

ORDINANCE 21-23
(Accessory Dwelling Units Development Standards)

AN ORDINANCE TO ADD LAND USE REGULATIONS IN TITLE 19, "ZONING", CHAPTER 19.02, "DEFINITIONS" AND AMENDING LAND USE REGULATIONS IN TITLE 19, "ZONING", CHAPTER 19.05, "GENERAL AND SPECIFIC DEVELOPMENT REGULATIONS", SECTION 19.05.000, "TABLE 5-1", SECTION 19.05.030, "REQUIREMENTS SPECIFIC TO RESIDENTIAL AND AGRICULTURAL ZONING DISTRICT, LOT AREA, COVERAGE, WIDTH, MINIMUM DWELLING SIZE, HEIGHT REGULATIONS AND DWELLINGS PER LOT", SECTION 19.06.000, "TABLES 6-1 & 6-2", AND ADDING A NEW SECTION TO TITLE 19, "ZONING", CHAPTER 19.06, "LAND USE REGULATIONS", ENTITLED ACCESSORY DWELLING UNITS"; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE

WHEREAS, Layton City is proposing to update its zoning ordinance to comply with House Bill 82, titled "Single-Family Housing Modifications," that was adopted during the 2021 legislative session. It requires municipalities to allow internal accessory dwelling units (ADU) as permitted uses within single family zoning districts. Each municipality must comply with State Code by October 1, 2021.

WHEREAS, Layton City is proposing to modify its internal ADU standards to comply with House Bill 82; and

WHEREAS, Layton City is also proposing to modify its ADU standards for attached and detached units; and

WHEREAS, these standards allow property owners to create an ADU on their property while maintaining the character of the single-family neighborhood; and

WHEREAS, ADUs provide a more affordable housing option for residents seeking to live in a single-family neighborhood; and

WHEREAS, changes to setbacks, height limits and architectural design standards for detached ADUs allow more residents to build independent living space for aging parents or adult children; and

WHEREAS, Strategy 2.2 in Layton's Moderate-Income Housing Plan supports ADUs as a way to increase the supply of affordable rental units and assist cost-burdened homeowners and that further study should be done to incorporate other types of ADUs; and

WHEREAS, the Planning Commission has reviewed the proposed ordinance and has recommended the amendment for modified ADU standards and regulations 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 1. Amendment. “19.02 Definitions” of the Layton Municipal Code is hereby amended as follows:

A M E N D M E N T

19.02 Definitions

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“Accessory, Residential Dwelling Unit”: ~~An additional dwelling unit, either in, added to, or unattached from an existing single family detached dwelling, for uses as a complete, independent living facility for a blood relative~~ An Accessory Dwelling Unit, or ADU, is a dwelling unit that contains its own kitchen, bedroom(s), and bathroom facilities, is subordinate to a primary dwelling unit, and is located on the same lot/parcel as the primary dwelling unit.

“Accessory Dwelling Unit, Internal”: An internal accessory dwelling unit is an accessory dwelling unit found within the footprint of a primary dwelling at the time the internal accessory dwelling unit is created. These include a basement converted into a separate living space or a portion of an existing primary dwelling that is converted into separate living space.

“Accessory Dwelling Unit, Attached”: An attached accessory dwelling unit is an addition to the primary residence that creates a separate living space that can be accessed from the inside of the primary dwelling and may have a separate exterior entrance.

“Accessory Dwelling Unit Detached”: A stand-alone structure that includes an ADU separate from the primary dwelling. A detached ADU can be built as an entirely separate unit or constructed as part of an existing accessory structure, such as a detached garage. It can only be within the side yard or rear yard area of the primary dwelling.

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“Primary Residence”: The dwelling unit the property owner occupies as their permanent residence.

“Primary Dwelling”: A primary dwelling is a building that provides housing as its primary purpose. It is located on its own lot or parcel and is zoned primarily for residential use.

“Yard, Front Area”: The area between the front of the primary dwelling and front property line extending the full width of the lot.

SECTION 2. Amendment. “19.05.000 Table 5-1 And 5-2” of the Layton Municipal Code is hereby If any provisions of the City’s Code is hereby amended as follows:

19.05.000Taable 5-1 And 5-2

TABLE 5-1

	A	R-S	R-1-10	R-1-8	R-1-6	R-2	R-M1	R-M2	R-H
LOT SIZE									
Min. Lot Area 1 st Dwelling ¹	43,560 s/f	15,000 s/f	10,000 s/f	8,000 s/f	6,000 s/f	8,000 s/f	8,000 s/f	10,000 s/f	10,000 s/f
Min Lot Area for Add. Unit	43,560 s/f	15,000 s/f	10,000 s/f	8,000 s/f	6,000 s/f	4,000 s/f	2,500 s/f	1,750 s/f	1,400 s/f
Min. Lot Width @ Setback ^{2 & 3}	100/100 f	100/100 f	80/90 f	70/80 f	60/70 f	70/80 f	80/90 f	80/90 f	80/90 f
Min. Frontage ⁴	80 f	70 f	60 f	55 f	50 f	60 f	70 f	70 f	70 f
PRINCIPLE STRUCTURE SETBACKS									
Min. Front Yard on Arterial ⁵	30'	25'	25'	25'	25'	25'	30'	30'	30'
	40'	40'	40'	40'	40'	40'	40'	40'	40'
Min. Between Facing Structures on Same Lot			60'	60'	60'	50'	50'	50'	50'
Min. Side yard side/total	10'/24'	8'/20'	8'/16'	8'/16'	6'/12'	8'/18'	10'/22'	10'/22'	8'/18'
Min. Side Yard Between R-M & R-H adj. to A, R-S, R-1, R-2							25'	25'	25'
Min. Corner Side Yard on Arterial	30'	20'	20'	20'	20'	20'	25'	25'	25'
	30'	25'	25'	25'	25'	30'	30'	30'	30'
Min. Side to Side Separation Between Residential Structures on Same Lot			20'	16'	13'	15'	15'	15'	15'
Min. Separation Side to Front, Side to Rear, Rear to Rear			30'	30'	30'	25'	25'	25'	25'
Min. Rear Yard ⁶	30'	30'	25'	25'	25'	30'	30'	30'	30'
Min. Rear Yard (double face street) ⁶	40'	40'	35'	35'	35'	40'	30'	30'	30'
Min. Corner Rear Yard ⁶	30'	30'	25'	25'	25'	25'	25'	25'	25'
ACCESSORY STRUCTURE SETBACKS									
Min. Front Yard	30'	30'	25'	25'	25'	25'	25'	25'	25'
Min. Side Yard ⁷	5'3"	5'3"	5'3"	5'3"	5'3"	5'3"	5'3"	5'3"	5'3"
Min. Corner Side Yard ⁸ on Arterial	30'	30'	20'	20'	20'	20'	25'	25'	25'
	30'	30'	30'	30'	30'	30'	30'	30'	30'
Min. Rear Yard ⁷	5'3"	5'3"	5'3"	5'3"	5'3"	5'3"	5'3"	5'3"	5'3"
Agriculture Struc. Front Yard Min.	100'	100'							
Agriculture Struc. Side Yard Min.	10'	10'							
Agriculture Struc. Rear Yard Min.	10'	10'							
Agriculture Struc. Distance from Neighboring Dwelling	100'	100'							

Distance Between Accessory and Principal Bldgs (same lot)	6'	6'	6'	6'	6'	6'	6'	6'	6'
Distance from Between Accessory & Principal Struc. on (adjacent lot)	10' 12'	10' 12'	10' 12'	10' 12'	10' 12'	10' 12'	10' 12'	10' 12'	10' 12'
STRUCTURE HEIGHT AND LOT COVERAGE									
Max. Height Principal Struc. ⁹	35'	35'	30'	30'	30'	30'	35'	35'	35'
Max. Height Accessory Struc. ¹⁰	18' 25'	18' 23'	16' 18'	16' 18'	16' 18'	18'	18'	18'	18'
Min. Height Principal Struc.	10'	10'	10'	10'	10'	10'	10'	10'	10'
Max. Lot Coverage ¹¹	50%	60%	60%	60%	60%	60%	70%	70%	70%
Max. Coverage for Accessory Structures and Uses ¹²	25%	25%	25%	25%	25%	25%	25%	25%	25%

1. The R-2 and R-M1 zones require eight thousand (8,000) square feet for the first two dwelling units. The R-M2 and R-H zones require ten thousand (10,000) square feet for the first two (2) dwelling units.

2. Corner lots shall meet the minimum lot width requirement on both street frontages.

3. In a subdivision of eight (8) lots or more, the lots shall be designed to provide for a variety of lot widths. Twenty-five percent (25%) of the lots in the subdivision shall have a lot width at least five feet (5') wider at the required front setback than the required minimum of the zone. Twenty-five percent (25%) of the lots in the subdivision shall have a lot width at least ten feet (10') wider at the required front setback, than the required minimum of the zone. In order to distribute the varied lot widths throughout the subdivision, no more than five (5) lots in a row of the minimum lot width of the zone shall be provided.

4. Measured along the chord length for lots on curves.

5. Residential building lots should not face onto arterial streets. In those limited circumstances where the only available frontage is on an arterial street, it is important to achieve the greatest setback possible to protect residents from the noise and safety hazards associated with potentially high volumes of traffic and high speeds. Side yard setbacks should also include greater setbacks for those same reasons. Arterial streets are defined in 19.02 Layton Municipal Code.

6. In the R-1 and R-2 zones, the landscape buffer requirements of 19.16.090 apply.

7. Minimum side yard setback for an accessory structure on an interior lot is ~~five~~ ~~three~~ feet if the accessory structure is located ~~at least six feet~~ behind and separated six feet from the principal structure. ~~Otherwise, the side yard setback for the principal structures would apply to the accessory structure. Accessory structures larger than 200 square feet or those constructed with a foundation shall be placed outside of all public utility and drainage easements. No portion of an accessory structure shall be closer than 3 feet to a property line. Accessory structures 200 square feet or less shall be located no closer than 3' from side and rear property lines.~~

8. Corner lots may have an accessory structure located within five feet of the corner side yard property line nearest the street when: It is not more than 12' in height to mid-point; the yard is walled or fenced to a minimum height of six feet. The wall or fence is sight-obscuring; and extended three feet in length beyond the accessory structure and runs parallel to the adjacent street(s). The accessory structure is not adjacent to the front yard of the adjoining property; the accessory structure is placed behind the rear foundation line of the principle structure; and is in compliance with clear view requirements. Accessory structures with a garage door facing and running parallel with the adjacent street must comply with the corner side yard setbacks of the specific zone.

9. In Agricultural and Single Family Residential zones, primary structures constructed in conjunction with a Community Use as defined in Section 19.02.020 shall be allowed an additional one foot of building height for every one foot of additional building setback up to a maximum of 100 feet of height. Deeper building setbacks may apply, or building height(s) may be tiered as one or more architectural step back(s) from the minimum setbacks. Nothing in this section shall be construed to limit the exceptions to building height found in section 19.05.030.

10. Accessory structures built in the R-1 zoning district shall be limited to 16 feet in height (measured to the peak of the roof) when placed within five feet of a side or rear property line. R-1 zones have a maximum height limit of 18 feet. For every additional one foot in height above 16', an accessory structure shall be setback one additional foot from all property lines. Accessory structures in the R-S and A zones that are above ~~over~~ 18' in height (measured to the peak of the roof) shall have an additional ~~three feet~~ one foot

setback from all property lines ~~for every additional one foot in height and the rear of the main structure for every additional one foot in height.~~

11. R-S lots over 20,000 square feet are allowed up to 50% maximum lot coverage.

12. Refer to Section 19.06.020(6)

SECTION 3. Amendment. “19.05.030 Requirements Specific To Residential And Agricultural Zoning Districts, Lot Area, Coverage, Width, Minimum Dwelling Size, Height Regulations And Dwellings Per Lot” of the Layton Municipal Code is hereby amended as follows:

A M E N D M E N T

19.05.030 Requirements Specific To Residential And Agricultural Zoning Districts, Lot Area, Coverage, Width, Minimum Dwelling Size, Height Regulations And Dwellings Per Lot

...

3. **Maximum building heights, setbacks, and standards for accessory structures.** Accessory structures ~~shall have in the R-1 zoning district shall have a maximum height of 18' to the mid-point between the peak of the roof and the eave when they are located within three feet of the nearest property line and at least six feet behind the main structure~~ a maximum height of 16' (measured to the peak of the roof) when placed within five feet of a side or rear property line when located completely behind the main structure. Accessory structures in an R-1 zoning district that are over 16' ~~18'~~ in height (measured to the peak) shall have an additional ~~three~~ one foot setback from all side and rear property lines ~~and the rear of the main structure~~ for every additional one foot in height up to 18'. In no case shall an accessory structure exceed the maximum height of 18' in the R-1 zoning districts, 23' in the R-S zoning district and 25' in the A zoning district ~~when measured to the mid-point between the peak of the roof and the eave.~~ Accessory structures in the R-2, RM-1, RM-2, R-H and C-TH zoning districts shall have a maximum height limit of 18' (measured to the peak). For structures that are located in the side yard of the main structure the minimum side setbacks for the underlying zoning district shall apply ~~and for every one foot increase in height structures shall be setback an additional three feet from the property line and shall have a maximum height of 23' to the mid-point between the peak of the roof and the eave.~~ Accessory structures larger than 200 square feet or that are constructed with a foundation shall be placed outside of all public utility and drainage easements. No portion of an accessory structure shall be closer than three feet to any property line. Shipping Containers shall not be permitted as an accessory structure.

~~4. Setbacks and lot area requirements for accessory residential dwelling units. Detached accessory residential dwelling units or structures shall be located in the rear yard and shall have a minimum of a 20' rear yard setback and the side yard setbacks shall be the same as that of the main structure for the zoning district in which it is located. In no case shall a detached accessory residential dwelling unit be more than 40% of the living area of the principle dwelling, nor more than 1,000 square feet, nor have more than two bedrooms. Detached accessory residential dwelling units shall adhere to the same design guidelines as single family homes as outlined in Section 19.13.050 of this Title.~~

~~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.~~

4.6. Exceptions to building height limitations. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, radio, microwave and television towers or antennae, theater lofts, silos, solar collectors, solar louvers and reflectors, or similar structures may be erected above the height limits herein prescribed, but no space above the height limits shall be allowed for purposes of providing additional floor space, nor shall it provide for human occupancy.

5.7. Property access requirements. No building permit shall be issued for a building that is to be constructed on a lot or parcel that does not either abut a dedicated public street or highway, or a private roadway open to the public.

However, if an unobstructed, recorded easement of right-of-way of ingress and egress exists across property or properties providing the necessary access, the aforementioned proscription may be waived. This right-of-way shall comply with pertinent Code provisions and shall not be obstructed in any manner without the mutual agreement of the property owner(s) over which said right-of-way is located, the beneficiary of said right-of-way, and the City.

This Section shall be retroactive for the purpose of maintaining unobstructed access. It shall be applicable to include any residential property, for which a building permit has been issued or the dwelling has been legally constructed.

6.8. Minimum size of dwellings. No single-family dwelling shall be erected which contains less than 900 square feet of gross main floor area.

7.9. Projections into required yards (Primary Structures). Every part of a required yard shall be open to the sky; unobstructed except for accessory structures in a side or rear yard. Certain architectural features may project into required yards or courts as follows:

a. Ordinary projections of belt courses, chimneys, cornices, flues, lintels, solar appurtenances, and sills may project up to two feet into required front, rear, and side yard spaces. Window wells may project up to three feet into required front, rear, and side yard spaces. Eaves, gutters, and roof overhangs may project up to four feet into required front, rear, and side yard spaces. Cantilever architectural features shall not exceed 20% of any wall length and shall not project into any required yard space more than two feet. Said yard areas are to be measured from the fascia.

b. Roofed and un-walled decks, balconies, porches, or other similar architectural features may project into required front yards up to six feet, side yards up to four feet, and rear yards up to ten feet. Said projections into required yard areas shall be measured from the fascia. In no case, shall any of these be closer than four feet to a side property line or project into a public utility and drainage easement.

c. Unless otherwise prohibited, fences, signs, and yard lights are permitted in front, rear, and side yards as provided in Chapters 19.16 and 19.20.

d. Building accessories designed and intended to control light entering a building (e.g., aluminum or canvas awnings) and being either a permanent or temporary part of such building may project five feet into any front or rear yard space and three feet into any side yard space, provided that they are attached only to the wall of the main building.

e. Covered or uncovered walk-out basement features may project up to ten feet into required rear yard spaces and four feet into required front and side yard spaces. No portion

of the stairs or covering of a walk-out basement may cross into the front yard area of a dwelling. Walk-out basements shall not encroach into public utility and drainage easements unless approved by the City Engineer. Said projections into required yard areas shall be measured from the foundation line for uncovered walk-outs and the fascia for covered walk-outs.

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

9.11. On any residential dwelling structure, a permanent roof or canopy may be added to the main building at any time. Such canopy may extend into the required rear yard a maximum of ten feet, but may not extend into any required front or side yard. Canopies shall not have walls other than the attachment to the main building.

10.12. Substandard lots. The requirements of this Title as to minimum lot area or lot width shall not be construed to prevent the use for a single-unit dwelling on any lot or parcel of land in the event that such lot has been held in separate ownership since adoption of these regulations, being May 5, 1983, and complied with zoning regulations in effect prior to that date.

11.13. Front setback transition - Increase, reduction.

a. The front setback required for a building on an inside lot may be reduced where a main building with a nonconforming front set back exists on any lot adjacent thereto, within the same block frontage, to the extent that the average of the front setback of the existing building and the required front setback is maintained. Where one main building exists on each lot adjacent thereto, the front setback for a proposed building on the inside lot may be the average of the setbacks of existing buildings.

b. Building lots adjacent to arterial roadways, and on which residential dwelling structures were constructed at the time when the required setback from the arterial roadway was 30', will retain the 30' setback as the development requirement for said lot.

c. Where, within the same block frontage, property is zoned partly for residential and partly for commercial or industrial use, or where any part of the block is so zoned as to require a front setback, the front setback required for the most restricted portion of the block shall be required for the entire frontage of the block on that street.

12.14. Side setback reduction.

a. On any lot shown as a separate and distinct lot on a subdivision plat of record in the office of the Davis County Recorder or on any lot held under separate ownership from adjacent property and of record on the effective date of these regulations, which is May 5, 1983, and such lot having a smaller width than required in the zoning district in which it is located, each side setback and the total side setback requirements shall be not less than the same percentage of the width of the lot as the required setback would be of the required width of the lot, provided that on corner lots, no side setback shall be permitted which is less than four feet, and on inside lots the side setback shall be not less than four feet on one side and ten feet on the other. All fractions of a foot resulting from the calculation required shall be resolved to the closest one-half foot. The side yard on a street shall not be reduced to less than 20'.

b. The side setback of a proposed addition to a building, which is nonconforming with respect to side setback, may be the same as the existing side setback of the original building

at the adjoining walls, provided that such setback shall be not less than four feet, and further provided that such addition shall not extend the depth of the building, existing on the effective date of the regulations codified herein which is May 5, 1983, more than 50%. Any enlargement made in excess of the above shall maintain the side setback required for new buildings in the zone in which it is located.

c. **Side yard limitations.** Access to the rear yard must be preserved through at least one side yard.

13.15. Lot, inside gore-shaped: Where such lot is a gore-shaped lot, and the side lot lines thereof converge either to a point or to a rear boundary which is less than one-half of the minimum required lot width, the rear lot line shall be construed to be an imaginary straight line crossing the centerline of the lot, at right angles, which is one-half of the required lot width in length. (See [Diagram A-3.](#))

a. **Lot, corner classified as gore:** For the purpose of locating a dwelling thereon, an owner of a corner lot may have the option of classifying such lot as a gore-shaped inside lot in which case the interior lines of same shall be designated as side lot lines and the rear lot line shall be determined the same as required for any inside lot. (See [Diagram A-3.](#))

14.16. Averaging of lot sizes in the "R-S" zoning district. The minimum required size of lots and widths of frontages in residential subdivisions located in the "R-S" zoning district may be reduced subject to the following conditions:

- a. A parcel must be at least three acres in size to qualify as a lot averaged subdivision;
- b. Subdivision shall be subject to the normal subdivision review and approval process;
- c. The density of the lot averaged subdivision in the "R-S" zoning district shall not exceed 2.2 units per acre;
- d. In no case shall any lot contain less than 10,000 square feet of land area;
- e. The average lot width shall be no less than 90';
- f. The minimum lot width shall not be less than 80';
- g. The average lot frontage shall not be less than 70';
- h. The minimum lot frontage shall not be less than 60';
- i. Lots reserved for institutional uses shall be excluded from the calculation to figure units per acre, average lot size, width, and frontage;
- j. The side yard setback on a corner lot may be reduced to 25'; and
- k. Lots 20,000 square feet in size or larger in a lot averaged subdivision should be clustered together for the purpose of keeping farm animals. Lots 20,000 square feet or larger may be integrated into a lot averaged subdivision subject to a development agreement preventing the keeping of farm animals.

15.17. Averaging of lot sizes in the "R-S" zoning district adjacent to arterial streets.

SECTION 5. Adoption. “19.06.300 Accessory Dwelling Unit Standards.

19.06.300 Accessory Dwelling Unit Standards

1. Purpose and Intent

- a. To establish a city ordinance governing the construction and use of Accessory Dwelling Units, or ADU. An ADU is an independent dwelling unit that is either attached to or detached from the primary dwelling.
- b. Accessory dwelling units provide a portion of the needed supply of more affordable housing for individuals and families while allowing them to live independently. Design standards within this chapter will protect the purpose of the single-family zoning district and character of single-family neighborhoods. The detached ADUs architectural design standards, height limits, and setback requirements in this chapter will help protect the privacy of surrounding homeowners and reduce impacts.
- c. Communities that allow accessory dwelling units find that they supply housing for the elderly, disabled, young families, and young professionals. ADUs can also provide supplemental income to the primary homeowner, which may make a home more affordable for the primary homeowner. ADUs use the same infrastructure as the primary dwelling and do not require additional public investment. ADUs provide a less expensive way to increase the affordable housing stock in the City.

2. General Regulations.

- a. An ADU is allowed as an accessory use within all single-family residential zones.
- b. A maximum of one ADU allowed per single-family lot or parcel.
- c. An ADU shall be allowed within the footprint of a single-family home or as an addition to a single-family home. Detached ADUs are permitted on lots or parcels 6,000 square feet or larger. ADUs shall adhere to all standards listed in Section 19.06.020(4).
- d. Internal and attached ADUs must retain the appearance of a single-family home.
- e. Internal and attached ADUs are considered part of the primary dwelling and shall meet the primary dwelling’s minimum setbacks and height limits.
- f. Entrances to ADUs shall be subordinate to the primary dwelling’s entrance.
- g. Utility Meters. All ADUs shall connect to the same (water, gas, sewer, etc.) utility lines as the primary dwelling.
- h. Address. The primary dwelling and the accessory dwelling must share the same address number. Addresses must be visible from the public or private street.

- i. Interior Access. Interior access between the main living area and an interior or attached ADU must be maintained unless sufficient means of egress have been determined during an inspection by the fire department.
 - j. Not for Short-Term Rental. The accessory dwelling unit shall be rented for 30 consecutive days or longer by the same occupant.
 - k. Application for ADU Permit. An ADU permit is required for all interior, attached or detached ADUs and shall receive a building permit prior to construction and/or occupancy.
 - l. Mobile homes, Recreational Vehicles and shipping containers shall not be considered as an ADU.
3. Owner-Occupied
- a. Property owners as shown on Davis County Recorder's Office shall occupy either the primary dwelling or the accessory dwelling unit as their primary residence. In no case, shall a property owner rent out both the primary dwelling and the accessory dwelling. A letter of agreement shall be signed by the property owner(s) stating that the property will be used as their primary residence. The letter shall be recorded at the Davis County Recorder's Office by the Community & Economic Development Department.
 - b. Owner-occupancy may be temporarily waived when:
 - i. the owner is absent due to a bona fide temporary absence of three years or less for a job assignment, sabbatical, or voluntary service; or
 - ii. the dwelling was the owner's primary residence immediately before leaving for the temporary job assignment, sabbatical, or voluntary service; and
 - iii. the owner intends to make either the primary or accessory dwelling their primary residence upon returning from the temporary job assignment, sabbatical, or voluntary service.
4. Dwelling Unit Occupancy
- a. The occupants of an accessory dwelling unit shall fall into one of the following categories:
 - i. three individuals non-related; or
 - ii. an individual or single family related by blood, marriage, legal guardianship, fostership, or adoption; and
 - iii. for reference, the term "related" refers to a spouse, parent, child, stepchild, grandparents, grandchildren, brothers, sisters, uncles, aunts, nephews, nieces, first cousins, great-grandparents, and great-grandchildren. The term "related" does not include other, more distant relationships.
5. Appearance
- a. Single-family residences with interior accessory dwelling units shall retain the appearance of a single-family home. A separate entrance may be permitted for an interior accessory dwelling if it is located on the side or rear of the primary dwelling and is subordinate to the primary dwelling's main entrance.

- b. Single-family residences with an attached accessory dwelling units shall retain the appearance of a single-family home. The addition shall appear as an extension of the existing single-family home’s living space with similar building materials, colors and architectural character making it appear as part of the original dwelling.
- c. Detached accessory dwelling units shall be complementary to the primary dwelling’s architectural character by using similar building materials, window types, door and window trims, roofing materials, and roof pitch and permanent foundation. The roof pitch shall have a minimum pitch of 4.5”:12” and a maximum pitch of 12”:12”.

6. Setbacks, Height Limits, Windows, Entrances, Outdoor Living Space and Size Limitations

Table 6-4

Requirements	Internal ADU	Attached ADU	Detached ADU			
			Detached ADU (Single-Story)		Detached ADU (2-Story)	
Location	Part of Primary Dwelling	Attached to Primary Dwelling	Side Yard Area	Rear Yard Area	Side Yard Area	Rear Yard Area
Maximum Height Limit ^{1&2}	Same as Primary Dwelling	Same as Primary Dwelling	16' to Roof Peak	16' to Roof Peak	25' to Roof Peak	25' to Roof Peak
Minimum Side Setbacks ³	Same as Primary Dwelling	Same as Primary Dwelling	Same as Primary Dwelling	5'	10'	10'
Minimum Rear Setbacks	Same as Primary Dwelling	Same as Primary Dwelling	Same as Primary Dwelling	10'	Same as Primary Dwelling	20'
Windows ⁴	No Restriction	No Restriction	No Restriction	Restricted	No Restriction	Restricted
Outdoor Living Space Setback ⁵	No Restriction	No Restriction	No Restriction	10'	No Restriction	10'
Entrance	Side or Rear	Side or Rear	Side or Rear	Front, Side, Rear	Side or Rear	Front, Side, Rear
Size Limit ⁶	No Limitation	50% up to 1,200 sf ⁶	50% up to 1,200 sf ⁶	50% up to 1,200 sf ⁶	50% up to 1,200 sf ⁶	50% up to 1,200 sf ⁶

1. In no case shall a detached ADU exceed the height of the primary dwelling measured at the peak of the roof.
2. Minimum roof pitch shall be 4:12; Maximum roof pitch shall be 12:12.
3. Landings in side yards shall be setback 10' from side property lines for detached ADUs.
4. Skylights, clerestory, or obscured glass must be used if the ADU is located closer than 10 feet to the side property line and closer than 20 feet to the rear property line.
5. Outdoor living space shall not be allowed within 10' of a side or rear property line. Balconies, decks or similar built 4' above finished grade shall be setback 15' from the rear property line. Setbacks for balconies, decks or similar shall be measured from the fascia.
6. 50% of primary dwelling unit’s livable space is counted (parking and non-habitable storage areas shall not be counted).

7. Parking Regulations

- a. Parking required for an ADU is in addition to the primary dwelling's required parking (reference Table 12-1).
- b. Parking spaces for an ADU cannot be located within the primary dwelling's front or side yard setbacks adjacent to a street unless on an approved driveway.

8. Building Code

- a. All construction must comply with building codes and ordinances required at the time of construction or remodeling, following Utah state code related to changes to dwellings. This includes obtaining required building and other permits.
- b. Changes to dwellings
 - i. Layton City may require physical changes to a legal non-conforming rental dwelling for:
 1. the reasonable installation of a smoke detector, a ground fault circuit interrupter protected outlet, street addressing, hand or guard rails;
 2. an egress bedroom window if the existing bedroom window is smaller than required by current state construction code.

SECTION 6. Repealer. All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 7. 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 the said ordinance.

SECTION 9. Effective Date. This ordinance shall go into effect immediately upon adoption as noted below.

****Signatures on next page****

(use above sentence if signature block does not fit on one page)

PASSED AND ADOPTED BY THE LAYTON CITY COUNCIL September 16, 2021

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



Joy Petro
JOY PETRO, Mayor

ATTEST

Kimberly S Read
KIMBERLY S READ, City Recorder

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

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

