

ORDINANCE 17-21

AN ORDINANCE AMENDING TITLE 19, SECTION 19.02.020 ENTITLED "DEFINITIONS" BY ADDING A DEFINITION FOR ACCESSORY AGRICULTURAL USES AND MODIFYING THE EXISTING DEFINITION OF AGRICULTURE; SECTION 19.06.010 TABLE 6-1 BY ADDING "ACCESSORY AGRICULTURAL USES" AS A PERMITTED USE TO THE "A" (AGRICULTURE) ZONE; AND ADDING SUBSECTION 19.06.240 ENTITLED "ACCESSORY AGRICULTURAL USES" WHICH ESTABLISHES REGULATIONS FOR ACCESSORY AGRICULTURAL LAND USES; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE

WHEREAS, the City from time to time receives requests from residents wishing to engage in accessory agricultural uses, but are denied permission to do so because the Layton Municipal Code contains no regulations to ensure that the use will be conducted responsibly and without becoming a nuisance to the surrounding neighborhood; and

WHEREAS, as a permitted use within the A (Agriculture) zoning district, with the addition of specific regulations for the development and operation of accessory agricultural uses, potential negative effects associated with the use will be mitigated; and

WHEREAS, the City recognizes the opportunity to support working farm industries and other agricultural operations by allowing for diversified uses that complements the primary agricultural or farm industry uses and that increase their economic viability; and

WHEREAS, the Planning Commission has reviewed the proposed ordinance and has recommended the text 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I: Repealer.** If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.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 19, Chapter 19.02, Section 19.02.020 shall be amended and enacted to read as follows:

**19.02.020. Definitions.**

...

**“Accessory Agricultural Uses”:** Agriculture and farm industry accessory uses intended to draw customers and participation of the general public, and provide a means of diversifying a farm’s income by broadening its offerings and adding value to its products. Accessory uses may include commercial activities such as; retail purchases, overnight accommodations, reception/event centers, concerts, events, restaurants, and bakeries. Produce stands and u-pick operations used to sell farmer-direct goods, recreational activities and educational events that are seasonal, such as; corn mazes, hay rides, farm tours, petting zoos, etc., are not considered as accessory agriculture uses, and are permitted agricultural or farm industry uses.

...

**"Agriculture":** Farming activity including the tilling of the soil, raising of crops, horticulture, aquaculture and agri-tourism which includes direct sale of products, and public access to activities related directly to products grown or produced on the agricultural land. Agriculture also includes farm animal keeping as outlined in Chapter 19.06 of Layton Municipal Code.

...

**SECTION III: Enactment.** Title 19, Chapter 19.06, Section 19.06.010 Table 6-1 shall be amended and enacted to read as follows:

TABLE OF LAND USE REGULATIONS																					
TABLE 6-1											TABLE 6-2										
	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H		B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
AGRICULTURE AND RELATED USES																					
Accessory Agricultural Uses	P																				
Agriculture	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P

P = Permitted C = Conditional

**SECTION IV: Enactment.** Title 19, Chapter 19.06, Section 19.06.240 shall be amended and enacted to read as follows:

...

**19.06.240. Accessory Agricultural Uses.**

Accessory agricultural uses shall be permitted in the “A” (Agriculture) zone, subject to the following requirements:

- 1. Production:** Agriculture and/or farm industry operations shall remain the primary use, therefore, agricultural and farm industry products and/or services for sale and purchase shall actively and continuously be provided, with an exception during the winter season; and
- 2. Lot Size:** The parcel and/or combination of all individual parcels shall consist of an area that is not less than two (2) acres; and
- 3. Scale:** Accessory agricultural uses shall not exceed thirty percent (30%) of the site’s overall gross acreage; and

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4. **Retail Sales:** Fifty percent (50%) of products and/or goods for sale shall be agricultural and farm industry related products and/or goods; and
5. **Ownership:** Operations may consist of multiple properties; however, all properties that do not have identical and common ownership shall provide an agreement or lease to verify land ownership, property owner approval, and portion(s) of land to be used for the accessory agricultural use; and
6. **Use of Existing Buildings:** Existing buildings and facilities intended for accessory agricultural uses shall meet the current building code requirements and receive final occupancy approval; and
7. **Newly Constructed Buildings:** New buildings and facilities intended for accessory agricultural uses shall reflect an agricultural architectural style and form that is consistent with the area's rural character and existing agricultural buildings; and
8. **Noise:** All noise and/or music shall be maintained at a level that any message or conversation is not a nuisance as defined in Layton City Municipal Code; and
9. **Outdoor hours of operation:** Outdoor uses and or activities, not including residential overnight accommodations, shall be limited to operating during the hours of 8:00 A.M. to 10:30 P.M.; and
10. **Light:** Outdoor lighting should be screened by shields or hoods to prevent glare onto adjacent properties. Lighting must be turned off by 10:30 P.M. for all outdoor gathering areas and/or arenas; and
11. **Parking:** The required number of parking stalls, as outlined in Section 19.12 of this Title, shall be met and maintained. Parking requirements may be reduced by up to twenty percent (20%) if the following criteria is met:
  - a. Evidence is provided that the parking calculations do not adequately account for circumstances unique to the particular proposed use; and
  - b. A parking demand analysis shows that the needed number of parking stalls is less than the required amount of stalls as outlined in Section 19.12 of this Title.
12. **Business license:** A business license is required for all accessory agricultural uses. A business license agreement shall be required to address potential impacts to surrounding property(s). The business license agreement will be reviewed and approved by the Zoning Administrator, or their designee.

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

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PASSED AND ADOPTED by the City Council of Layton, Utah, this 20<sup>th</sup> day of July, 2017.



*[Handwritten signature of Robert J. Stevenson]*

ROBERT J STEVENSON, Mayor

ATTEST:

*[Handwritten signature of Kimberly S. Read]*

KIMBERLY S READ, City Recorder

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JUL 28 2017