

## CHAPTER 11

**SUPPLEMENTARY REGULATIONS**

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10-11-1: **APPLICABILITY:** The regulations found in this chapter supplement or modify the zone regulations appearing elsewhere in this title. (Ord. 2004-08, 11-6-2004)

10-11-2: **OPEN SKY:** Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices, stairways and ornamental features. (Ord. 2004-08, 11-6-2004)

10-11-3:     **LOT STANDARDS:** Except for planned unit developments, and as otherwise provided for in this title, every lot, existing or intended to be created, shall have such area, width and depth as is required by this title for the zone in which such lot is located and shall have frontage upon a dedicated or publicly approved street or upon a private street or right of way approved by the planning commission, before a building permit may be issued. (Ord. 2004-08, 11-6-2004)

10-11-4:     **PRESERVATION OF LOT AREA:** No lot or parcel of land shall be reduced in size by conveyance or otherwise so that the area thereon is less than the prescribed minimum. (Ord. 2004-08, 11-6-2004)

10-11-5:     **DOUBLE FRONTAGE LOTS:** A double frontage or through lot shall have a front yard on each street on which it abuts. (Ord. 2004-08, 11-6-2004)

10-11-6:     **GORE SHAPED LOTS:** Where such a 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 ( $\frac{1}{2}$ ) 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 ( $\frac{1}{2}$ ) of the required lot width in length. (Ord. 2004-08, 11-6-2004)

10-11-7:     **PARKING IN FRONT YARDS:** No portion of a required front yard, or required side yard adjacent to a street on a corner lot, shall be used for the parking of automobiles or other vehicles unless developed as a public parking area in conjunction with a permitted commercial or industrial use, or as otherwise permitted in accordance with chapter 15 of this title. (Ord. 2004-08, 11-6-2004)

10-11-8:     **YARD SPACE ENCROACHMENTS:** No encroachments into minimum required yard spaces, other than the following, shall be permitted:

- A. Belt courses, chimneys not more than five feet (5') wide, sills and lintels or other ornamental features may project not more than eighteen inches (18") into required front, rear and side yard areas.

- B. Cornices, eaves and gutters, unwallled and unroofed porches, terraces and steps, may be projected into any required front, side or rear yard space not more than three feet (3').
- C. Fences as allowed in this chapter; and signs and lights as provided in chapter 16 of this title.
- D. Building accessories designed and intended to control light entering a building and being either a permanent or temporary part of such building may project three feet (3') into any required yard space; provided, that they are attached only to the wall of the main building.
- E. Attached covered and uncovered decks and courtyards may encroach not more than ten feet (10') into any required rear yard, and not more than five feet (5') into any required front yard. (Ord. 2004-08, 11-6-2004)

10-11-9: **CLEAR VISION TRIANGLE:** In all zones which require a front yard, no obstruction to view greater than two feet (2') in height above the level of the curb, or roadside where no curb exists, shall be permitted on any corner lot within a triangular area formed by the street property lines and a line connecting them between points forty feet (40') from the intersection of the street property lines. (Ord. 2004-08, 11-6-2004)

10-11-10: **HEIGHT OF FENCES, WALLS OR HEDGES:**

- A. Specified: Except as otherwise required in section 10-11-9 of this chapter, or as further regulated below, in any residential zone, no fence, wall or other similar device shall be constructed or placed in any required yard to a height in excess of six feet (6'). Only a nonview obstructing fence not exceeding four feet (4') in height may be constructed or placed in any required front yard. Where there is no curb, gutter or sidewalk, fences must be set back at least nine feet (9') from the edge of the street right of way.
- B. Exceptions: Exceptions to the provisions of this section include any fence or retaining wall exceeding six feet (6') in height must be approved as a conditional use.
- C. Permit Required; Fee: All persons desiring to erect a fence within any residential district within the city must obtain a fence permit. The applicant will submit the following at the city office:

1. An accurate site plan of the property drawn to scale of not less than one inch equals twenty feet (1" = 20'), showing the property lines, streets, house, setback lines and where the fence will be located. (Ord. 2004-08, 11-6-2004)

2. A permit fee shall be set forth in the fee schedule. (Ord. 2004-08, 11-6-2004; amd. 2006 Code)

**10-11-11: HEIGHT LIMITATION EXCEPTIONS:**

- A. Appurtenances: The height limitations contained in the zone regulations shall not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- B. Public Buildings And Churches: Public buildings and churches authorized in a zone may be erected to any height, provided the building is set back from each established setback line at least one additional foot for each foot of building height above the normal height limit required in the zone in which the building is located. (Ord. 2004-08, 11-6-2004)

**10-11-12: OUTDOOR STORAGE:**

- A. Prohibited Open Storage: No yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this title, shall be used for the storage of junk, building materials, debris, obsolete vehicles, or commercial equipment or materials, and no other land shall be used for such purposes, except as specifically permitted in this title.
- B. Agricultural Products: Open storage of hay or other agricultural products shall be located not less than forty feet (40') from a public street, and fifty feet (50') from any dwelling on adjoining property. (Ord. 2004-08, 11-6-2004)

**10-11-13: SWIMMING POOLS AND TENNIS COURTS:** A private outdoor swimming pool or tennis court may be constructed within the side or rear yard, as an accessory use to a main building, not

less than four feet (4') from the side and rear lot lines and not less than thirty feet (30') from any dwelling on any adjacent lot. Where an adjacent lot is vacant, a swimming pool or tennis court must be located at least fifteen feet (15') from any side lot line of any neighboring lot. Where a swimming pool is completely enclosed in a building, the location requirements for accessory buildings shall apply. Where any swimming pool is to be located in the vicinity of any septic tank or sewage disposal field, the location of the same shall first be approved by the county health department. (Ord. 2004-08, 11-6-2004)

**10-11-13-1: PRIVATE SWIMMING POOLS:** No such pool shall be allowed in any zone except as an accessory use and unless it complies with the following conditions and requirements:

- A. It is an accessory use to a main building and is located within the side or rear yard thereof.
- B. It may not be closer than four feet (4') to any property line of the property on which it is located.
- C. It shall not be less than twenty feet (20') from any neighbor's dwelling, or fifteen feet (15') from any side lot line of an adjacent vacant lot.
- D. It shall not be less than fifteen feet (15') from any neighbor's nonlivable area of their dwelling, which includes, but not limited to, the garage, carport or storage areas.
- E. If on a corner lot where the rear lot line is coterminous with the side lot line of an adjoining lot, it shall be located not less than fifteen feet (15') from such lot line.
- F. The swimming pool, or the entire property on which it is located, shall be walled or fenced to a minimum height of six feet (6'). Where a swimming pool is located less than thirty feet (30') from any property line, the pool shall be enclosed with a view obstructing wall or fence not less than six feet (6') in height. Vegetation on or near a fence shall not be considered view obstructing. All gates on said fences shall be fitted with a self-closing and latching device located on the interior side of the gate.
- G. Where a swimming pool is completely enclosed in a building, the location requirements for accessory and main buildings shall apply. Where a swimming pool is to be located in the near vicinity of any

septic tank or sewage disposal drain field, the location must be approved by the Davis County health department.

- H. Any pool lighting shall be installed and directed in such a manner as to not cause disturbance to neighboring residents. (Ord. 2005-09, 11-15-2005)

10-11-14: **SEWAGE DISPOSAL:** All commercial and industrial facilities shall hook up to a sanitary sewer system. All residential buildings shall be required to hook up to a sanitary sewer if such system is available within three hundred feet (300') of the building. Otherwise, the Davis County health department shall approve all sewage disposal plans in advance. (Ord. 2004-08, 11-6-2004)

10-11-15: **AGRICULTURAL BUILDINGS:** No hay barn, silo, equipment shed or storage building may be located closer than ten feet (10') to any side or rear lot line and one hundred feet (100') to any public street or dwelling on adjacent property; provided, that greenhouses or other shelters used in connection with the growing of ornamental plants and flowers may be located as an accessory building. All pens, sheds, barns, coops and stables housing animals and fowl shall be located not less than one hundred fifty feet (150') from a public street and one hundred feet (100') from any main building on adjacent lots. (Ord. 2004-08, 11-6-2004)

10-11-16: **MAXIMUM COVERAGE OF REAR YARD:** No accessory building or structure or group of such buildings or structures, including swimming pools, nor any parking space in any residential zone, shall cover more than twenty five percent (25%) of the required minimum rear yard space. (Ord. 2004-08, 11-6-2004)

10-11-17: **MINIMUM DWELLING HEIGHT:** No dwelling shall be erected where more than twenty five percent (25%) of its main floor area is, or will be, below the finished surface grade at the front yard level. No basement houses shall be permitted. (Ord. 2004-08, 11-6-2004)

10-11-18: **COMMERCIAL ACCESS ROADS:** No private access road to a commercial or industrial property shall be permitted or used through any residential zone. (Ord. 2004-08, 11-6-2004)

10-11-19: **RESIDENTIAL FACILITY FOR DISABLED PERSONS:**

A. Definitions: As used in this section:

**DISABLED PERSON:** A person who has severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely, and which results in a substantial functional limitation in three (3) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

**RESIDENTIAL FACILITY FOR DISABLED PERSONS:** One-family, two-family or multiple-family dwelling units, consistent with existing zoning of the desired location, that are occupied on a twenty four (24) hour basis by eight (8) or fewer disabled persons in a family type arrangement under supervision of a house family or manager, and that conforms to all applicable standards and requirements of the Utah department of human services, and is operated by or operated under contract with that department.

B. **Conditional Approval In Residential Zones:** An application for a residential facility for disabled persons in any residential zone in the city shall follow the procedures for conditional use permits (see chapter 12 of this title). A conditional use permit for such a facility shall be granted by the planning commission upon demonstration that the facility will meet the following conditions:

1. The facility meets all municipal building, safety and health ordinances applicable to a similar dwelling;

2. The operator of the facility will provide for twenty four (24) hour supervision of the residents of the facility;

3. The operator of the facility establishes a community advisory committee through which all complaints and concerns of neighbors may be addressed;
  4. The operator of the facility provides adequate off street parking, as determined by the planning commission;
  5. The facility be capable of use as a residential facility for disabled persons without structural or landscaping alterations that would change the structure's residential character;
  6. No such facility exists within three-fourths ( $\frac{3}{4}$ ) mile of another residential facility for disabled persons.
- C. Termination: A permit for a residential facility for disabled persons under this section is nontransferable and terminates if the structure is devoted to a use other than such a facility. A permit also terminates if the facility fails to comply with any of the provisions of this section, or fails to meet the applicable state statutes and/or regulations of the state department of human services. (Ord. 2004-08, 11-6-2004)

10-11-20: **KENNEL REGULATIONS**<sup>1</sup>: It shall be unlawful for any person to operate a kennel within the city limits without first obtaining a conditional use permit from the city. A public hearing will be held with the planning commission and all neighbors within three hundred feet (300') will be notified. Said permit shall include a kennel license and shall be in addition to all other required zoning, health inspections and permits as required by city, county and state law. After paying the license fees and receiving necessary approval from the city, animal owners must get approval from the Davis County animal control and health departments. All kennel licenses must be renewed yearly. The following conditions concerning a kennel must be met:

- A. A kennel must be located at least one hundred feet (100') from any adjacent property lines.
- B. As a conditional use, any complaints received by the city will be heard by the city council, and could result in the revocation of the license. (Ord. 2004-08, 11-6-2004)

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1. See title 5, chapter 2 of this code for animal control regulations and section 10-2-1 of this title for definition of "kennel".

1. The facility meets all municipal building, safety and health ordinances applicable to a similar dwelling;
2. The operator of the facility will provide for twenty four (24) hour supervision of the residents of the facility;
3. The operator of the facility establishes a community advisory committee through which all complaints and concerns of neighbors may be addressed;
4. The operator of the facility provides adequate off street parking, as determined by the planning commission;
5. The facility be capable of use as a residential facility for disabled persons without structural or landscaping alterations that would change the structure's residential character;
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*3 or more dogs  
4 mo + older*

10-11-20

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- B. As a conditional use, any complaints received by the city will be heard by the city council, and could result in the revocation of the license. (Ord. 2004-08, 11-6-2004)

**10-11-21: ACCESSORY DWELLINGS:**

- A. Purpose: The purpose of this section is to establish use and development regulations for accessory dwelling units (ADU). These regulations are adopted for the following purposes:
1. To allow city residents to house elderly parents, disabled relatives, and other family members under conditions where those family members can enjoy a degree of independence while also having assistance readily available when needed.
  2. To accommodate such housing in single-family residential neighborhoods with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion, and compatible scale and appearance of residential buildings.
  3. To prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, building code violations, and associated decline in quality of single-family residential neighborhoods.
  4. To establish uniform standards for ADUs.
- B. Scope: The requirements of this section shall apply to any ADU within the city. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this code, and other laws.
- C. Permitted Use: An ADU that conforms to the development standards shall be a permitted use in all R-1 zones subject to the issuance of a permit.
- D. Development Standards; Permitted Use: The development standards set forth in this subsection shall apply to any ADU allowed as a permitted use:
1. Location: An accessory dwelling unit (ADU) shall be allowed only within or attached to an owner occupied single-family dwelling. In addition, an ADU shall not be allowed on a lot or parcel which fronts onto a street (whether a public or private street) which has a paved roadway less than thirty feet (30') wide.
  2. Number Of Accessory Dwelling Units: A maximum of one ADU shall be allowed within or attached to each owner occupied single-family dwelling. No lot or parcel shall contain more than one ADU.

3. **Parking:** A single-family dwelling with an ADU shall provide adequate off street parking as determined by the city. No more than two (2) parking stalls shall be within the side or rear yard setbacks adjacent to a street. No parking for the ADU shall be allowed within the front yard setback area. Parking stalls shall be paved with concrete, masonry, or concrete pavers.

4. **Utility Metering:** No separate utility metering for the ADU shall be allowed, and all utility services shall be in the property owner's name.

5. **Minimum And Maximum Size Of Accessory Dwelling Unit:** An ADU shall not be larger than the single-family dwelling to which it is accessory. An ADU is not subject to other minimum or maximum square footage requirements; provided that dimensions and sizes of living areas, kitchen areas, sleeping areas and bathroom facilities shall comply with applicable provisions of the current building codes adopted by the city.

6. **Construction Codes:** An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, created as a separate dwelling, or subsequently remodeled. This shall include the obtaining of a building permit and/or other permits as the codes may require.

7. **Building Entrances:** An ADU that is added onto an existing single-family dwelling or is part of an approved new single-family dwelling shall not have a separate entrance the sole purpose of which is to provide access to the ADU at the front or side of the building facing a street.

8. **Architecture:** An ADU that is added onto an existing single-family dwelling or a new single-family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the scattered placement of garage doors, carports, or number or location of outside entries or porches. The architectural design and materials of an addition for an ADU shall match the existing single-family dwelling so that the addition appears to be part of the original building.

9. **Access Between Units:** An unrestricted passage shall exist between an ADU and the principal single-family dwelling in which it is located. Use of such passage shall not require going out of doors, or passing through a garage or unfinished part of the dwelling.

10. Compensation: The property owner shall not charge any rent for the use of the ADU by any occupant thereof.

- E. Notice: Upon approval of an accessory dwelling unit permit by the city, the owner of the property where the ADU is located shall execute a notice of accessory dwelling unit approval. The permit will expressly state that the use will terminate upon sale or transfer of the property. (Ord. 2010-01, 6-1-2010)

