

Layton City
ORDINANCE 24-02

**DEFINE AND CLARIFY DEFINITIONS REGARDING IMPERVIOUS SURFACES,
YARD, AND YARD AREA**

**AN ORDINANCE AMENDING TITLE 19, CHAPTER 19.02 “DEFINITIONS”, 19.05
“GENERAL AND SPECIFIC DEVELOPMENT REGULATIONS”, 19.06 “LAND USE
REGULATIONS”, AND 19.12 “OFF STREET PARKING; PROVIDING FOR
REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE**

WHEREAS, Layton City is proposing to modify the requirements for the amount of impervious surface that is permitted on a residential property; and

WHEREAS, Layton City is proposing to clarify how and where impervious surfaces are calculated towards the maximum allowed on a property; and

WHEREAS, the Planning Commission has reviewed the proposed ordinances, and after holding a public hearing has recommended approval of the amendments;

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 City, UT as follows:

SECTION 1: Repealer. If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.

SECTION 2: Amendment. Section "19.02.020 " is hereby amended as follows.

...

"Gasoline, Retail": A building ... sale of food products.

"Grade, Finished Surface": The ... the finished surface grade.

"Hard Surface": A drivable surface that is constructed of concrete, asphalt, gravel, driveway pavers, or compacted road base. All such areas are to be maintained in a dust and weed free condition and shall be capable of supporting the weight of the vehicles utilizing the surface above the soil.

“Heavy Equipment Rental/Sales, Repair, ... dump trucks, and tractors.

"Hive": A frame hive, ... used to house bees.

...

"Hotel": A building containing ... be provided for guests.

"Household Pets": Animals and ... purposes, or for food.

"Impervious Surface": Any surface which prevents, delays, hinders or alters the natural absorption of water into the soil, or that causes water to run off the surface in greater quantities or faster than natural conditions. Examples of impervious surfaces include but are not limited to structures, concrete or asphalt, walkways, decks, patios, driveways, parking lots, sports courts, pools, and/or other similar surfaces.

"Indoor Commercial Amusement": A ... tag, dancing, or similar.

"Industrial": See Manufacturing.

...

"Retail Tobacco Specialty Business": ... for tobacco products.

"Reverse Vending Machine": An ... currency, for recyclable materials.

~~"Review Cycle": The occurrence of the applicant's submittal of a complete land use application; the City's review of that subdivision land use application; the City's response to that subdivision land use application, in accordance with this section; and the applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.~~

"Road, Private": A thoroughfare, ... access to adjoining properties.

"Road, Public": See Street, Public.

...

"Waste Transfer Station": Shall ... junkyards or salvage yards.

"Yard": A space on ... provided in this Title.

~~"Yard, Front": Any yard between the front lot line and the setback line of a main building and extending for the full width of the lot. (See Diagrams A-2, A-3.)~~
Corner Side": On a corner lot/parcel, the corner side yard is determined by the placement of the primary dwelling on the lot or parcel. The corner side

~~"Yard, Front Area": the area between the front of the primary dwelling and front property line extending the full width of the lot.~~
yard extends the length of the property between the front setback line and the rear property line, and between the street side property line and corner side setback line. (See Diagram A-2).

"Yard, Front": Any yard between the front lot line and the setback line of a main building and extending for the full width of the lot or parcel.

"Yard, Front Area": The area between the front foundation line of the primary dwelling and front property line extending the full width of the lot or parcel. In situations where the foundation line is not a straight line, the front yard area shall follow the course of the foundation line of the primary dwelling. (See Diagram A-2).

"Yard, Rear": A yard ... (See Diagrams A-2, A-3.)

"Yard, Sale": See Garage Sale.

...

SECTION 3: Amendment. Section "19.05.000 " is hereby amended as follows.

...

STRUCTURE HEIGHT AND LOT COVERAGE

...

Row										
Max. Height Accessory Struc. 9	18'	18'	16'	16'	16'	18'	18'	18'	18'	
Row										
Min. Height Principal Struc.	10'	10'	10'	10'	10'	10'	10'	10'	10'	
Row										
Max. Lot <u>Property Impervious Surface</u> Coverage 10	50%	60%	60%	60%	60%	60 <u>70</u> %	70%	70%	70%	

Row	25%	25%	25%	25%	25%	25%	25%	25%	25%
<u>Max. Coverage for Accessory Structures in Minimum Rear Yard Setback</u>									

1. The R-2 and ... two dwelling units.
2. Corner lots shall ... on both street frontages.

...

9. Accessory structures built ... maximum height of 25'.
10. R-S lots over ... 50% maximum lot coverage.
11. Refer to Section 19.0605.020030(617).
12. When a landscape ... a required landscape buffer.

...

SECTION 4: Amendment. Section "19.05.030 " is hereby amended as follows.

...

Row		
R-1-6	5.5 units per acre	6 units per acre

16. Setbacks for institutional ... yard setback of 40'.

17. Impervious Surfaces in Easements. Permanent structures shall not be permitted in public utility and drainage easements (PU&DE) in the rear yard, with the exception of a ten foot rear PU&DE, which may be encroached upon by up to five feet with prior written approval by City staff. At no time shall permanent structures, including footings and foundations, be closer than five feet from any property line in the rear yard area.

To view Zoning Tables ... 5-1 and 5-2

...

SECTION 5: Amendment. Section "19.05.040 " is hereby amended as follows.

1. Swimming Pool (private). ... following conditions and requirements:
 - a. It is an ... to the swimming pool;

b. If the pool is not at or below grade, it is considered an accessory structure and shall follow requirements for both swimming pools and accessory structures;

c. It is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located;

~~e. It may not be located closer than four feet to any property line or to the home on the property on which it is located; the setback is measured from the water's edge to the property line;~~

d. It may not be located closer than five feet to any property line, primary dwelling, or accessory structure on the property on which it is located; the setback is measured from the water's edge;

e. It may not encroach upon any public utility and drainage easements (PU&DE) without prior written approval by City staff;

~~f.~~ It shall not be less than 20' from any neighboring dwelling's livable space. It shall not be less than 15' from any neighbors' non-livable area of their dwelling, which includes, but is not limited to, the garage, carport, or storage areas;

~~g.~~ It shall not be less than 15' from any side lot line of an adjacent vacant lot or parcel;

~~h.~~ If pool is adjacent to the side yard of the neighboring dwelling's livable area, then the pool shall not be less than 20' from the neighboring dwelling's livable area, measured from the edge of the pool to the foundation of the neighboring dwelling's livable area. The swimming pool, or the entire property on which it is located, shall be walled or fenced to a minimum height of six feet. The fence shall be constructed to limit any individual from accessing the pool area. The fence shall comply with all current building codes. All gates on said fences shall be self-closing and fitted with a self-latching device located on the interior side of the gate;

~~i.~~ Where a swimming pool is completely enclosed in a building, the location and setback requirements for an accessory structure shall apply. Where a swimming pool is to be located in the vicinity of any septic tank or sewage disposal drain field, the location must be approved by the Davis County Health Department; and

~~j.~~ Any above ground pool lighting shall be installed and directed such that the light source or light bulb is not directly visible from any point five feet high along the neighboring property line.

2. Tennis Court (private). ... following conditions and requirements:

a. It is an ... or rear yard thereof;

...

SECTION 6: Amendment. Section "19.06.020 " is hereby amended as follows.

...

f. Is not prohibited ... Layton City Code provisions.

5. Location of attached ... of the main building.

6. ~~Maximum~~Location coverage and criteria for detached accessory structures and ~~uses~~buildings. ~~In residential zoning districts, no accessory building, structure, or group of such buildings or structures, shall cover more than 25% of the minimum rear yard space. Parking spaces and any impervious surface areas shall be included as coverage when determining the 25% of the minimum rear~~

~~yard space. In commercial and manufacturing zoning districts, the main building and all accessory buildings or uses in aggregate shall not exceed the lot coverage requirements outlined in Table 5-2.~~

~~7. Location and criteria for detached accessory structures and buildings.~~ In residential zoning districts, all accessory buildings or structures shall be located in either the rear or side yards, unless incorporated into the principal use building or structure as an architectural and integral part thereof. Corner lots may have an accessory structure located within five feet of the corner side yard property line nearest to the street when:

- a. it is not ... peak of roof; and
- b. the yard is ... the adjacent street(s); and

...

SECTION 7: Amendment. Section "19.12.040 " is hereby amended as follows.

...

6. Rear-loaded single-family, townhomes, ... distributed throughout the development.

7. Off-street parking spaces ... seven foot landscaped area.

8. R-1 and R-2 Zoning Districts. No portion of a required front yard area, other than driveways leading to a garage or approved parking area, shall be paved or improved so as to encourage or make possible the parking of vehicles therein. Paved driveways leading to a garage or approved parking area may be used as parking area for additional vehicles to meet the requirements of this chapter. Single-family and two-family dwellings and duplexes shall not have more than 50% of the front yard area hard surfaced.

9. Off-site parking may ... to the following criteria:

- a. the off-site parking ... pedestrian route of access;

...

SECTION 8: Severability. If any section, subsection, sentence, clause, or phrase of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this amendment.

SECTION 9: Effective Date. This ordinance being necessary for the peace, health, and safety of the City, shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is the more remote from the date of passage thereof.

****Signatures On Next Page****

PASSED AND ADOPTED by Layton City Council this **1st day of February, 2024.**



JOY PETRO, Mayor
Layton City

Attest:



KIMBERLY S READ, City Recorder
Layton City



DARREN CURTIS, Assistant City Attorney
Layton City



CHAD WILKINSON, Community Development Director
Layton City

City Council Vote as Recorded:	AYE	NAY	ABSTAIN	ABSENT
Zach Bloxham	<u>X</u>	—	—	—
Clint Morris	<u>X</u>	—	—	—
Tyson Roberts	<u>X</u>	—	—	—
Bettina Smith Edmondson	<u>X</u>	—	—	—
Dave Thomas	<u>X</u>	—	—	—



RECORDED this 1st day of February, 2024.

PUBLISHED OR POSTED this 6th day of February, 2024.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Layton City, hereby certifies that the foregoing Amendment was duly passed and published or posted at:

1. Layton City Center
2. Surf 'n Swim Bulletin Board
3. Davis County Library - Layton Branch

on the above referenced dates.



KIMBERLY S READ, City Recorder
Layton City