

CHAPTER 11**SUPPLEMENTARY REGULATIONS****SECTION:**

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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 (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 (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 non-view 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: 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 ten 10 feet to any interior 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.
- D. It shall be no closer than seven (7') feet from the top of a slope, unless designed to support the water in the pool without soil support.
- E. 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 wall or fence not less than six feet (6') in height. All gates on said fences shall be fitted with a self-closing and latching device located on the interior side of the gate.
- F. If the pool is equipped with a Pool Safety Cover as specified in ASTM standard F1346-91 and when installed and maintained properly and in accordance with the installation instructions, a 6' high fence may be eliminated on the side(s) and rear yards.
- G. Landscaping in the yard where the pool is constructed shall be designed and maintained in such a manner as to ensure that all drainage shall be collected and conveyed to the public way without draining onto adjacent neighbors.
- H. 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 beforehand in writing by the Davis County Health Department.
- I. Any pool lighting shall be installed and directed in such a manner as to not cause disturbance to neighboring residents.

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. (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 for use 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 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 (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 REGULATIONS¹: 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)
 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".

- A. Purpose and Intent.** The purposes of this Section are to assist in the creation of new housing units; to support a more efficient use of existing housing stock and infrastructure; to provide housing that responds to changing family needs, smaller households, and increasing housing costs; and to provide reasonable regulations for the construction and use of Accessory Dwelling Units within the City.

The Planning Commission is vested with authority to review and evaluate applications under this Section and to approve, approve with conditions, or deny any such application. Conditions imposed for approval shall be designed to mitigate any adverse effects of an ADU.

B. Limitations on Accessory Dwelling Units

1. External Accessory Dwelling Units (“EADU”) are not allowed as a permitted or conditional use in any zone of the city. Mobile homes, recreational vehicles, travel/camp trailers, shipping container-based units, storage sheds, and any similar units are prohibited for use as an EADU or for any other dwelling purpose under this Title.
2. Internal Accessory Dwelling Units (IADUs) – Use and Location. Subject to the requirements of this Section, one IADU is allowed as a permitted use in a single-family dwelling in any zone that is primarily for single-family residential uses, e.g., the City’s A-1, R-S-12, R-1-12, and R-1-10.
 - a. The IADU shall be located within the footprint of the primary dwelling at the time the IADU is created.
 - b. The IADU shall be used exclusively for the purpose of offering a long-term rental of thirty (30) days or longer.
 - b. The IADU may house a maximum of four (4) unrelated tenants.
 - d. No IADU shall be created, established, or occupied in a single family dwelling unless the owner of the property occupies either the main dwelling or the IADU. The term “owner occupied” shall be defined as full time residency (as defined by Utah State Code) within a home by the bona fide property owner as shown on the Davis County tax assessment rolls.

C. General Regulations: The following regulations shall apply to all IADUs in the City.

1. Parking. A primary dwelling with an IADU shall provide parking in a manner consistent with the City’s parking ordinances, rules, and regulations. In addition to the parking standards of the City and in the applicable Zone, there shall be at least one (1) off-street parking stall for an IADU. If an IADU is created within a garage or carport, the parking spaces previously contained within the garage or carport shall be replaced with similar facilities. On street parking shall not be permitted at any time.
2. The minimum size of the IADU shall be four hundred (400) square feet of living space within the primary dwelling.
3. The IADU shall comply with all applicable building, health, and fire codes.
4. The IADU shall be designed in a manner that minimizes any changes in the appearance

of the primary dwelling as a single-family dwelling.

5. An IADU is prohibited within any mobile home (as defined by U.C.A. §57-16-3).
6. If the primary dwelling is served by a septic tank, written approval shall be required from the Davis County Health Department.
7. The lot or parcel on which the primary dwelling is located shall be at least 10,000 square feet in size.
8. An IADU shall provide kitchen, at least one bedroom, and a bathroom with a toilet, sink, and tub/shower that are separate from those provided within the primary dwelling unit. The International Building Code will be used to define what constitutes various rooms in the IADU.
9. The IADU shall share all utility meters with the primary residence.
10. An IADU will not be given a separate address by the City. Residences with IADUs may refer mail to the IADU by the same street address as the residence and refer to the owner-occupant as located in unit "A" and the tenant(s) in the IADU as located unit in "B," or by similar logical distinction.
11. An IADU shall not be used as a Short-term Rental, shall not be listed for rental on a short-term rental website or for rental in any other media or publication.

D. IADU Application and Permit:

1. Every owner of an IADU in the City shall obtain a permit before any portion of a single-family residence is used for that purpose. A permit issued under this Section does not run with the land and expires upon the residence failing to be owner-occupied or upon the sale of the residence.
2. An application for an IADU permit shall be filed with the City Manager and accompanied by the fee required by the Consolidated Fee Schedule.
3. An applicant shall file a site plan and floor plan with the application. The site plan and floor plan shall demonstrate that all requirements of this section are met, including without limitation requirements related to: compliance with all health, building and fire codes; parking requirements; size of the IADU; utility services; and kitchen, sleeping and sanitary facilities.
4. The site plan and floor plan shall be drawn accurately to scale showing property lines and dimensions, the location of existing buildings or additions, distances from buildings or additions to property lines, the location of parking stalls, utility meters, entrances to the home, and areas within the single-family residence to be used as an IADU.
5. At least one inspection will be required by the city to verify that all requirements have been followed.

E. Noncompliance; Revocation or Withdrawal of Permit. A permit for an IADU may be

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revoked or withdrawn in the following circumstances:

1. The conditions upon which the permit has been issued no longer are maintained by the property owner;
2. The requirements of this Section or the permit have been violated; or
3. The property owner applies for a withdrawal by submitting a sworn declaration that the property owner or lawful tenant is not and will not allow any occupant to use the accessory dwelling unit in violation of this section.

F. Enforcement; Revocation of Permit. In the event of a violation of this Section, enforcement and revocation proceedings may be commenced as provided in this Chapter. (2022-005 Ord. 08-02-2022)

10-11-22: SHORT TERM RENTALS:

- A. Short term rentals will not be permitted within the City, whether as a vacation rental or otherwise. The definition of a short term rental is any rental of a residence for less than 30 days. (2022-005 Ord. 08-02-2022)