

ORDINANCE 21-07

(Amendments to Landscaping, Fencing, Clearview and Associated Development Standards)

AN ORDINANCE REPEALING AND REENACTING TITLE 19, CHAPTER 19.16 “LANDSCAPING AND FENCING”; AND AMENDING CHAPTER 19.13, SECTION 19.13.050 “DEVELOPMENT PLAN REQUIREMENTS FOR NEW CONSTRUCTION OF A SINGLE OR TWO-FAMILY DWELLING IN LAYTON CITY” AND SECTION 19.13.060 “DEVELOPMENT PLAN REQUIREMENTS FOR NEW CONSTRUCTION OF AN UNDEVELOPED SITE OF COMMERCIAL/INDUSTRIAL AND MULTI-FAMILY PERMITTED AND CONDITIONAL USES, OR REMODELING OF EXISTING STRUCTURES” OF THE LAYTON MUNICIPAL CODE BY AMENDING LANDSCAPING, FENCING, CLEARVIEW AND ASSOCIATED DEVELOPMENT STANDARDS AND REGULATIONS; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE

WHEREAS, Layton City’s General Plan encourages water-wise landscaping and efficient use of land to help conserve limited water resources; and

WHEREAS, the City intends to increase awareness of water-wise best practices and provide water-wise landscape requirements for new development; and

WHEREAS, development standards associated with landscaping, fencing, clear view and associated developmental elements are intended to be clear to applicants and City Staff for an improved development review process; and

WHEREAS, the City Council has reviewed the Planning Commission’s recommendation and has received pertinent information in the public hearing regarding the proposal; and

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

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

SECTION 1: Amendment. “19.16 Landscaping and Fencing” of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

19.16 Landscaping **and Fencing**, **Fencing and Clear View**

SECTION 2: Repeal. “19.16.0-3 Table 16-1, 16-2, And 16-3 Landscaping/Fencing Matrix, Landscape Buffer, and Fencing” of the Layton Municipal Code is hereby *repealed*.

SECTION 3: Amendment. “19.16.010 Purpose.”

A M E N D M E N T

19.16.010 Purpose

The purpose of this Chapter is to promote the health, safety, and general welfare of the public by enhancing development and open space areas with landscaping and vegetation while encouraging efficient use of water; ~~to facilitate the development of an orderly, attractive, and harmonious community, which provides the privacy necessary for a happy and convenient lifestyle; and to protect property values.~~ More specifically this Chapter functions to:

- Preserve and enhance the aesthetic quality of neighborhoods and commercial areas;
 - Maintain and strengthen a positive visual identity of Layton City;
 - Enhance the appearance of parking lots visible from public streets;
 - Enhance and protect property values;
 - Lessen the impact of noise, dust, debris, heat, wind, and air;
 - Lessen the problems of motor vehicle light glare or other artificial light intrusions;
 - Promote water efficient landscaping to conserve water and reduce demand for current and future water resources;
 - Reduce the level of carbon dioxide created from automobiles and development and return pure oxygen to the atmosphere;
 - Provide shade, reduce the heat island effect (reflective heat from impervious surfaces) and lessen energy consumption;
 - Buffer and screen undesirable uses and appearances from adjacent properties;
 - Reduce the rate and volume of storm water runoff, and enhance the quality of storm water runoff;
 - Act as a natural drainage system and lessen drainage problems; and
 - Promote healthy outdoor recreational activities.
- ~~- Lessen the impact of noise, dust, debris, heat, wind, and air;~~
~~- Lessen the problems of motor vehicle light glare or other artificial light intrusions;~~
~~- Reduce the level of carbon dioxide and return pure oxygen to the atmosphere;~~
~~- Provide shade and lessen energy consumption;~~
~~- Buffer and screen undesirable uses and appearances from adjacent properties;~~
~~- Help provide a positive visual identity to Layton City;~~
~~- Eliminate the blighted appearance of parking lots; and~~
~~- Act as a natural drainage system and lessen storm water drainage problems.~~

Ord. No. 97-35, Recodified, 6/19/1997
Ord. No. 97-19, Enacted, 4/17/1997
Ord. No. 04-69, Recodified, 12/16/2004

SECTION 4: Amendment. “19.16.020 Application of Requirements”

A M E N D M E N T

19.16.020 Application of Requirements.

The requirements of this Chapter shall be considered a minimum, except in those cases where otherwise noted (i.e. specified ranges or specific numbers).

The requirements of this Chapter shall apply to both public and private development and shall take effect when building permits are required for the following situations:

1. All new construction on vacant parcels, expansions of existing uses, exterior remodeling, enlargement, or change of land use.
2. Any substantial modification to an existing site or structure in which the estimated construction cost is greater than ~~\$50,000.00~~ 75,000.00 in either a single application or any number of applications within a ten year period.
3. The following shall be exempt from the standards of this chapter:
 - a. Agriculture structures associated with a bona fide agricultural use within an A Zone;
 - b. Minor improvements or repairs to existing development that do not result in an increase in floor area.
4. The required landscaping percentage shall be strictly followed; however, the Land Use Authority may reduce the percentage requirement through a landscape modification process. Exceptions shall be limited in their application and shall be based on the following criteria:
 - a. There is a physical hardship associated with the property that results in a unique circumstance that does not generally apply to other similar properties.
 - b. The proposed reduction in landscape area shall be mitigated through enhanced landscaping improvements and/or the provision of amenity areas that exceed the minimum standards of this Chapter.
 - c. Exceptions shall not be granted for the sole reason of providing additional building area, increasing residential density on a property, or meeting the minimum off-street parking stall requirement.

~~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.~~

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 97-19, Enacted, 4/17/1997 Ord. No. 04-69, Recodified, 12/16/2004

HISTORY

Amended by Ord. 17-13 on 6/15/2017

SECTION 5: Amendment. "19.16.030 Completion of Required Improvements/Guarantees."

A M E N D M E N T

19.16.030 Completion of Required Improvements/Guarantees.

~~A time schedule for the completion of landscaping and fencing improvements shall be provided by the developer. In no case shall the allowed time exceed two years. If not completed at the end of two years, the City will review the progress and may proceed to use the bond funds to make the landscaping and~~

~~fencing improvements in accordance with the approved plan. A bond equivalent to 125% of the estimated cost of improvements shall be established.~~

1. The following completion standards apply to all commercial, industrial, mixed-use, multi-family, townhome, community use, PRUD developments, and common areas managed by a homeowner's association or community association.
 - a. Landscaping, sprinkling systems, walls, fences, and/or screening structures, shall be installed in accordance with approved final site plan--development plan(s) prior to issuance of any occupancy permit. If the installation of any of these improvements cannot be completed due to weather, including drought conditions or other circumstances beyond the control of the owner or developer, a Temporary Certificate of Occupancy may be issued if a Performance Security and Deferral Agreement is signed by the developer or owner which shall guarantee completion of all unfinished improvements. Such agreement shall be on a form provided by the City and shall be reviewed and approved by appropriate City staff. The agreement shall include the following:
 - i. Projects for which a landscape bond has not previously been required shall require a cash bond equivalent to 125% of the estimated cost of improvements ~~shall be required.~~
 - ii. A time schedule for the completion of landscaping and fencing improvements shall be provided by the developer. In no case shall the allowed time exceed 180 days following the completion of building construction.
 - b. If not completed at the time set forth in the agreement, the City will review the progress and may proceed to use the bond funds to make the landscaping and fencing improvements in accordance with the approved plan.
 - c. Ten percent of the bond shall be retained as an attrition bond by the City for an additional one year to verify that landscaping and trees survive, or to replace remaining landscaping features or plants that do not meet the standards of this Chapter.
 - d. Substantial installation changes that vary from the approved landscape plan shall require a resubmittal of or amendment to the approved landscape plan.
 - i. A minor change entails the substitution of a specified plant(s) for substitute plant(s) with similar water use requirements, or reasonable variation in the ground placement of a planting or from the landscape plan proposed location that meets the design intent of the landscape plan, as determined by the Zoning Administrator or designee.
2. Landscaping shall be completed for detached single family dwellings on individual lots within a period of one year for the front yard area and a period of two years for the rear yard area. ~~The deadline for landscaping completion is measured from beginning at~~ the time of final certificate of occupancy is issued ~~as further described in 19.16.038.~~
 - a. All landscaping areas on single family residential lots with slopes greater than ten percent shall be completed within a period of one year.

Ord. No. 97-35, Recodified, 6/19/1997
Ord. No. 97-19, Enacted, 4/17/1997
Ord. No. 04-69, Recodified, 12/16/2004

SECTION 6: Adoption. "19.16.035 Submission of Landscape Plans."

19.16.035 Submission of Landscape Plans

1. General Landscape Plan Requirements.

- a. Landscape plans for all commercial, industrial, mixed-use, multi-family, townhome, community use and PRUD developments, and common areas managed by a homeowner's association or community association shall be prepared and stamped by a Licensed Landscape Architect registered with the State of Utah (common areas for residential developments).
- b. Preliminary landscape plan(s) shall be submitted prior to, or included with, the submittal for a development plan or preliminary plat. Final landscape plan(s) shall be submitted following approval of preliminary landscape plan(s) with a final application.
- c. Landscape plans and details shall be drawn to-scale and in a professional manner with credible representations of planting ~~sizes-specifications~~ and site features and shall include the following; a north arrow, all buildings, parking lots, streets, sidewalks, walkways, detention areas, existing vegetation, and utilities shall be shown for reference and orientation.
- d. Landscape plans shall be of adequate size and detail so the decision making body can see the land area to be planted and the appearance of plantings at 75% of mature growth.
- e. Development Staff may reject plans which do not contain the minimum requirements outlined in this section.

2. Preliminary Landscape Plan. Preliminary landscape plans shall depict general ground coverage type (such as mulch, turf, or hardscape areas) and typical planting types (such as plant bed areas, turf areas, evergreen trees, or deciduous trees), with a summary of the area for each landscape surface type as a percentage of the total site.

- a. Planting Schedule. The preliminary landscape plan shall be accompanied by a planting schedule that identifies the following:
 - i. Common name and scientific name of each plant species.
 - ii. The size and type of plant material to be installed.
 - iii. Identification ~~that-of~~ plant materials ~~is-that are~~ included on the Weber Basin Water Conservancy District (WBWCD) recommended plant list as required in 19.16.036.1.g*h*.

3. Final Landscape Plan. Final landscape plans shall include specific landscape surface types and areas, an irrigation installation plan, and the construction design and detailed specifications of fencing or other landscape structures or features.

- a. The landscape plan shall include notation and description of post-construction soil scarification and soil amendment and tilling to be included as part of the landscape installation (see 19.16.036.1.h).
- b. Tabulation showing the percentage of plants shown in the Weber Basin Water Conservancy District recommended plant list.

- c. Irrigation Plan. The irrigation plan shall show the irrigation zones, sprinkler head ~~locations~~locations and types, drip irrigation plan, and water mains and valves consistent with the final landscape plan design. ~~Sprinkler heads, bubblers and emitters shall be specified to not exceed the sufficient amount of water required for proper plant growth and survival.~~
- d. Owner Acknowledgement. The landscape plan shall include an owner acknowledgement stating that the project developer/owner representative approves of the landscape plan, and agrees to pay the required bond fee and complete landscape installation as required in this Chapter. The Owner Acknowledgement shall be signed and dated prior to approval of the final landscape plan.

SECTION 7: Adoption. “19.16.036 Plant Material Specification ~~a~~And Installation.”

19.16.036 Plant Material Specification And Installation.

- 1. Planting Design Standards. The following standards apply to all commercial, industrial, mixed-use, multi-family, townhome community use and PRUD developments, and common areas managed by a homeowner's association or community association:
 - a. ~~The maximum percentage of turf grass (lawn) area applied to nonresidential uses, and townhome, multi-family, or mixed-use residential development commereial and industrial~~ landscape areas shall be 15%, except for additional turf grass area that may be applied to outdoor recreational use areas or a quasi-public facility such as a cemetery.
 - b. Turf grass area applied to a single family residential use within a PRUD development shall be limited to 35% of the total landscape area of the lot.
 - c. Turf grass shall not be installed in areas less than eight feet wide.
 - d. Turf grass shall not be allowed in landscape buffers, parking lot landscaping and other planted bed landscape areas.
 - e. Turf grass shall not be allowed on slopes with a grade over 25%.
 - f. At least 80% of shrubs and ornamental grasses shall be planted and maintained in groupings of at least three to increase the microclimate shade area above plant root zones, and to provide a pleasing and balanced aesthetic of plant material massing in the landscape. Groupings may consist of straight rows, grids or triangulation planting patterns.
 - g. Water-wise Plant Materials. At least 90% of the plants and trees specified for a project landscape plan shall be selected from the ~~Weber Basin Water Conservaney~~ [DistrictWBWCD](#) recommended plant list [LINK TO BE ADDED]. These plant materials are suitable for the local climate with respect to temperature ranges and moderate to high drought tolerance.
 - h. Soil Scarification, Soil Amendments, and Tilling.

- i. Soil scarification, the process of breaking up soil by fracturing or tilling, is required to a depth of at least six inches to allow for water and air exchange in soil following site work compaction.
 - ii. Soil amendments (organic material) shall also be added and tilled into the soil to a minimum depth of six inches to increase organic content and improve water retention.
 - iii. Soil amendment type and quantity shall be recommended by the Landscape Architect (designer) based on a review of the soil conditions.
- i. All buildings shall incorporate plant beds with foundational plantings along elevations visible from street(s), except where pedestrian and loading access approaches require a paved surface, patio or walkway adjacent to the building.
 - i. The typical plant bed width shall be a minimum of three feet; the minimum plant bed width shall be one and a half feet for ornamental grasses, perennials, and ground covers, and one foot for planters for climbing vines.
 - ii. Plant beds may be substituted by planters and streetscape amenities as approved by the Zoning Administrator and detailed in Table 16-1, Footnote 5 - Urban Streetscape Alternative.
 - j. Deciduous trees shall have a minimum two inch caliper trunk measured at a height of 48" and coniferous trees shall be balled and burlapped and a minimum of 48" in height. All heights to be measured from the finished landscape surface.

2. Irrigation Design Standards.

- a. Irrigation Controller. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities (~~Weber Basin Water Conservancy District~~ (WBWCD)).
- b. Each valve shall irrigate a landscape with similar site, slope and soil conditions, and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves (WBWCD).
- c. Drip emitters or ~~a~~-bubblers shall be provided for each tree planted in landscape beds. Bubblers shall not exceed one and a half gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the City ~~due~~ to the limited number of trees on the project site.
- d. Drip irrigation or bubblers shall be used to irrigate plants in all non-turf areas.
- e. Pop-up spray heads shall be at a minimum of four inches in height to clear turf.
- f. Sprinklers shall have matched precipitation rates with each control valve circuit.
- g. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.

- h. Valves with spray or stream sprinklers shall be scheduled to operate between 6 p.m. and 10 a.m. to reduce water loss from wind and evaporation.
- i. Valves shall be programmed for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

SECTION 8: Adoption. “19.16.037 Single Family Model Home Demonstration Landscaping.”

19.16.037 Single Family Model Home Demonstration Landscaping.

- 1. Homebuilders and/or developers subdividing lots and/or constructing new single-family residential homes shall offer a water-efficient landscaping option to prospective homebuyers, consistent with the standards provided in 19.16.035, 19.16.036, 19.16.050, and 19.16.070. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 35% of the total landscaped area.
- 2. Homebuilders and/or developers who construct model homes for a designated subdivision shall have at least one model home with water-efficient landscaping, consistent with the standards outlined in number one above.
- 3. Model homes shall have landscaping and irrigation plans approved by the City Planning Department prior to issuance of building permits, for which no variance may be granted, and which meet the aforementioned requirements.
- 4. Model homes shall include an informational brochure on water-efficient landscaping to be obtained from the City Planning Department.
- 5. As of June 17, 2021, Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:
 - a. Require the use of turf in landscape areas in a manner that is inconsistent with the requirements of this Chapter; or
 - b. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
 - c. Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.

SECTION 9: Adoption. “19.16.038 Single Family Residential Landscaping Requirements.”

19.16.038 Single Family Residential Lot/Parcel Landscaping Requirements.

- 1. As required in 19.16.030.2, landscaping shall be completed for detached single family dwellings on individual lots within a period of one year for the front yard area and a period of two years for the rear yard area beginning at the time of final certificate of occupancy is issued.

- a. Landscaping areas on single family residential lots with slopes greater than ten percent shall be completed within a period of one year.
- b. Landscaping shall be installed in front yards between the front line of the house and the front property line along the entire width of the property, excluding the driveway. On corner lots, landscaping shall be installed in all areas between the property line and the side of the house between the front and rear property lines which are visible from the public right-of-way.
- c. The net landscaped area in a front yard shall include:
 - i. A minimum of one tree;
 - ii. 50% coverage of plant materials using a combination of shrubs, annual plants, perennials plants, ground cover, and/or turf grass. Species, size, and placement of landscape elements shall be determined by the homeowner.
- d. The following park strip design and landscaping standards shall apply:

No more than 50% of the park strip may be poured concrete or similar solid paving surface for driveway, walkway approaches, and vehicle drop off areas. Asphalt is not allowed in the park strip. Rock or bark mulch may be used in single family residential park strips. To prevent mulch from spreading onto sidewalks or street areas, bark/wood mulch and pea gravel or similar rock mulch less than a minimum sorted size of one inch, shall not be allowed in the park strip or adjacent to a street or sidewalk, except for the following:

- i. Rock mulch of the same type, color and texture may include a variety of cobble sizes; or
- ii. Crushed aggregate fines intended for pathway, or similar application may be applied.

2. Where secondary water is not available, at the time the water supply line to a house is installed, the builder shall furnish and install a stop-and-waste valve with an access sleeve and capped mainline to the surface to facilitate future sprinkler system installation. The stop-and-waste valve may also be located inside the home with a mainline extended to the exterior of the foundation wall and capped (see Development Plan Requirements in Section 19.13.050.3.f.iii).
3. It is highly recommended, but not required, that single family residential properties install a water-wise landscape using the following elements:
 - a. Soil scarification and soil amendment as outlined in 19.16.036.1.i.
 - b. Irrigation design standards as outlined in 19.16.036.2.
 - c. Park strip design as outlined in 19.16.070.a. and 19.16.075.
 - d. Turf grass should not exceed 35% of the lot landscape area property and not placed in an area less than eight feet wide as outlined in 19.16.036.1.c.

- e. 90% of plant materials should be water-wise as outlined in the WBWCD recommended plant list as outlined in 19.16.036.1.h.
- f. Rock/bark mulch used in planter beds should have a depth of three to four inches to prevent weed growth and retain soil moisture as outlined in 19.16.050.2.

SECTION 10: Amendment. “19.16.040 Transitional Landscaping and Fencing.”

A M E N D M E N T

19.16.040 Transitional Landscaping and Fencing.

1. ~~Transitional landscaping and fencing shall be provided in accordance with the Landscape/Fencing Matrix included in this Chapter.~~ Landscape Transitional Buffers and Street Frontage Landscaping. Landscape buffers are intended to reduce the visual and sound impacts that may require mitigation between two or more land uses, and street frontage landscaping areas are intended to improve visual character along streets fronted by commercial or multi-family development. Table 16-1 provides standards for landscape buffer types required between specified uses, and street frontage landscaping areas.
2. ~~The landscaping/fencing shall be provided within the zoning district and on the lot of use listed on the left column of the Matrix where it is adjacent to land used or zoned for uses indicated across the top of the Matrix.~~ Cross Access Exception to Landscape Buffer Requirement. Rear or side interior property boundaries of commercial, mixed-use, and multi-family parcels or lots do not require a landscape buffer when shared or cross access is provided between property parking areas. This provision is intended to improve vehicle and pedestrian circulation, and provide for shared or joint-use parking between uses as provided in Section 19.12.090.
3. ~~In those situations where a structure or lot contains uses included in more than one 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.~~ Building Setbacks. Landscape buffers and street frontage landscaping areas refer to landscaping requirements only; see Tables 5-1 and 5-2 or specific zone district standards for applicable building setbacks including multi-family residential and mixed use development in Chapter 19.25 MU (MU/TOD), townhomes in 19.24 C-TH, and planned residential unit development (single family homes and townhomes) in 19.08 PRUD Overlay Zone.
4. ~~In situations where the use is not listed on the Matrix, the Planning Director, using the Matrix as a guide, shall determine a category for the use.~~ Fencing shall be generally located between the required landscape buffer and the adjacent property, and shall comply with the standards provided in 19.06.080.
5. ~~All transitional landscaping and fencing shall be installed with the first phase of construction.~~ Street Frontage Landscaping Area. Landscaping is required along street fronting properties in the R-M, R-H, PB, B-RP, C, M, MU, and MU-TOD zoning districts, with the exception of those areas necessary for pedestrian and vehicular access, of all public streets. This strip shall be located between the edge of the sidewalk or public street right-of-way line where no sidewalk exists, and the parking area or structure.
6. ~~Trees and shrubs with a low to moderate irrigation need are encouraged, as well as low maintenance landscaping.~~ Buffer Type A (Subdivision Arterial/Collector Street Buffer). This is

applicable to single family residential subdivisions that back or side to arterial streets and collector streets (see section 19.16.090).

7. ~~Deciduous trees shall have a two-inch caliper trunk measured at a height of 48" and coniferous trees shall be balled and burlapped and a minimum of 48" in height. All heights to be measured from the finished landscape surface. Buffer Type B (PRUD Parking Area/Shared Drive Buffer). This is applicable in PRUD developments where parking lots and drives are adjacent to single family residential uses (see section 19.08.090.7).~~
8. ~~Landscape transitional buffer: Landscape buffer shall be divided into three categories as identified on the matrix: Buffer Type C or Buffer Type D is required when commercial, mixed-use, multi-family, townhome or community use development is adjacent to all existing and future residential uses (other than mixed-use development) and community uses, except when the side or rear property boundary of residential development is a shared private drive or alley.~~
 - a. ~~"Landscape Buffer 1" shall consist of an unbroken strip of open space, ten feet wide and planted with the following: One large evergreen tree (or deciduous, dense-canopied trees with the approval of the Planning Director) every 20 linear feet with a maximum mature height of 25'. Other shrubbery and plantings shall also be included in this buffer area.~~
 - b. ~~"Landscape Buffer 2" shall consist of an unbroken strip of open space, 20' wide and planted with the following: One large evergreen tree (or deciduous, dense-canopied trees with the approval of the Planning Director) every 25 linear feet with a maximum mature height of 30' to 50'. Other shrubbery and plantings shall also be included in this buffer area.~~
 - c. ~~"Landscape Buffer 3" shall consist of an unbroken strip of open space, 30' wide and planted with the following: One large evergreen tree (or deciduous, dense-canopied trees with the approval of the Planning Director) every 25 linear feet with a maximum mature height of 30' to 50'. Other shrubbery and plantings shall also be included in this buffer area.~~
 - d. ~~"Landscape Buffer 4" shall consist of an unbroken strip of open space, 60' wide and planted with the following: One large evergreen tree (or deciduous, dense-canopied trees with the approval of the Planning Director) every 25 linear feet with a maximum mature height of 30' to 50'. Other shrubbery and plantings shall also be included in this buffer area.~~
9. ~~Fencing requirements: Buffer Type E (High Impact Mitigation Buffer). This is required for land uses and development features with high impact noise emissions adjacent to existing and future residential areas. Uses and development features considered to emit high noise levels include but are not limited to the following: Pet Services/Indoor Outdoor (see 19.14.100.11); Outdoor Contractor Storage Yard; Towing Services; truck loading areas adjacent to commercial buildings; mechanical exhaust equipment from interior industrial services; utility sub-stations or equivalent intensive uses; and development features as determined by the Land Use Authority.~~
 - a. ~~Fencing shall be generally located between the required landscape buffer and the adjacent property.~~
 - b. ~~There shall be different fencing requirements as identified in the Matrix. All fence heights as required in the Matrix shall be measured on the side of the fence with the highest finished grade, including proposed finished grades with new development.~~
 - 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.~~

~~d. Where options are presented in the Matrix for a type of fence, the options shall be available to the developer unless otherwise qualified.~~

~~10. All fencing and landscaping shall be in compliance with that Section of the ordinance which defines "clear view."~~

~~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 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: 11 gauge wire mesh; two inch line posts; three and one half inch terminal and corner posts; all posts to be spaced at not more than ten feet; all posts shall be placed in a concrete footing to a depth of not less than 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.~~

11.

Table 16-1 (Standards indicate a minimum landscaping or buffer width, fencing height, and tree spacing distance.) Trees shall be consistent with the requirements of Table 16-2 - Permitted Street Trees based on the width/depth of the landscaping/buffer area (LINK TO BE ADDED).

TYPE	WIDTH and CONTEXT	SOLID FENCING	TREES ¹	GROUND SURFACE LANDSCAPING
<u>S.F.</u>	8' Street Frontage Landscaping Area⁵ <u>Area²</u>	N/A	Deciduous or evergreen trees planted every 50' 23	Consistent with 19.16. <u>150</u> Planting Design Standards and the requirements of this Chapter⁵ <u>Chapter²</u>
A.	5' Arterial and collector street landscape buffer along single family residential subdivisions (see 19.16. <u>090</u>)	6' solid vinyl, wood, masonry, or similar material	Deciduous trees planted every 20'	Plant bed landscaping requirements apply
B.	6' Landscape buffer between parking lot areas, alleys or private drives in a PRUD adjacent to R-1 zones with single family residential uses	6' solid vinyl, wood, masonry, or similar material 34	Deciduous trees planted every 30'	Plant bed landscaping requirements apply

	(19.08.090.7)			
C.	8' Landscape buffer	6' solid vinyl, wood, masonry, or similar material ³⁴ , or 8' masonry or similar material ⁴⁵	Deciduous or evergreen trees planted every 25'	Plant bed landscaping requirements apply
D.	5' Landscape buffer	6' solid vinyl, wood, masonry, or similar material ³⁴ , or 8' masonry or similar material ⁴⁵	Columnar deciduous or evergreen trees planted every 20'	Plant bed landscaping requirements apply
E.	25' High impact land use mitigation landscape buffer (see 19.14.100.11)**	8' masonry	Trees planted every 20', with at least 75% of trees as evergreens except as required in 19.14.100.11	Plant bed requirements apply, except that evergreen tree canopy may count towards landscape plant material cover area

Table 16-1 Footnotes:

1. The minimum height of all trees associated with landscape buffers shall be 20' at mature growth. The requirements of 19.16.075 Permitted Trees Within Park Strips And Along Frontages or comparable tree shape and root growth shall apply based on the comparable width of the Park Strip/landscape buffer and/or presence of power lines.
2. Urban Streetscape Alternative. Buildings in the MU, MU/TOD or commercial zones located close to the street with entrances connecting to the sidewalk may substitute landscape area for a wider sidewalk and streetscape consistent with a walkable urban environment for pedestrians (see Chapter 19.25 - MU/MUTOD streetscape requirements).
 - A streetscape design shall be proposed with the Landscape Plan and submitted for review by Development Staff. The design shall demonstrate placement of streetscape amenities such as street trees with grate covers, street furniture, planters, bike racks, and space for outdoor activities or displays.
 - Street trees shall be planted every 30' under this alternative.
 - Plant materials shall be incorporated along at least 40% of the street-fronting building foundation in plant beds or planters to soften the hardscape edge between a sidewalk or patio

and the building frontage. This requirement may be waived by the Zoning Administrator where outdoor seating, bike racks, display areas, or other amenities may be provided.

- ~~2.~~ 3. Trees planted every 50' or portion thereof greater than 25'. The Zoning Administrator may approve clustering of trees in special circumstances including but not limited to preserving clear view areas, eliminating conflicts with utilities, and etc.
- ~~3.~~ 4. Six Foot Masonry Fence Requirements. A six foot masonry fence shall be required for the following specific uses and development features when adjacent to existing and future single family residential uses:
 - Drives or alleys accessing rear garages of townhome or multi-family buildings that may also include parallel parking spaces on one side of the drive (does not apply when the alley is shared between townhome or multi-family and single family residential uses.
- ~~4.~~ 5. Eight Foot Masonry Fence Requirements. An eight foot masonry fence shall be required for the following uses and development features that are adjacent to existing and future single family residential uses:
 - Commercial or multi-family parking lot(s) serving more than 24 vehicles, not including drives or alleys accessing rear garages that may include parallel parking spaces;
 - Commercial or mixed-use truck loading areas;
 - Outdoor recreation areas, associated with multi-family residential or townhome development designed for the congregation of more than ~~10~~ten individuals at one time; or
 - Equivalent intensive uses and development features as determined by the Land Use Authority.
- ~~5.~~ Urban Streetscape Alternative. Buildings in the MU, MU/TOD or commercial zones located close to the street with entrances connecting to the sidewalk may substitute landscape area for a wider sidewalk and streetscape consistent with a walkable urban environment for pedestrians (see Chapter 19.25 MU/MUTOD streetscape requirements):
 - A streetscape design shall be proposed with the Landscape Plan and submitted for review by Development Staff. The design shall demonstrate placement of streetscape amenities such as street trees with grate covers, street furniture, planters, bike racks, and space for outdoor activities or displays.
 - Street trees shall be planted every 30' under this alternative.
 - Plant materials shall be incorporated along at least 40% of the street fronting building foundation in plant beds or planters to soften the hardscape edge between a sidewalk or patio and the building frontage. This requirement may be waived by the Zoning Administrator where outdoor seating, bike racks, display areas, or other amenities may be provided.

SECTION 11: Amendment. “19.16.050 Landscape **Plant** Bed Areas.”

A M E N D M E N T

19.16.050 Landscape **Plant** Bed Areas

The following standards apply to all commercial, industrial, mixed-use, multi-family, townhome, community use, PRUD developments, and common areas managed by a homeowner's association or

community association. ~~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.~~ Landscape planting bed areas shall contain plant materials that cover at least 50% of the landscape surface at mature growth.
 - a. When calculating plant coverage percentage areas, plants may be measured at mature spread, including coniferous trees with branches that clear no more than 30" above the ground. Deciduous trees shall not be included in plant coverage calculation.
 - b. Plants shall conform with clear view requirements provided in section 19.16.110.
2. ~~At least 10 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 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.~~ When applying rock or bark mulch into a plant bed or park strip, the minimum depth shall be at least three inches to minimize weed growth and to maximize moisture retention in soil.
 - a. If landscape fabric is used, it shall be heavy duty with a minimum five-ounce thickness, applied beneath mulch areas in plant beds, installed so that edges are not visible.
 - b. Only one type of bark or rock mulch material shall be allowed in a landscape bed area, unless separated by a durable curb material with sufficient thickness to maintain separation between mulch types.
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.~~

SECTION 12: **Repeal.** “19.16.060 Street Frontage Landscape.”

SECTION 13: **Amendment.** “19.16.070 Landscaped Park Strip.”

A M E N D M E N T

19.16.070 Landscaped Park Strip

The following standards apply to all commercial, industrial, mixed-use, multi-family, townhome, community use, PRUD developments, and common areas managed by a homeowner's association or community association.

The ~~planted landscape strip~~ (park strip) between any public ~~street and/or~~ private ~~street and~~ fronting property ~~is the area between the sidewalk and the street-side back of curb or street edge.~~ shall be landscaped with grass and plantings permitted by this Chapter. Maintenance of this area shall be the responsibility of the abutting property owner. This landscaping shall not be counted as part of the required percentage of landscaping for each private property.

Park strip areas shall be landscaped with plantings permitted by this Chapter.

Perpetual maintenance of the surface materials and plant materials in the park strip shall be the responsibility of the abutting property owner.

Park strip landscaping shall not be counted as part of the required percentage of landscaping for each private property.

1. Street Tree Requirements. Street trees shall be planted within the park strip, or if no park strip exists, on the property next to the public right-of-way or public/private street edge (landscape frontage), in accordance with the following:

1.

- ~~a. Street trees shall not be planted within a park strip that is less than four and a half feet in width.~~
- a. Street trees shall be planted within park strips or on the adjacent property within ten feet of the public right-of-way. Street trees shall not be planted within a park strip that is less than four and a half feet in width.
- b. Street trees shall be planted along both sides of all streets every 30' on center; spacing of the trees may vary; the maximum spacing is 40'.
- ~~b.~~
- c. Street trees shall be selected in accordance with the Permitted Trees within Park Strips and along Frontages, section 19.16.075.
- ~~c.~~
- d. In the event that any of the trees or shrubs die or do not adequately grow, they shall be promptly replaced to perpetually remain in compliance with the approved landscape plan.
- ~~d.~~
- e. Street trees shall be planted no closer than five feet from any culinary or secondary water lines, and no closer than 20' of street lights-standards.
- ~~e.~~
- f. Tree species shall vary along block faces to create a unique street identity, to provide visual variety, and to promote the health of the City's urban forestry.
- ~~f.~~
- g. Where buildings are allowed closer to streets, street trees shall be designed, specified, and planted with sufficient spacing from buildings to prevent negative impact from tree branches at mature growth.

2. Park Strip Planting and Landscaping Requirements. The street tree standards provided in section 19.16.075 and plant bed planting and design standards provided in section 19.16.050 shall apply to park strip areas in addition to the following park strip area requirements:

- a. Residential and commercial park strips shall be planted with live plant material to a minimum of 50% coverage of landscape area with plant foliage at mature growth, in accordance with the following additional design standards:
 - i. Shrubs and other plant material located within the park strip shall not exceed two feet in height at maturity.
 - ii. Potentially hazardous plant material and/or containing thorns or spikes shall be prohibited.
- b. To prevent mulch from spreading onto sidewalks or street areas, bark/wood mulch and pea gravel or similar rock mulch less than a minimum sorted size of one inch, shall not be allowed in the park strip or adjacent to a street or sidewalk, except for the following:
 - i. Rock mulch of the same type, color and texture may include a variety of cobble sizes; or
 - ii. Crushed aggregate fines intended for pathway, outdoor patio surfaces, or similar application may be applied.
- c. Decorative boulders and similar features shall be less than 18" in height.

3. No more than 50% of the park strip may be poured concrete or similar solid paving surface for driveway, walkway approaches, and vehicle drop off areas. Asphalt is not allowed in the park strip. The park strip may be paved by more than 50% and incorporate tree wells and planters

when directly fronted by commercial or mixed-use buildings (see Table 16-2 (LINK TO BE ADDED), Footnote 5, Urban Streetscape Alternative).

SECTION 14: Amendment. “19.16.075 Permitted Trees Within Park Strips and Along Frontages.”

A M E N D M E N T

19.16.075 Permitted Trees Within Park Strips and Along Frontages

1. The planting of any tree within a park strip shall be done in compliance with the following:
 - a. The tree shall be planted so it is centered between the curb and sidewalk;
 - b. The tree shall be located so as not to violate the clear view requirements of this Title;
 - c. The tree to be planted shall be a tree listed in Table 16-2 (LINK TO BE ADDED) and designated based on the width of the park strip;
 - d. The tree shall be maintained to ensure proper clearance above the sidewalk and street, distance from overhead power lines, and so that its growth does not damage public improvements, such as curb, gutter, and sidewalk; and
 - e. Before planting of trees the adjacent property owner shall contact blue stakes or a utility locating company to locate underground utilities within the park strip.
2. ~~The planting of any tree outside of a park strip along a lot's frontage shall be a minimum of six feet from the sidewalk for any tree listed in Table 16-4. Any other tree not listed therein shall be planted a minimum of ten feet from the sidewalk.~~
3. 2. The planting or maintaining of a tree in accordance with this ~~S~~section does not alleviate the property owner of the liability or responsibility of any damage caused to public improvements or any other responsibility of owning or having control over the property on which the tree is located. Property owners are responsible for the damage caused to public improvements by vegetation on their property or planted by them. The maintenance and correction process is addressed in Chapter 12.28 of the Layton Municipal Code.
4. 3. If a person wishes the City to consider the addition of a tree to Table 16-2 (LINK TO BE ADDED), such request is to be in writing to the Director of the Community and Economic Development Department. The writing must contain sufficient detail and information regarding the tree and illustrate its comparable nature to the trees currently on the list. The Director or designee will notify the person of the decision. If the request is denied, the person can file an appeal of that decision to the City Manager within ten days of the denial. The City Manager will review the Department's decision to determine whether that decision is supported by substantial evidence. Based on that standard, the City Manager may affirm, modify, or reverse the Department's decision. The City Manager's decision is final.

SECTION 15: Amendment. “19.16.080 Fencing Requirements.”

A M E N D M E N T

19.16.080 Fence Requirements

Fences and Walls. This section is provided to create minimum and maximum fencing standards for residential, commercial, mixed-use, and community use areas within Layton City. These standards are applicable to all public and private development, unless otherwise specifically stated.

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

1. Fence Maintenance. All fencing shall be continually maintained in structurally sound, plumb, and safe condition, including appropriate and regular maintenance of the fence surfaces, by the property owners abutting fence.~~In all residential zones, no fence, hedge, or wall may exceed six feet in height when placed within three feet of any property line or as further regulated below except behind the front setback line of the main structure fences may be eight feet in height. Special permits may be granted for higher fences by the Zoning Administrator.~~
 - a. Repairs and patching shall consist of similar fencing materials and shall blend with the fence.
 - b. If a fence or wall is more than 20 degrees beyond plumb or determined so by the Chief Building Official, it shall be considered structurally unsafe.
 - c. Graffiti shall be removed within 48 hours.
2. Fence Height Measurement.~~When a fence, wall, or hedge meets the setback regulations for an accessory structure for the zoning district in which the fence, wall, or hedge is proposed, the height allowed will be that as outlined for accessory structures in the zoning district.~~
 - a. Fence height shall be measured from the finished grade to the highest point of the fence. "Finished grade" means the average finished grade of the property nearest the fence.
 - b. Fence posts, gate posts, pillars, and support columns may extend 12" above the maximum fence height when separated by at least six feet of fencing.
 - c. Grade Differential. In instances where there is a grade differential along a property line separating two lots as a result of a retaining wall or topographic feature, a fence, wall, or other permitted screening device may be erected to the maximum height permitted on either side of the property line. Also, in instances where a fence runs along a sloped property line, a pre-manufactured rectangular fence panel of up to ten feet in length or less may be installed horizontally to vertical posts such that one end of the panel is at grade level, and the other end is no more than two-tenths of a foot above grade level for each linear foot of fence panel. The area beneath the bottom of the fence and the ground may be filled or remain open, and the panel height may be the maximum permitted on either side of the property line.
 - d. Fencing Height Transition. Where fencing height differences may occur at intersections or along the continuous alignment of a fencing course, a transition from one fencing height to the other may be constructed as an exception to the maximum fence height at such locations.
3. Prohibited Fences.
 - a. Razor wire;

- b. Electrically charged fencing, unless associated with an agricultural operation and in conformity with safe practices;
 - c. Highly reflective or metallic fencing or wall materials;
 - d. Tarps, stacked debris or similar materials are not permitted as fencing or wall material; or;
 - e. Barbed wire, unless associated with an agricultural operation.
 - i. 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 for security purposes.
4. Engineering Specifications Fence or Wall Structural Design. A building permit and engineering specifications are required for a fence over seven feet in height, or as required by the current version of the International Building Code or International Residential Code. A building permit is required for all retaining walls four feet in height or greater (measured from the bottom of the foundation to the top of the wall) and must be designed by a licensed professional engineer in the state of Utah. ~~Clear view for driveways required. No view obstructing fence, wall, hedge, or planting exceeding two feet in height above the level of the sidewalk, shall be located in the triangular area bounded by lines drawn from a point on the centerline of the driveway setback fifteen feet (15') from the front property line, to points at the property line in front of the property, 30' either side of the centerline of the driveway for local and local collectors, and 50' on collectors and arterials. Except that shade trees may be located or maintained in such area in excess of the height provided the same are pruned clear of all branches between the ground and a height of six feet. Nonview obstructing fences not exceeding six feet in height may also be allowed in this area.~~
- a. 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 in height shall be certified as structurally sound by an engineer licensed to practice in the state of Utah.
5. In certain unusual circumstances of topography, or to alleviate certain specific problems, i.e., the blocking of glare, muting of noise, etc., the Land Use Authority 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 Transitional Landscaping Buffers (see 19.16.040). ~~Shade trees or other plantings which project over any sidewalk shall be pruned clear of all branches between the ground and a height of seven feet (7') for that portion of the plant located over the sidewalk. Shade trees and plantings which project over any street or access road which may be used for emergency purposes, shall be trimmed to a height of thirteen feet six inches (13'6") from the grade of the street or access road.~~
6. Chain Link Fences. In addition to the limitations provided in 19.16.080.3 above, all chain link fences shall be constructed according to the following minimum standards: 11 gauge wire mesh, two inch line posts; three and one-half inch terminal and corner posts; and all posts to be spaced at not more than ten feet; all posts shall be placed in a concrete footing to a depth of not less than 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. ~~Where lots have double frontages, that area designated by the property owner as the rear yard may have a solid or view obstructing fence, wall, or hedge, not exceeding eight feet in height. Such fence, wall, or hedge, shall be no closer than at the sidewalk.~~

7. Temporary Fences. A temporary fence may be approved by the Director for the purpose of protecting or securing a site in conjunction with an active building permit, demolition permit, site clean-up permit, special event permit, or other similar type of permit. The duration of use shall be stated in the application for the applicable permit. ~~A nonview obstructing fence not exceeding six feet in height may be erected in any front yard space, including those areas that are normally reserved for a clear view.~~
 - a. A temporary fence may be up to seven feet in height, may be located in all yards, and shall not block or impede public property or rights-of-way without express written approval from the Zoning Administrator.
8. All fences, hedges, and/or walls, and landscaping shall be compliant with clear view regulations as defined in 19.16.110. ~~No fence, whether of wood, metal, masonry, or concrete, nor other obstruction including shrubbery, nor any combination of materials, shall be erected or maintained which blocks the access from a front yard through both sides to the rear yard.~~
9. No fence, whether of wood, metal, masonry, or concrete, nor other obstruction including shrubbery, nor any combination of materials, shall be erected or maintained which blocks ~~the~~ gated or through-access from a front yard through both sides to the rear yard.
10. Construction of fences and retaining walls must meet applicable requirements of Title 15 of this Code. For construction of all fences or free standing walls over seven feet and retaining walls over six-four feet, ~~and retaining walls~~, a building permit must be secured.
11. Vacant Lots. For the purpose of this ~~s~~Section, it shall be presumed that a vacant lot shall contain a minimum front, side, and rear yard that are otherwise required by ordinance. In any required side and rear yard on vacant lots, the maximum height of fences or other similar structures shall be six feet.
12. Retaining Walls. Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots, such retaining walls may be topped by a fence, wall, or of the same height that would otherwise be permitted at the location if no retaining wall existed.
13. Fences for uses such as tennis or sports courts ~~which~~ may be a maximum of 15' height if the fence meets all of the required setbacks for an accessory building in the zoning district in which it is located.
14. Residential Fencing Standards:
 - a. Front Yards:
 - i. In front yards, fencing height shall not exceed three feet for solid fences, and four feet for open style fences (from the building line to right-of-way), except for the following:
 1. Patio enclosures for townhomes or multi-family residential uses (see Chapters 19.24 and 19.25).
 - ii. A gate entrance into the front yard from the street may be taller than the maximum height, and may include features such as an overhead trellis or cover feature, but in no case shall exceed nine feet.
 - b. Side and Rear Yards:
 - i. Fencing in interior side or rear yards shall not exceed a height of eight feet, excluding any corner side yard area.

c. Corner Lots:

- i. In the corner side yard street fronting on a street area, a solid fence or wall located within the side setback is permitted provided the fence or wall does not exceed a maximum height of six feet, and shall be located outside of the minimum clear view as defined in 19.16.110.4, and is located behind the front plane of the primary building structure.

15. Commercial Fencing Standards:

a. Front Yards:

- i. In front yards, fencing height shall not exceed three feet for solid fences, and four feet for open style (semi-transparent) fences (from the building line to right-of-way).
- ii. A gate entrance into the front yard from the street may be taller than the maximum height, and may include features such as an overhead trellis or cover feature, but in no case shall exceed 12 feet.
- iii. Fencing behind the minimum required eight-foot street-side landscape area may be greater than six feet along front yards and corner side yards.

b. Side and Rear Yards:

- i. Fencing in interior side or rear yards shall not exceed a height of eight feet, excluding any corner side yard area.
- ii. The Zoning Administrator may grant a special permit for fencing that screens utilities or intensive industrial uses in excess of eight feet.

c. Corner Lots:

- i. In the side yard front on a street, a solid fence or wall located within the side setback is permitted provided the fence or wall does not exceed a maximum height of six feet, and shall be located outside of the minimum clear view as defined in 19.16.110.4, and is located behind the front plane of the primary building structure.

16. Exceptions. The provisions of this Section shall not apply to: fences required by state law to surround or enclose public utility installations, public schools, or other public buildings.

~~Clear view across corner property required. No obstruction to view will be permitted on that portion of a corner lot defined as the clear view area. Where curbs are installed, the clear view area shall include that portion of the corner lot lying within a triangular area formed by a diagonal line connecting lines located at the top back of the curbs extending from the intersection 30' on local and collector streets and 50' on arterials. Where one of the streets is a different classification the more stringent requirement will apply. Where no curb exists the clear view area shall include that portion of the corner lot lying within a triangular area formed by a diagonal line connecting lines located at the property/right of way line 20' from the intersection of said property/right of way line, except that this Section shall not prohibit the following within the triangular area:~~

- ~~1. Gasoline service pumps when permitted in the zoning district;~~
- ~~2. Permitted signs where only the minimum necessary supports are visible to a height of not less than ten feet;~~

3. ~~Plantings of shrubs, bushes, or trees which are trimmed or pruned so that the shrubs or bushes do not exceed the height of two feet above street level and so that trees are pruned clear of all branches between the ground and a height of six feet; and~~
4. ~~Nonview-obstructing fences not exceeding six feet in height.~~
1. ~~Vacant lots. For the purpose of this Section, it shall be presumed that a vacant lot shall contain a minimum front, side, and rear yard that are otherwise required by ordinance. In any required side and rear yard on vacant lots, the maximum height of fences or other similar structures shall be six feet.~~
2. ~~Grading, planting, or construction. Any grading, planting, or construction that interferes with the vision of those using the streets, sidewalks, alleys, or driveways is prohibited.~~
3. ~~Retaining walls. Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots, such retaining wall may be topped by a fence, wall, or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.~~
4. ~~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.~~
5. ~~Exceptions. The provisions of this Section shall not apply to:~~
 1. ~~Fences required by state law to surround or enclose public utility installations, public schools, or other public buildings, or~~
 2. ~~Fences for uses such as tennis or sports courts which may be a maximum of 15' high if the fence meets all of the required setbacks for an accessory building in the zoning district in which it is located.~~

SECTION 16: **Amendment.** “19.16.090 Landscape Requirements for Arterial Streets and Collector Streets.”

A M E N D M E N T

19.16.090 Landscape Requirements for Arterial Streets and Collector Streets

1. The following provisions shall govern lots in the R-1 and R-2 zoning districts when they double face, with the rear yard backing onto or a side yard facing an arterial street and/or collector street. ~~In addition, where subdivision lots back onto an adjoining collector street, the landscaping provisions of this Section shall also apply.~~
2. A strip of land directly adjacent to the right-of-way line of the arterial street will be set aside to provide a buffer to enhance the arterial streetscape and mitigate the impacts of arterial streets adjacent to the rear or side of a lot.
 - a. This buffer shall be identified on the recordation plat in one of the following ways:
 - i. As a landscape easement; or
 - ii. As property owned in common by a homeowners association.
 - b. The buffer shall be at least five feet wide.

- c. When the buffer is included in the required rear or side yard of the residential lot, the buffer shall be no wider than ten feet ~~(10')~~.

3. Landscaping requirements:

- a. Trees shall be located on 20' centers within the buffer area. These trees shall be deciduous and on the City's list of recommended trees for park strips.
 - i. In the case where a lot is part of the subdivision and must face onto the arterial/collector street, the required buffer and landscape theme shall be continued along the front of the lot.
- b. ~~A ground cover shall be provided that is pervious and discourages weed growth. The following planting design standards shall apply:~~
 - i. Buffer Type A standards provided in 19.16.040.6;
 - ii. Plant bed planting and design standards provided in 19.16.050;
 - iii. Park strip design standards provided in 19.16.070; and
 - iv. Street tree standards provided in 19.16.075 shall apply.
- c. A six foot solid fence shall be installed along the entire perimeter on the inside edge of the buffer area~~minimum of two shrubs shall be provided between the required trees.~~
 - i. For residential developments adjacent to Layton Parkway, a minimum eight foot decorative masonry wall shall be installed along the entire perimeter on the inside edge of the landscape buffer area. The design of the masonry wall shall be consistent with the existing wall design as approved by the City Engineer.
- d. Irrigation for the buffer area shall be provided either through a master meter or through separate irrigation systems provided from each lot along the edge of the buffer area.~~A six foot solid or semi-private fence will be installed along the entire perimeter on the inside edge of the buffer area.~~
 - i. ~~For residential developments adjacent to Layton Parkway, a minimum eight foot decorative masonry wall shall be installed along the entire perimeter on the inside edge of the landscape buffer area. The design of the masonry wall shall be consistent with the existing wall design as approved by the City Engineer.~~
- e. ~~Irrigation for the buffer area shall be provided either through a master meter or through separate irrigation systems provided from each lot along the edge of the buffer area.~~The sidewalk and park strip shall be incorporated into the buffer area and shall be subject to review and approval from the City Engineering Division for Layton City arterial streets or UDOT for state roads.
- f. ~~The sidewalk and park strip shall be incorporated into the buffer area and shall be subject to review and approval from the City Engineering Division for City arterial streets or UDOT for state roads.~~

4. Installation and maintenance:

- a. The developer shall be responsible for the installation of the buffer and must bond for the buffer improvements either with the overall subdivision or as a separate bond.

- b. The bond period for the landscape improvements may coincide with the bond period and extensions as outlined in Title 18.
- c. Following the bond release, a homeowners association shall be formed by the recordation and declarations providing for the collection of fees to maintain the buffer area. Maintenance of the buffer area shall also include the maintenance of the sidewalk and park strip area.
- d. Along major arterial streets and connecting collector streets that are linked to major entryways into the City, the City will have the option to assume responsibility for the maintenance of the streetscape area. In such a case, a one-year warranty shall be required to cover the planted material and the irrigation system and drawings for the irrigation system must be submitted and approved by the City.

SECTION 17: Adoption. “19.16.110 Clear View Requirements.”

19.16.110 Clear View Requirements

- 1. Grading, planting, or construction. Any grading, planting, or construction that interferes with the vision of those using the streets, sidewalks, alleys, or driveways is prohibited.
- 2. The following provisions shall govern the location of buildings, height and location of fences, walls, plant growth, or other obstructions to view, to promote safe circulation and minimize conflicts between vehicle, pedestrians and cyclists where streets, drives and walkways intersect:
 - a. Plant and Tree Pruning.
 - i. Shade trees or other plantings which project over any sidewalk shall be pruned clear of all branches between the ground and a height of seven feet for that portion of the plant located over the sidewalk.
 - ii. Shade trees and plantings which project over any street or access road which may be used for emergency purposes, shall be trimmed to a height of 13' 6" from the grade of the street or access road.
 - b. Clear View Area for Driveways. The clear view area for the intersection of a drive approach and a public street or private street shall be located in the triangular areas bounded by lines drawn from a point on the driveway edge and the street right-of-way, measured as follows:
 - i. From the point of intersection of the driveway edge and the street right-of-way, measuring 20' along the property line away from the driveway (or 30' when intersecting with a collector or arterial street), and ~~10'~~ten feet along the edge of the driveway in toward the property. A line is then drawn from the termini of the two lines that extends along the same angle to the back of street curb forming a triangle. This is required on both sides of the driveway. Within the triangles and the area between them, the following shall apply:
 - 1. No view obstructing fence, wall, hedge, or planting exceeding ~~3'~~three feet in height above the level of the sidewalk.
 - 2. Non-view obstructing fences (75% open) not exceeding ~~6'~~six feet in height may also be allowed in this area.

3. The City Engineer and Zoning Administrator or their designees may require additional clear view area based on sight distance visibility associated with the horizontal or vertical curves of the intersecting street.

3. Clear View for Buildings and Development Required.

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

4. Clear View Across Corner Property Required.

- a. No obstruction to view will be permitted on that portion of a corner lot defined as the clear view area.
- b. Where curbs are installed, the clear view area shall include that portion of the corner lot lying within a triangular area formed by a diagonal line connecting lines located at the top back of the curbs (~~or edge of street, drive or alley~~) extending from the intersection 30' on local and collector streets and 50' on arterials. Where one of the streets is a different classification the more stringent requirement will apply.
- c. Where no curb exists the clear view area shall include that portion of the corner lot lying within a triangular area formed by a diagonal line connecting lines located at the property/right-of-way line 20' from the intersection of said property/right-of-way line, except that this Section shall not prohibit the following within the triangular area:
 - i. Gasoline service pumps when permitted in the zoning district;
 - ii. Permitted signs where only the minimum necessary supports are visible to a height of not less than ten feet;
 - iii. Plantings of shrubs, bushes, or trees which are trimmed or pruned so that the shrubs or bushes do not exceed the height of two feet above street level and so that trees are pruned clear of all branches between the ground and a height of six feet; and
 - iv. Non-view obstructing fences not exceeding six feet in height.

SECTION 18: Amendment. "19.13.050 Development Plan Requirements For New Construction Of A Single Or Two-Family Dwelling In Layton City" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D E M E N T

19.13.050 Development Plan Requirements For New Construction Of A Single Or Two-Family Dwelling In Layton City

Applications for new construction of a single-family or two-family dwelling in Layton City shall be accompanied by and shall comply with the following:

1. Appropriate application form and fees.
2. One copy of the development plan shall be required, which plan shall include a site plan and an architectural plan with appropriate drawings of adequate scale showing building materials, exterior elevations, and floor plans of all proposed structures.
3. The following design criteria shall be required:

...

g. ~~D~~Single family residential dwellings shall be provided with a two car garage having a minimum interior width of ~~120'~~ and constructed concurrently with the dwelling (see section 19.12.110).

...

SECTION 19: Amendment. “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” of the Layton Municipal Code is hereby *amended* as follows:

A M E N D E M E N T

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

Applications for new construction on an undeveloped site of permitted uses shall be accompanied by the following:

1. Appropriate application form and fees.
2. Ten copies of the development plan shall be required and shall include the following:

...

c. A landscape plan shall be submitted consistent with the landscape, fencing and clear view requirements provided in Chapter 19.16. ~~include plant location, type, size, and quantities.~~

...

3. The following design criteria shall be required:

...

e. If more than 50% of the required parking for a development is located between the structure and the public right-of-way, then there shall be an ~~800-300~~ square foot planter area for every 20 parking stalls. Said planter(s) shall be irrigated and have a minimum of two trees and other horticultural plantings. Said planters shall be dispersed throughout the parking area and not combined. This requirement is in addition to the minimum required landscaping for the underlying zoning district.

...

SECTION 20: Repealer Clause. All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 21: **Severability Clause.** 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 the said ordinance.

SECTION 22: **Effective date.** This ordinance shall go into effect immediately upon adoption as noted below.

PASSED AND ADOPTED BY THE LAYTON CITY COUNCIL

June 17, 2021

	AYE	NAY	ABSENT	ABSTAIN
Joy Petro	_____	_____	_____	_____
Tom Day	✓_____	_____	_____	_____
Dave Thomas	✓_____	_____	_____	_____
Zach Bloxham	✓_____	_____	_____	_____
Clint Morris	✓_____	_____	_____	_____
Dawn Fitzpatrick	✓_____	_____	_____	_____

Presiding Officer

Attest



Joy Petro
 JOY PETRO, Mayor, Layton City

Kimberly S Read
 KIMBERLY S READ, City Recorder
 Layton City

J. Mason For
 GARY CRANE, City Attorney, Layton City

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