nonconforming building or structure partially destroyed.**
- 19.15.080. Amortization of nonconforming use or noncomplying structure.**
- 19.15.090. Nonconforming status of schools.**
- 19.15.100. Burden of proof.**

19.15.010. Determination of nonconforming uses and noncomplying structures.

Unless otherwise provided in this Chapter, all matters regarding the nonconforming use of land and the noncompliance of structures shall be determined by the Land Use Authority. Upon application, the Land Use Authority shall determine if the use of the land is nonconforming or if an existing structure is in noncompliance on the date the use or structure came into lawful existence under the City's land use ordinance. Except as otherwise provided herein, a nonconforming use or a noncomplying structure may be continued by the present or future owner. A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension. For the purpose of this Section, the addition of a solar energy device to a building is not a structural alteration.

...

19.15.020. Nonconforming use and noncomplying structure decisions.

The Land Use Authority as defined in Section 19.01.135 may determine all routine and uncontested matters under this Chapter as provided herein and pursuant to rules adopted by the Land Use Hearing Officer. All other decisions under this Chapter shall be made by the Land Use Hearing Officer after notice and a public hearing on the matter. For the purpose of this Chapter, the Land Use Authority shall mean the Zoning Administrator in matters that are routine and uncontested. In all other matters under this Chapter, the Land Use Authority shall mean the Land Use Hearing Officer.

19.15.030. Alterations or modifications of noncomplying buildings or structures.

Noncomplying buildings and structures with respect to setbacks or height may be continued. Additions, enlargements, or structural alterations may be made to the extent that they comply with all requirements of the Layton Municipal Code or conform to the provisions of Section 19.05.010 of this Title. In addition, an enlargement or structural alteration may be allowed upon approval of the Land Use Authority, provided the changes are in harmony with the surrounding neighborhood and in keeping with the intent of the General Plan and this ordinance. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity. Reasonable conditions may be attached to the approval in order to assure neighborhood compatibility. If any such noncomplying building is removed, every future use of the land on which the building was located shall conform to the provisions of this Chapter.

...

19.15.040. Nonconforming use of land.

...

19.15.050. Change in status of nonconforming use.

(1) If a nonconforming use is abandoned, it may be succeeded by another nonconforming use, upon approval of the Land Use Authority based on the following findings:

...

(2) After a change to a less intensive use occurs, the use may not change to a more intensive one.

...

19.15.060. Alteration, enlargement, or modification of nonconforming use.

A use, which has been declared nonconforming shall not be enlarged or moved except as provided in this Section. The Land Use Authority, after a public hearing, may allow an enlargement or modification provided the change is in harmony with the surrounding neighborhood and in keeping with the intent of the General Plan and this ordinance. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity. Reasonable conditions may be attached to the approval in order to assure neighborhood compatibility.

...

19.15.070. Reconstruction of nonconforming building or structure partially destroyed.

(1) A nonconforming building or structure involuntarily destroyed in whole or in part due to fire or other calamity may be reconstructed unless: The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure will be lost if the structure is not repaired or restored within six (6) months.

(2) The property owner has voluntarily demolished a majority of the noncomplying structure.

...

19.15.080. Amortization of nonconforming use or noncomplying structure.

The Land Use Authority, under authorization of state statute, may provide for the timely modification or removal of a noncomplying structure or nonconforming use of land. A maximum of a five (5) year period may be granted in which the nonconforming use shall be modified or removed in order to comply with the current General Plan and zoning ordinance. The Land Use Authority may provide for a shorter time period by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of any investment in the nonconforming use or

structure, if any.

...

19.15.090. Nonconforming status of schools.

The Land Use Authority may terminate the nonconforming status of school district or charter school use or structure when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a period of one (1) year.

...

19.15.100. Burden of proof.

Any party claiming a nonconforming use or noncomplying structure shall have the burden of establishing the legal existence of the nonconforming use or noncomplying structure. Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment. Abandonment may be presumed to have occurred if:

- (1) A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the City regarding an extension of the nonconforming use;
- (2) The use has been discontinued for a minimum of one (1) year; or
- (3) The primary structure associated with the nonconforming use remains vacant for a period of one (1) year.

The property owner may rebut the presumption of abandonment under this Section and shall have the burden of establishing that any claimed abandonment under this Section has not in fact occurred.

...

Chapter 19.16. LANDSCAPING AND FENCING

...

19.16.020. Application of requirements.

The required landscaping percentage shall be strictly followed; however, the Zoning Administrator may lessen the percentage requirement after the petitioner has met with staff to discuss the problem and presented justification for a lesser percentage. Exceptions should be based on a physical hardship associated with the property and should be limited in their application.

...

19.16.040. Transitional landscaping and fencing.

...

(3) In those situations where a structure or lot contains uses included in more than one (1) use category, the most stringent requirement of the Matrix shall apply; however, the most stringent requirement may be eliminated for the less stringent requirement if the uses can be arranged to alleviate the need for the most stringent requirement to the satisfaction of the Zoning Administrator.

...

(9) Fencing requirements:

...

(c) In certain unusual circumstances of topography, or to alleviate certain specific problems, i.e., the blocking of glare, muting of noise, etc., the Zoning Administrator may require the use of an earth berm or more specialized fence material or fence height in lieu of, or in combination with, any of the fence types set forth in the Matrix.

...

(11) Any wall or fence that is required by the Land Use Authority or City Staff shall be installed according to the manufacturer's specifications or in accordance with best engineering practices. Any masonry wall that is required over four feet (4') in height shall be certified as structurally sound by an engineer licensed to practice in the State of Utah. All required chain link fences shall be constructed according to the following minimum standards: eleven (11) gauge wire mesh; two inch (2") line posts; three and one-half inch (3½") terminal and corner posts; all posts to be spaced at not more than ten feet (10'); all posts shall be placed in a concrete footing to a depth of not less than eighteen inches (18"); a top rail or tension wire; tension bars at corner and terminal posts; all parts are to be of galvanized steel. The

minimum standards for the posts and the mesh may be required to be increased if slatting is also required.

...

19.16.050. Landscape buffer and fencing modifications and waivers.

Where the provisions of this Chapter would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, landscape buffer and fencing may be waived or modified by the Land Use Authority as defined in Section 19.01.135 where the intent of this Chapter has been met through the combination of structural and landscape design techniques.

(1) An application shall be made by the property owner or certified agent thereof to the Community and Economic Development Department. The application shall be accompanied by maps, drawings, or other documents sufficient to demonstrate that the general and specific requirements of this Title will be met. The application for any landscape buffer/fencing modification or waiver shall be accompanied by the appropriate fee as authorized in the City's currently adopted Consolidated Fee Schedule.

(2) At least seven (7) days prior to the Land Use Authority meeting during which the landscape buffer/fencing modification or waiver will be considered a Notice Sign shall be posted a minimum of one (1) sign on each street frontage of the subject property stating the proposed request for landscape buffer/fencing modification or waiver, and the date, time and location of the Land Use Authority meeting in which the landscape buffer/fencing modification or waiver will be considered. The applicant shall be notified of the date, time and location of the public meeting and of any final action on a pending application. (3) In considering an application for a landscape buffer/fencing modification or waiver, the Land Use Authority shall give due regard to the nature and condition of adjacent uses and structures.

(4) The landscape buffer may be modified where the building, fencing, and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of structural and landscape design techniques.

(5) The landscape buffer and fencing requirements may be waived or modified where the adjacent land is designated on the zoning map or in the adopted Master Plan for a use similar to that of the parcel under site plan consideration. In situations where a petitioner is requesting that required fencing be waived or modified on residential developments adjacent to agricultural uses and/or zoning districts the following criteria must apply:

(a) The adjacent agricultural property must have all the infrastructure (roads, sewer, water, storm sewer, etc.) necessary for development; or

(b) The topography or vegetation of the adjacent property would make a fence ineffective or cause a hardship if the developer is required to fence the property.

(6) The landscape buffer and fencing requirements may be modified where the adjoining property is used for any public purpose other than a school or hospital.

(7) The landscape buffer and fencing requirements may be modified where adjacent residential property is used for any conditional use except nursery schools, day care centers, and schools of general and special education.

(8) The landscape buffer and fencing requirements may be modified when a residential subdivision borders a railroad or transit right-of-way, freeway, or arterial street. The subdivision design shall include adequate provisions for noise reduction, safety, and visual screening. The modification of the landscape buffer may, in some cases, provide for a larger buffer area and additional plantings depending on the type and location of the use which is being buffered. Parallel streets, fences, landscaped buffer areas, berms, and sound walls; or combination of buffer techniques may be required.

(9) The fencing requirement may be waived or modified where the topography of the lot providing the fencing and the lot being protected is such that a fence would not be effective.

(10) The landscape buffer and fencing requirement may be modified for any public use when such has been specifically designed to minimize adverse impact on adjacent properties.

(11) The granting of a landscape buffer/fencing modification or waiver shall not exempt the application from other relevant provisions of this Title or other ordinances of the City of Layton.

...

19.16.080. Screening/fence requirements, permit, and clear view.

(1) The following provisions shall govern the height and location of fences, walls, plant growth, or other obstructions to view:

(a) In all residential zones, no fence, hedge, or wall may exceed six feet (6') in height when placed within three feet (3') of any property line or as further regulated below except behind the front setback line of the main structure fences may be eight feet (8') in height. Special permits may be granted for higher fences by the Zoning Administrator.

...

(6) **Barbed wire.** Fences containing strands of barbed wire are prohibited in all zoning districts excepting the agricultural zoning district, unless specifically approved by the Zoning Administrator.

...

Chapter 19.17. ORDINANCE AND MAP AMENDMENTS

19.17.010. Power of the Land Use Authority.

19.17.020. Petition for change.

19.17.030. Land Use Authority review.

19.17.040. Public hearings/ Land Use Authority action.

19.17.050. Considerations and procedures for amending the zoning map for CP and C-H designation.

19.17.010. Power of the Land Use Authority.

The Land Use Authority may initiate proposals for change or modification of any Section of this Title as necessity may arise.

...

19.17.030. Land Use Authority review.

...

(3) At least seven (7) days prior to the Planning Commission meeting during which a petition requesting action regarding identifiable parcel(s) of property, is to be considered the Zoning Administrator or designated agent shall post a minimum of one (1) sign on each frontage of the subject property stating the proposed or requested action, and the date, time, and location of the Planning Commission meeting where the petition will be considered.

(4) Prior to making recommendations to the City Council regarding amendments to the Layton City General Plan, the Layton City Zoning Ordinance, or the Layton City Subdivision Ordinance, the Planning Commission shall hold a public hearing and shall give notice of said public hearing at least seven (7) days prior to the Planning Commission hearing. A minimum of one (1) sign for each street frontage shall be posted on the subject property which states the proposed or requested action, and the date, time and location of the public hearing.

...

19.17.050. Considerations and procedures for amending the zoning map for CP and C-H designation.

...

(4) **Submittal of market analysis as part of rezoning petition.** The applicant shall submit a market analysis acceptable to the Land Use Authority as defined in Section 19.01.135 and conducted and signed by a recognized and independent market analyst which shall serve as a guide to the Land Use Authority for the evaluation of the application or part thereof in terms of the following:

(10) **Property deed restrictions stating property development in accordance with approved final site development plan.** At the time a CP or C-H zone is established and before building permits are issued, a document on the property covered under the proposed new zone change shall be filed by the owners of the property after approval by the City Attorney with the County Recorder and shall provide that development take place on the property only in accordance with a final site development plan approved by the Land Use Authority and on file with the County Recorder.

(11) **Building permit required.** Time limits for construction commencement. A building permit shall be secured in accordance with the approved final site development plan within eighteen (18) months from the effective date of the ordinance resulting in the rezoning of the parcel. Application may be made to the Land Use Authority for a six (6) month extension of the time limit for commencement. Said applications for extensions may be made no more than two (2) times. Applications for extensions shall require a showing to the Land Use Authority's satisfaction of unique conditions or situation, and of imminent success in tenant leasing and construction commencement. All such applications shall include detailed documentation as to the circumstances and reasons for such request as required by the Land Use Authority.

(12) **Delay of construction commencement shall result in review of zoning classification.** The Land Use Authority shall review the classification of the zoning district and the progress of the development which has taken place and in the event construction is not started within the specified time limits or once construction has started, it ceases and no further significant construction toward completion to an appreciable degree is done for one hundred eighty (180) days, the Land Use Authority shall examine the project and cause for such delays. If deemed necessary, the Land Use Authority shall institute proceedings to restore the zone to its prior classification or to a zone consistent with the comprehensive land-use plan.

The Land Use Authority shall determine what an "appreciable degree" is by considering the following factors:

- (a) Change in financial ability of developer or owner to complete a project.
- (b) The amount of the project completed and yet to complete.
- (c) The amount of work done within a three (3) month period in both the type or work and the cost of work done.

(13) **Construction completion time limit.** A plan for staged development which will require more time than the limits contained in Subsection 19.17.050(11) of the Layton Municipal Code, may be approved by the Land Use Authority at the time the rezoning is recommended or may be approved by the Land Use Authority prior to or during the course of construction of the commercial center.

(14) **Failure to complete in established time will result in review of the zoning classification.** In the event the construction is not completed within the time limit specified in Section 19.14.060 of the Layton Municipal Code, the Land Use Authority shall review the zoning and development which has taken place, and if necessary, initiate proceedings to reclassify the property or thereof in a manner consistent with the master land-use plan.

...

Chapter 19.18. APPEAL AUTHORITY

- 19.18.010. Land Use Appeal Authority Created – Rules, Regulations and Procedures.**
- 19.18.020. Powers and Duties.**
- 19.18.030. Hearings, Rules and Decisions.**
- 19.18.040. Appeals, Process, Notice of Appeal.**
- 19.18.050. Routine and uncontested matters.**
- 19.18.060. Special exceptions.**
- 19.18.070. Variances.**
- 19.18.080. Effective Date, Final Decision, Appeal to District Court.**

19.18.010. Land Use Appeal Authority Created – Rules, Regulations and Procedures.

- (1) Legal Authority. Pursuant to Utah Code Annotated Section 10-9a-701, the City is required to establish one or more appeal authorities to hear and decide requests for variances from the terms of the land use ordinances of the City, appeals from decisions applying the land use ordinances of the City, and appeals from a fee changed in accordance with U.C.A. §10-9a-510. The timely and specific appeal to the appeal authority described in this chapter, and the exhaustion of administrative remedies, shall be conditions precedent to judicial review of any decision.

- (2) Creation of Appeal Authority, Qualification, Selection. The City creates the position of Land Use Hearing Officer (the "Hearing Officer") as an appeal authority for the City. The City may appoint one or more Hearing Officers to ensure availability as required for the efficient disposition of appeals brought under this title. The City Council shall continue to act as an appeal authority where expressly required by this Title; all other matters shall be heard by the Hearing Officer.
- (a) The Hearing Officer shall be appointed by the Mayor with the advice and consent of the City Council.
 - (b) The Hearing Officer shall be or have been a profession in law, land use, or public administration, and shall have the knowledge, training and experience necessary to effectively conduct administrative hearings regarding variances and appeals of land use decisions, including knowledge and familiarity with the requirements of constitutional due process.
 - (c) The Hearing Officer shall not be a member of the City Council, Planning Commission, City Staff, or any other elected or appointed official of the City.
 - (d) The Hearing Officer shall serve for a term of one year, or as defined in a written agreement with the City. The initial term may be extended from time to time by the Mayor. The Hearing Officer serves at the pleasure of the City; and with the advice and consent of the City Council may be dismissed by the Mayor with or without cause.

19.18.020. Powers and Duties.

- (1) Powers and Duties. The Hearing Officer shall have all the powers and duties prescribed by law and by this title, including to hear and decide appeals from decisions applying the City's land use ordinance, requests for variances from the terms of the land use ordinance, and appeals from any fee imposed by the City under this title. The Hearing Officer shall act in a quasi-judicial matter, and consistent with the requirements of this Chapter, shall serve as the City's final arbiter of issues involving land use ordinances as described in this title.
- (a) Except as otherwise provided herein, the Hearing Officer is authorized to hear and decide appeals from any final order, requirement, determination or decision of the Zoning Administrator, the Community and Economic Development Director or the Planning Commission related to the application of the zoning ordinance.
 - (b) The Hearing Officer may not hear or decide an appeal of any legislative act of the City Council, including without limitation, zoning ordinance amendments. Except as expressly provided in the sections below on variances, the Hearing Officer may not waive or modify the terms or requirements of the zoning ordinance.

19.18.030. Hearings, Rules and Decisions.

- (1) Hearings, Rules and Decisions. Hearings before the Hearing Officer are convened on a case by case basis when the City Recorder has received an application for a variance or a notice of appeal of a land use decision. Upon the filing of an appeal, the Director of Community and Economic Development Department shall forthwith transmit to the Hearing Officer all the papers constituting the record upon which the action appealed from was taken.
- (a) The Hearing Officer may adopt rules for the regulation of his/her procedures and the conduct of his/her duties. Such rules shall be consistent with state law and with the provisions of this code, and shall be approved by the City Manager.
 - (b) The Hearing Officer may administer oaths and compel the attendance of witnesses.
 - (c) All meetings of the Hearing Officer shall comply with the requirements of the Utah Open and Public Meetings Act, U.C.A. §52-4-101, *et seq.*
 - (d) Decisions of the Hearing Officer become effective on the date the Hearing Officer issues a written decision, unless a different time is designated at the time the decision is made.
 - (e) Any decision of the Hearing Officer shall be served on all parties to the proceeding, and may be posted as required for public notice.

19.18.040. Appeals Process, Notice of Appeal.

(1) Appeals Process, Notice of Appeal. The applicant, a board or officer of the City, or any person adversely affected by a decision administering or interpreting a land use ordinance may, within ten days of the date of the final decision, appeal that decision to the Appeal Authority by alleging that there is error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of the land use ordinance. The appeal shall be filed, in writing, with the office of the City Recorder, and shall state with specificity the reasons for the appeal.

(a) An appellant or adversely affected party must first present to the Land Use Authority any and all information pertinent to its land use application or request. On appeal, the appellant may not bring new information for consideration by the Hearing Officer that has not first been presented to the Land Use Authority during its consideration of the matter.

(b) An appellant or adversely affected party shall present to the Hearing Officer every theory for relief that it can raise in district court.

(c) An appellant or adversely affected party bears the burden to prove, by substantial evidence, that there is error in any order, requirement, decision, or determination in the administration or interpretation of the land use ordinance.

(d) The Hearing Officer shall presume that the decision that is being appealed is correct, and shall only modify the decision if there is substantial evidence presented to the Hearing Officer that the Zoning Administrator, the Community and Economic Development Director or Planning Commission erred in its application or interpretation of the land use ordinances.

(i) When presented with legal issues, the Hearing Officer shall apply a correctness standard to its review. Inasmuch as no specialized knowledge is necessary to make such a determination, no deference is given to the Land Use Authority.

(ii) When presented with factual issues, the Hearing Officer shall apply an arbitrary and capricious standard to its review, and the decision of a Land Use Authority shall not be disturbed if there is substantial evidence in the record that discloses a reasonable basis for its decision. Inasmuch as land use authorities and administrative officials have specialized knowledge in the field of planning and land use and are expected to implement the goals and policies of the City, they should be allowed a comparatively wide latitude of discretion. Their decisions should be disturbed only if the Hearing Officer determines that the decision is arbitrary, capricious or illegal.

(e) An appeal stays all proceedings in the action that is the subject of the appeal. In the event a stay would cause imminent peril to life or property, the party seeking protection from imminent peril may seek an expedited ruling from the Hearing Officer or may seek immediate relief from the district court.

(f) Proceedings and hearings before the Hearing Officer shall be in conformance with the general principles of due process.

(g) The person or entity filing the appeal may appear at such hearing in person, by agent, or by an attorney of his/her choice and may present to the Hearing Officer any evidence or argument to support the contentions on appeals.

(h) The Land Use Authority that rendered the decision that is being appealed shall appear and present any evidence or argument it finds necessary to justify its decision.

(i) The Hearing Officer shall cause a record of its proceedings to be kept, including a recording of all evidentiary proceedings and all oral arguments of the parties, and shall make written findings and conclusions of all of its decisions.

(2) Review of the Land Use Authority's Record. The Hearing Officer's review of any decision of a Land Use Authority shall be confined to the administrative record developed by the Land Use Authority, unless the Hearing Officer determines that the record is incomplete or deficient. If the Hearing Officer determines that the record is incomplete or deficient, the Hearing Officer may review the matter *de novo*.

...
19.18.050. Routine and uncontested matters.

...
(2) The Zoning Administrator is hereby authorized to decide certain matters, as designated by the Land Use Hearing Officer, that are consistent with the guidelines established by this Title and state law and the rules adopted by the Land Use Hearing Officer. Pursuant to that authority the Zoning

Administrator may decide all cases which are routine in nature, uncontested, that do not impact the character of the neighborhood, are primarily brought about by recent changes in the zoning ordinance, or City initiated development or construction that has resulted in the creation of noncomplying structures. The specific types of decisions the Zoning Administrator is authorized to make shall include:

...

(b) Consider additions or alterations to existing buildings and structures, which are noncomplying as to height, area, or yard regulations, providing that the addition follows the existing wall lines and no additional dwelling units are added to the building or structure;

...

(d) Final review and approval on plans where the Land Use Hearing Officer has required that a final plan be submitted for special approval, showing that all requirements imposed by the Land Use Hearing Officer in granting the original approval have been complied with; and

...

(4) A decision of the Zoning Administrator may be appealed to the Land Use Hearing Officer as provided for in this Chapter.

...

19.18.060. Special exceptions.

(1) In enacting the zoning ordinance, the City Council has given jurisdiction to the Land Use Hearing Officer to hear and decide certain specified special exceptions to the provisions of the zoning ordinance.

(2) The Land Use Hearing Officer may hear and decide special exceptions only if authorized to do so by the zoning ordinance and based only on the standards contained in the zoning ordinance.

...

19.18.070. Variances.

(1) Variances. Any person or entity desiring a waiver or modification of the requirements of this title as applied to a parcel of property that such person owns, leases or in which such person holds some other beneficial interest may apply to the Hearing Officer for a variance from the terms of this Title.

(a) The appeal authority may grant a variance only if:

- (i) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
- (ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
- (iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
- (iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
- (v) the spirit of the land use ordinance is observed and substantial justice done.

(b)

(i) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (1)(a), the appeal authority may not find an unreasonable hardship unless the alleged hardship:

(a) is located on or associated with the property for which the variance is sought; and

(b) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

(ii) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (1)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

(c) In determining whether or not there are special circumstances

attached to the property under Subsection (1)(a), the appeal authority may find that special circumstances exist only if the special circumstances:

- (i) relate to the hardship complained of; and
 - (ii) deprive the property of privileges granted to other properties in the same zone.
- (d) The applicant shall bear the burden of proving that all conditions justifying a variance have been met.
- (e) Variances run with the land.
- (f) The appeal authority may not grant a use variance.
- (g) In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
- (i) mitigate any harmful effects of the variance; or
 - (ii) serve the purpose of the standard or requirement that is waived or modified.

19.18.080. Effective Date, Final Decision, Appeal to District Court.

Effective Date – Final Decision – Appeal to District Court. The decision of the Hearing Officer shall take effect on the date when it issues a written decision, or at a different time as may be designated in the written decision. A written decision of the Hearing Officer constitutes a final decision under U.C.A §10-9a-801(2)(a) and §10-9a-801(4). A person adversely affected by a final decision of the Hearing Officer shall file a petition for review with the District Court within thirty (30) days after the date of the decision.

Ex Parte Communications – Penalty. It shall be unlawful for any individual, including the party bringing the appeal or requesting a variance, to discuss substantive matters pertaining to a pending appeal or variance with the Hearing Officer. Violation of this section shall be a Class C Misdemeanor. The requirements of the section shall not apply to proceedings and communications during a properly scheduled public meeting or hearing for consideration of the appeal or variance, communications where all parties are present and given an opportunity to speak, or to a discussion limited to procedural matters not related to the substance of the proceedings, such as the date, time or place of the hearing.

Governmental Immunity. The Hearing Officer shall be considered an appointed official and shall be entitled to all of the protections of the Utah Governmental Immunity Act.

Compensation – Contract. Terms for compensation and reimbursement shall be memorialized by written contract with the Administrative Hearing Officer. The written contract required by this section shall be approved and adopted by the City Manager.

District Court Review of Appeal Authority Decisions. Any person adversely affected by any decision of the Hearing Officer may petition the district court for a review of the decision.

- (a) No person may file a petition for review of the Hearing Officer’s decision unless he/she has first exhausted his/her administrative remedies.
- (b) The petition to the district court may allege only that the Hearing Officer’s decision was arbitrary, capricious, or illegal.
- (c) The petition shall be filed within thirty (30) days after the Hearing Officer’s decision. However, the time for filing an appeal to the district court is stayed by the filing of a request for arbitration of a constitutional taking issue with the Utah Property Rights Ombudsman under U.C.A. §13-43-204; in which event, a petition shall be filed within thirty (30) days after completion of proceedings before the Ombudsman.
- (d) The Hearing Officer shall transmit to the district court the record of its proceedings including a transcript of all proceedings, all documentary evidence received at the hearing, and a copy of the Hearing Officer’s rulings, findings, and orders. The transcript shall be made by a person authorized to make certified transcripts of recorded proceedings, and shall bear a certification that the transcript is a true and correct copy of the proceedings before the Hearing Officer.

(i) If a transcript is made of the proceedings before the Hearing Officer, the district court's review is limited to the record. The district court shall affirm the decision of the Hearing Officer if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.

(ii) If there is no record of the proceedings before the Hearing Officer, the appeal to the district court shall be a *de novo* appeal.

(e) The district court may hear only those issues and theories for relief that are raised in the proceedings before the Hearing Officer.

(f) The filing of a petition with the district court does not stay the decision of the Hearing Officer unless the Hearing Officer determines, in writing, that a stay is in the best interests of the City or that enforcement of the ruling would cause imminent peril to life or property. This section shall not preclude a party from seeking a stay from the district court.

(g) The court shall affirm the decision of the Hearing Officer if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.

The Community and Economic Development Director may develop a graphical matrix to show the powers and duties of each Land Use Authority within the City, the appeal authority for decisions of the Land Use Authority, and the time for appeal of any decision.

Chapter 19.19. ENFORCEMENT AND PENALTIES

...

19.19.020. Enforcement.

(1) The Zoning Administrator is hereby designated and authorized as the officer charged with the enforcement of this Title. He shall enforce all the provisions of this Title, entering actions in the court when necessary, and his failure to do so shall not legalize any violation of such provisions.

...

Chapter 19.20. DRINKING WATER SOURCE PROTECTION ZONES

...

Table 20-1

Use Matrix for Potential Contamination Sources

...

Conditional Uses (C) - The risk of contamination is considered relatively low in the specified zone. The use may be permitted only after conditional use review and approval by the Land Use Authority as defined in Section 19.01.135. Approval is subject to implementation of Best Management Practices (BMP) and compliance with other reasonable conditions as may be established by the Land Use Authority. The Utah Division of Drinking Water Quality shall review all conditional use requests.

...

Chapter 19.24. CONDOMINIUM/TOWNHOUSE (C-TH) ZONING DISTRICT

...

19.24.040. Open space and common areas.

...

(2) The Land Use Authority as defined in Section 19.01.135 shall require the preservation, maintenance, and ownership of all open space through one, or a combination of the following:

...

(3) Any changes in use, or arrangement of lots, blocks, and building tracts, or any changes in the provision or type of common open spaces must be submitted for review and approval by the Land Use Authority.

...

19.24.050. Preliminary Condominium/Townhouse review process.

(1) A preliminary plan shall be submitted and approved by the Land Use Authority and City Council. Said preliminary plan shall contain the following information:

... (2) The Land Use Authority may impose such conditions on a preliminary plan, as it may deem appropriate to meet the goals and objectives of this Chapter and the General Plan.

...
19.24.060. Design Review Committee.

... (2) The Land Use Authority shall select a group of at least five (5) members who are professionals from among the fields of architectural design, landscape architecture, urban design, architectural history, planning, and engineering.

...
19.24.070. Final Condominium/Townhouse review process.

(1) After the approval of the preliminary plan and prior to the construction of any building or structure, a final plan shall be submitted and approved by the Land Use Authority. Said plans may be submitted in phases, provided each phase can exist as a separate project capable of independently meeting all of the requirements of this Chapter. The separate development of said phases shall not be detrimental to the overall project nor to the adjacent properties in the event that the remainder of the project is not completed. Said final plan shall be drawn to scale and shall contain the following information:

... (i) Fully executed declaration of covenants, conditions, and restrictions, together with open space easements and other bonds, guarantees, or agreements as required herein or, as may have been recommended and deemed necessary by the Land Use Authority to meet the objectives of this Chapter. The bond will be one hundred ten percent (110%) of all improvements both public and private. Including, but not limited to, all landscaping, playgrounds, pathways, fencing and any other recreational amenity;

... (2) Any failure to receive final plan approval from the Land Use Authority within two (2) years of the approval of the preliminary plan shall terminate all proceedings and render the conceptual plan null and void.

...
19.24.080. Condominium/Townhouse design standards.

... (3) **Bulk and dimensional standards.**

... (c) **Density.** Condominium/townhouse density shall not exceed twelve (12) dwelling units per acre in a side-by-side twin home configuration and not exceed sixteen (16) dwelling units per acre for other configurations specifically approved by the Land Use Authority.

...
Chapter 19.25. MIXED-USE (MU) ZONING DISTRICT

...
19.25.020. Permitted and conditional uses.

... (3) Upon approval of the development plan by the Land Use Authority as defined in Section 19.01.135, all uses allowed in the development plan shall be processed as if they are permitted uses.

...
19.25.050. Development plan.

(1) The property owner shall prepare and submit a proposed development plan for the subject property for review and approval by the Land Use Authority.

... (3) The Land Use Authority shall select a group of at least five (5) members who are professionals from among the fields of architectural design, landscape architecture, urban design, architectural history, planning, and engineering.

(5) The general categories and land uses proposed within a mixed-use project shall be specified in the development plan. The approved development plan shall be considered an integral part of the zoning regulations for the subject area. Substantial variation between the development plan and the final site plan requires approval by the Land Use Authority. A substantial variation is any addition, modification, or alteration to a building or site plan that exceeds twenty percent (20%) of the gross floor area, site acreage, or exterior building surface or any change in use greater than five percent (5%) of the total project floor area. All modifications must meet the minimum standards required by this ordinance.

...
19.25.060. Specific design standards.

(1) **General requirements.** The following design standards shall be required of all development in the mixed-use zoning district in order to create a cohesive appearance that is pedestrian friendly and which encourages travel by public transportation, bicycling, van pooling, and car pooling.

...
(c) All uses located in the zoning district shall be conducted entirely within a fully enclosed building. There shall be no outside storage of materials or equipment, other than motor vehicles licensed for street use except as specifically approved by the Land Use Authority in conjunction with a conditional use application.

...
Chapter 19.26. MIXED-USE/TRANSIT ORIENTED DEVELOPMENT (MU-TOD) ZONING DISTRICT

...
19.26.020. Permitted and conditional uses.

...
(3) Upon approval of the development plan by the Land Use Authority as defined in Section 19.01.135, all uses allowed in the development plan shall be processed as if they are permitted uses.

...
19.26.040. Density and intensity.

...
(2) **Density bonus and incentives.**

...
Proximity to the central feature within the MU-TOD zoning district, the commuter rail station, and the inclusion of identified amenities or design options may result in an allowed increase in residential density referred to as a density bonus. The total density bonus shall not exceed one hundred percent (100%) of the base density. The density bonus is determined by the following chart with a recommendation from the Design Review Committee to the Land Use Authority.

...
19.26.050. Development plan.

(1) The property owner shall prepare and submit a proposed development plan for the subject property for review and approval by the Land Use Authority.

...
(3) The Land Use Authority shall instruct staff to select a group of at least five (5) members who are professionals from among the fields of architectural design, landscape architecture, urban design, architectural history, planning, and engineering.

...
(5) The general categories and land uses proposed within a MU-TOD project shall be specified in the development plan. The approved development plan shall be considered an integral part of the zoning regulations for the subject area. Substantial variation between the development plan and the final site plan requires approval by the Land Use Authority. A substantial variation is any addition, modification, or alteration to a building or site plan that exceeds twenty percent (20%) of the gross floor area, site acreage, or exterior building surface or any change in use greater than five percent (5%) of the total project floor area. All modifications must meet the minimum standards required by this ordinance.

19.26.060. Specific design standards.

(1) **General requirements.** The following design standards shall be required of all projects in the MU-TOD zoning district in order to create a cohesive appearance that is pedestrian friendly and which encourages travel by public transportation, bicycling, van pooling, and car pooling.

...

(c) All uses located in the MU-TOD zoning district shall be conducted entirely within a fully-enclosed building. There shall be no outside storage of materials or equipment, other than motor vehicles licensed for street use except as specifically approved by the Land Use Authority in conjunction with a conditional use application.

...

Chapter 19.27. VILLAGE CENTER ZONING DISTRICT (RESERVED)

- 19.27.010. Reserved.
- 19.27.020. Reserved.
- 19.27.030. Reserved.
- 19.27.031. Reserved.
- 19.27.032. Reserved.
- 19.27.033. Reserved.
- 19.27.040. Reserved.
- 19.27.041. Reserved.
- 19.27.042. Reserved.
- 19.27.043. Reserved.
- 19.27.050. Reserved.

...

SECTION VII: 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 VIII: 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 more remote from the date of passage thereof.

PASSED AND ADOPTED by the City Council of Layton, Utah, this 15th day of June, 2017.

ATTEST:


KIMBERLY S READ, City Recorder




ROBERT J STEVENSON, Mayor