

ORDINANCE 22-01
(Arterial and Collector Street Landscape Buffer Modification)

AN ORDINANCE AMENDING TITLE 19 ZONING, CHAPTER 19.05 GENERAL AND SPECIFIC DEVELOPMENT REGULATIONS, SECTION 000 TABLES 5-1 AND 5-2, CHAPTER 19.05 GENERAL AND SPECIFIC DEVELOPMENT REGULATIONS, SECTION 030 REQUIREMENTS SPECIFIC TO RESIDENTIAL AND AGRICULTURE ZONING DISTRICTS, LOT AREA, COVERAGE, WIDTH, MINIMUM DWELLING SIZE, HEIGHT REGULATIONS AND DWELLINGS PER LOT, CHAPTER 19.16 LANDSCAPING AND FENCING, SECTION 040 TRANSITIONAL LANDSCAPING AND FENCING, AND CHAPTER 19.16 LANDSCAPING AND FENCING, SECTION 090 LANDSCAPE REQUIREMENTS FOR ARTERIAL STREETS OF THE LAYTON MUNICIPAL CODE BY ESTABLISHING APPROPRIATE LANDSCAPE BUFFER REQUIREMENTS ALONG ARTERIAL AND COLLECTOR STREETS FOR DEVELOPMENT PROJECTS; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE

WHEREAS, it is in the City's interest to have landscape buffer areas along arterial and collector streets well maintained;

WHEREAS, the City adopted standards in 2002 to provide for appropriate landscape buffers along these major streets;

WHEREAS, there have been issues with landscape buffer areas that are located within easements on private properties;

WHEREAS, the Council wishes to adopt standards to address these issues by requiring that these buffer areas be located only within common areas owned and maintained by a homeowners association (HOA);

WHEREAS, the Layton City Planning Commission reviewed the proposed changes at their December 14, 2021 and January 25, 2022 meetings and after holding a public hearing recommended approval of the proposed changes;

WHEREAS, the 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 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 LMC Title 19;

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

SECTION 1: Amendment. "19.05.000 Tables 5-1 and 5-2" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Distance From Principal Struc. on adjacent lot	10'	10'	10'	10'	10'	10'	10'	10'	10'
STRUCTURE HEIGHT AND LOT COVERAGE									
Max. Height Principal Struc. ⁸⁹	35'	35'	30'	30'	30'	30'	35'	35'	35'
Max. Height Accessory Struc. ⁹⁺¹⁰	18'	18'	16'	16'	16'	18'	18'	18'	18'
Min. Height Principal Struc.	10'	10'	10'	10'	10'	10'	10'	10'	10'
Max. Lot Coverage ¹⁰⁺¹¹	50%	60%	60%	60%	60%	60%	70%	70%	70%
Max. Coverage for Accessory Struc. and Uses ¹¹⁺¹²	25%	25%	25%	25%	25%	25%	25%	25%	25%

1. The R-2 and R-M1 zones require 8,000 square feet for the first two dwelling units. The R-M2 and R-H zones require 10,000 square feet for the first two dwelling units.
2. Corner lots shall meet the minimum lot width requirement on both street frontages.
3. In a subdivision of eight lots or more, the lots shall be designed to provide for a variety of lot widths. Twenty-five percent of the lots in the subdivision shall have a lot width at least five feet wider at the required front setback, than the required minimum of the zone. Twenty-five percent of the lots in the subdivision shall have a lot width at least 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 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.~~
6. 7. Minimum side yard setback for an accessory structure on an interior lot is five feet if the accessory structure is located behind and separated six feet from the principal structure. Otherwise, the side yard setback for the principal structure would apply to the accessory structure. Accessory structures larger than 200 s/f or those constructed with a foundation shall be placed outside of all public utility and drainage easements. An accessory structure over 200 s/f shall not be closer than five feet to a property line. Accessory structures 200 s/f or less shall be located no closer than three feet from the side and rear property lines, as measured from the wall of the structure.
- ~~7. 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 extends 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; and the accessory structure is placed behind the rear foundation line of the principal 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. Refer to Section 19.06.020.7.~~
8. 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.
9. 10. Accessory structures built in the R-1 zoning district shall be limited to 16' 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'. 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 18' in height (measured to the peak of the roof) shall have an additional one foot setback from all property lines for every additional one foot in height. The R-S zone has a maximum height limit of 23' and the A zone has a maximum height limit of 25'.

10. ~~11.~~ R-S lots over 20,000 s/f are allowed up to 50% maximum lot coverage.

11. ~~12.~~ Refer to Section 19.06.020(6)

12. When a landscape buffer is required along an arterial or collector street as outlined in 19.16.090 and is in the ownership of a homeowners association; the primary dwelling's minimum rear and/or corner side setback may be reduced by five feet when running conterminous with a required landscape buffer.

HISTORY

Ord. No. 19-25, Amended, 9/5/2019

Ord. No. 19-38, Amended, 11/21/2019

Ord. No. 20-05, Amended, 2/20/2020

Ord. No. 20-23, Amended, 7/16/2020

Ord. No. 21-23, Amended 9/16/2021

SECTION 2: 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

...

14. Averaging of lot sizes in the "R-S" and R-1 zoning districts. The minimum required size of lots and widths of frontages in residential subdivisions located in the "R-S" and R-1 zoning districts 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. the subdivision shall be subject to the normal subdivision review and approval process;
- ~~e. 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.c. 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.d. 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;
- l.e. each lot shall comply with the minimum requirements outlined in Table 5-3

Table 5-3

Zone	Parcel/Lot Size	Minimum Dimensions			
		Averaged Lot Width	Individual Lot Width	Averaged Lot Frontage	Individual Lot Frontage
R-S	10,000	90'	80'	70'	60'
R-1-10	8,000	70'	60'	60'	50'
R-1-8	6,000	60'	50'	55'	45'
R-1-6	6,000	50'	50'	50'	40'

15. ~~Averaging of lot sizes in the “R-S” zoning district adjacent to arterial streets.~~ Residential Density within the R-S and R-1 Zoning Districts. ~~Dwellings Per Lot.~~

a. ~~Where a lot averaged subdivision is developed in the “R-S” zoning district~~ A development within an R-S or R-1 zone that is adjacent to an arterial or collector street (as identified on the Layton City Master Street Plan Map), may have an increased ~~the~~ density ~~of~~ for the area within 300' of the arterial or collector street as outlined in Table 5-4. ~~of the arterial street may be increased to a maximum of three dwelling units per acre. The remainder of the lot averaged subdivision shall be developed at a maximum density of 2.2 units per acre.~~

b. ~~Lot area, setbacks, and frontage requirements in this area are the same as outlined in Subsection 19.05.030(16) except that the front yard setback may be reduced to 25' for lots where any portion of the lot is within 300' of the arterial street.~~

Table 5-4

Zoning District	Base Density	Density within 300' of Arterial & Collector Road
R-S	2.5 units per acre	3 units per acre
R-1-10	3.5 units per acre	4 units per acre
R-1-8	4 units per acre	4.5 units per acre
R-1-6	5.5 units per acre	6 units per acre

HISTORY

- Ord. No. 97-19, Enacted, 4/17/1997
- Ord. No. 97-35, Recodified, 6/19/1997
- Ord. No. 00-34, Amended, 8/17/2000
- Ord. No. 01-34, Amended, 7/5/2001
- Ord. No. 02-41, Amended, 6/6/2002
- Ord. No. 03-07, Amended, 4/3/2003
- Ord. No. 03-25, Amended, 6/5/2003
- Ord. No. 03-41, Amended, 10/2/2003
- Ord. No. 04-27, Amended, 3/18/2004
- Ord. No. 04-69, Recodified, 12/16/2004

- Ord. No. 05-15, Amended, 4/21/2005
- Ord. No. 06-47, Amended, 10/5/2006
- Ord. No. 07-04, Amended, 1/18/2007
- Ord. No. 16-42, Amended, 11/3/2016
- Ord. No. 17-09, Amended, 4/27/2017
- Ord. No. 17-13, Amended, 6/15/2017
- Ord. No. 17-30, Amended, 8/3/2017
- Ord. No. 21-23, Amended 9/16/2021

SECTION 3: Amendment. “19.16.040 Transitional Landscaping and Fencing” of the Layton Municipal Code is hereby *amended* as follows:

A M E N D E M E N T

19.16.040 Transitional Landscaping and Fencing

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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.

TYPE	WIDTH and CONTEXT	SOLID FENCING/WALL	TREES ¹	GROUND SURFACE LANDSCAPING
S.F.	8' Street Frontage Landscaping Area ²	N/A	Deciduous or evergreen trees planted every 50' ³	Consistent with 19.16.150 Planting Design Standards and the requirements of this chapter ²
A.	5' Arterial and collector street landscape buffer along single family residential subdivisions (see 19.16.090)	6' solid vinyl, wood, masonry ⁵ , or similar material	Deciduous trees planted every 20'	Consistent with 19.16.050, 19.16.070, & 19.16.075 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 (19.08.090.7)	6' solid vinyl, wood, masonry, or similar material ⁴	Deciduous trees planted every 30'	Plant bed landscaping requirements apply
C.	8' Landscape buffer	6' solid vinyl, wood, masonry, or similar material ⁴ or 8' masonry or similar material	Deciduous or evergreen trees planted every 25'	Plant bed landscaping requirements

D.	5' Landscape buffer	6' solid vinyl, wood, masonry, or similar material ⁴ or 8' masonry or similar material ⁵	Columnar deciduous or evergreen trees planted every 20'	Plant bed landscaping requirements apply
E.	25' Height 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 and compliant with ~~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. 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.
 - b. Street trees shall be planted every 30' under this alternative.
 - c. 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.
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.
4. Six Foot Masonry Fence/Wall 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:
 - a. 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).
5. Eight Foot Masonry Fence/Wall Requirements.
 - a. An eight-foot masonry fence/wall shall be required for the following uses and development features: ~~that are adjacent to existing and future single family residential uses:~~

- i. commercial or multi-family parking lot(s) serving more than 24 vehicles adjacent to existing and future single family residential uses, not including drives or alleys accessing rear garages that may include parallel parking spaces;
 - ii. commercial or mixed-use truck loading areas adjacent to existing and future single family residential uses;
 - iii. outdoor recreation areas adjacent to existing and future single family residential uses, associated with multi-family residential or townhome development designed for the congregation of more than 10 individuals at one time; or equivalent intensive uses and development features as determined by the Land Use Authority.
- b. The fence/wall shall be installed along the entire perimeter on the inside edge of the buffer area.
- c. 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 and color of the masonry wall shall be consistent with the existing wall design as approved by the City Engineer.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997
Ord. No. 97-35, Recodified, 6/19/1997
Ord. No. 04-69, Recodified, 12/16/2004
Ord. No. 17-13, Amended, 6/15/2017
Ord. No. 21-07, Amended 6/17/2021

SECTION 4: Amendment. “19.16.090 Landscape Requirements for Arterial and Collector Streets” of the Layton Municipal Code is hereby *amended* as follows:

A M E N D E M E N T

19.16.090 Landscape Requirements for Arterial and Collector Streets

1. The following provisions shall govern double frontage lots/parcels in the R-S and R-1 ~~and R-2~~ zoning districts when ~~they double face, with~~ the rear yard backs ~~ing~~ onto or an exterior side yard faces ~~ing~~ an arterial street and/or collector street.
2. A strip of land directly adjacent to the right-of-way line of the arterial street and collector street shall ~~will~~ be set aside to provide a landscape buffer to enhance the arterial streetscape and mitigate the impacts of arterial and collector 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.~~

3. ~~Landscaping requirements:~~ The landscape buffer shall extend the full length of the development along rear and exterior side property boundaries. The construction of driveway approaches and vehicle accesses shall not be permitted within the required landscape buffer.
 - 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. ~~The following design standards shall apply:~~
 - i. ~~Buffer Type A standards provided in 19.16.040.6;~~
 - ii. ~~Standards provided in 19.16.050;~~
 - iii. ~~Standards provided in 19.16.070; and~~
 - iv. ~~Standards provided in 19.16.075.~~
 - c. ~~A six foot solid fence shall 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.~~
 - 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.~~
 - e. ~~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.~~
4. The landscape buffer area shall be identified on the recordation plat as maintained and owned in common by a homeowners association (HOA). ~~Installation and maintenance:~~
 - a. in exchange for the establishment of required landscape buffer areas, a subdivision development within 300' of the arterial and collector streets may utilize the reduced setbacks, lot averaging and density increases as outlined in 19.05.030 (14)(15) & Table 5-3. ~~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.~~

- e. ~~have an increased number of units per acre within 300' of the arterial and collector streets adjacent to an arterial street (as identified on the Layton City Master Street Plan Map), density of the area within 300' of the arterial street~~
5. A development that meets the following ~~requirements~~ criteria may have the required landscape buffer identified on the recordation plat as a landscape easement in favor of the City with maintenance provided by the individual property owner of the ~~, and is maintained by the individual property owner for~~ lot on which the landscape buffer is located:
 - a. the development has two or fewer lots/parcels that have double frontage with an exterior side or rear yard along an arterial or collector street; and
 - b. the development has no additional ~~requirements~~ elements that require the establishment of a HOA.
6. The Zoning Administrator may waive the required landscape buffer if all of the following ~~requirements~~ criteria are met:
 - a. the development has no more than one lot/parcel that requires a landscape buffer;
 - b. the lot/parcel with the required landscape buffer shares a side or rear property line with a property solely used for a utility corridor or similar facility that is a minimum of 50' wide; and
 - c. the required landscape buffer is unable to be extended to other lots/parcels in either direction due to the configuration of ~~a~~ the utility corridor facility. ~~that is a minimum of 50' wide.~~
7. The recorded plat shall provide a note ~~for~~ describing each of the following:
 - a. location and size of the landscape buffer/easement;
 - b. location and size of required fencing;
 - c. the responsible party for maintaining the landscape buffer/easement;
 - d. if the development is averaging lot sizes as outlined in 19.05.030 (14) and (15), a note shall be added to the plat stating the lots within the development are lot averaged;
8. Declaration of Covenants, Conditions, and Restrictions (CCRs) shall include the following statements:
 - a. the dedication or transfer of common area shall not take place without the homeowners association first receiving written approval from Layton City pursuant to all applicable state and city laws, rules, and ordinances in effect at the time of such proposed dedication or transfer.
 - b. each homeowner(s) shall accept the responsibility of fees related to the care, maintenance, planting, insurance, and administration of the landscape buffer, fence/wall, and park strip.
 - c. the City shall have a controlling interest in the HOA for matter of voting to dissolve the HOA and/or modification of the landscape buffer
 - i. the City shall have the ability to collect fees associated with compliance to landscape buffer maintenance requirements as outlined in Layton Municipal Code 19.16.090. The fees shall be collected through the City's Utility billing as determined by the City and under the following circumstances:
 1. the development required by the City to establish a homeowners association but the association is not established; or

2. the homeowners association for a development is no longer functioning; and/or
3. the landscape buffer/easement has a history of not being maintained.

9. Landscaping requirements:

- a. the landscape buffer shall be at least five feet wide.
- b. trees shall be located every 20' on center within the buffer area. The trees shall be deciduous and on the City's list of recommended trees for park strips or shall be an approved substitute.
- c. The following design standards shall apply:
 - i. buffer Type A standards provided in 19.16.040.6 Transitional Landscaping And Fencing;
 - ii. standards provided in 19.16.050 Landscape Plant Bed Areas;
 - iii. standards provided in 19.16.070 Landscape Park Strip; and
 - iv. standards provided in 19.16.075 Permitted Trees Within The Park Strips And Along Frontages.
- d. A six foot solid fence shall be installed along the entire perimeter on the inside edge of the landscape 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. The sidewalk and park strip shall be incorporated into the landscape buffer area and shall be subject to review and approval from the City Engineering Division for Layton City arterial or collector streets or UDOT for state roads.

10. Installation and maintenance:

- a. For the purposes of this section, the maintenance of the landscape buffer/easement shall include the landscape buffer/easement as outlined in Layton City Municipal Code 19.16.090.2, the wall/fence, sidewalk, and park strip.
- b. The developer shall be responsible for the installation of the landscape buffer and fencing/wall, and must bond for the landscape buffer improvements either with the overall subdivision or as a separate bond.
- c. The bond period for the landscape improvements may coincide with the bond period and extensions as outlined in Title 18.
- d. Prior to the landscape bond release and/or release of building permits, an HOA shall be formed by the recordation of covenants, conditions, and restrictions (CCRs) providing for the collection of fees to maintain the landscape buffer area.
- e. Maintenance of the landscape buffer area shall also include the maintenance of the sidewalk and park strip area.
- f. Irrigation for the landscape buffer/easement shall be provided through a dedicated master meter. The water bill shall be paid for by the HOA or the individual homeowner as outlined in 19.16.090.4 and 19.16.090.5.
- g. In the event that any of the trees, shrubs, and/or plantings die or do not adequately grow, they shall be promptly replaced to perpetually remain in compliance with the approved landscape plan.

- h. The City may establish and impose a fee that shall apply to each lot/parcel within the development for the care, maintenance, planting, insurance, and administration of the landscape buffer, fence/wall, and park strip under the following conditions:
 - i. a development has a required HOA but the association is not established; or
 - ii. the HOA for a development is no longer functioning; and/or
 - iii. the landscape buffer/easement has a history of not being maintained.
- i. The establishment of the fee as determined by the City shall be determined by the Zoning Administrator and may be waived with the establishment of an HOA that is in compliance with the requirements outlined in this chapter.
- j. 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.

HISTORY

Ord. No. 97-35, Recodified, 6/19/1997
Ord. No. 02-60, Enacted, 9/19/2002
Ord. No. 04-69, Recodified, 12/16/2004
Ord. No. 11-32, Amended, 10/20/2013
Ord. No. [21-07](#), Amended 6/17/2021

SECTION 5: Repealer. All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

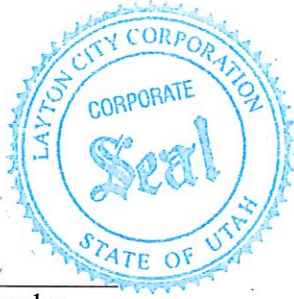
SECTION 6: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of the said ordinance.

SECTION 7: Effective Date. This ordinance shall go into effect immediately upon adoption as noted below.

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

PASSED AND ADOPTED BY THE LAYTON CITY COUNCIL ON FEBRUARY 17, 2022.

	AYE	NAY	ABSENT	ABSTAIN
Joy Petro	_____	_____	_____	_____
Zach Bloxham	✓_____	_____	_____	_____
Clint Morris	✓_____	_____	_____	_____
Tyson Roberts	✓_____	_____	_____	_____
Bettina Smith Edmondson	✓_____	_____	_____	_____
Dave Thomas	✓_____	_____	_____	_____



Joy Petro

JOY PETRO, Mayor

ATTEST

Kimberly S Read

KIMBERLY S READ, City Recorder

Gary Crane

GARY CRANE, City Attorney

Chad Wilkinson

CHAD WILKINSON, Community &
Economic Development Director