

WORK MEETING AGENDA OF THE CITY COUNCIL OF LAYTON, UTAH

PUBLIC NOTICE is hereby given that the City Council of Layton, Utah, will hold a regular public meeting in the Council Conference Room in the City Center Building, 437 North Wasatch Drive, Layton, Utah, commencing at **6:00 PM on September 17, 2015.**

Item:

1. Discussion - Recreation, Arts, Museum and Parks (RAMP) Tax Funds Distribution

2. Rezone and Parcel Split Request – Flint/Ashby – A (Agriculture) to R-S (Residential-Suburban) – Ordinance 15-27 – Approximately 2202 West Gentile Street

3. Zoning Ordinance Amendment – Title 19 (Zoning), Sections 19.02.020, 19.06.010 (Table 6-1, 6-2) and 19.06.080(3) “Beekeeping” – Ordinance 15-17

In the event of an absence of a full quorum, agenda items will be continued to the next regularly scheduled meeting.

This meeting may involve the use of electronic communications for some of the members of the public body. The anchor location for the meeting shall be the Layton City Council Chambers, 437 North Wasatch Drive, Layton City. Members at remote locations may be connected to the meeting telephonically.

Notice is hereby given that by motion of the Layton City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed meeting for any of the purposes identified in that Chapter.

Date: _____ **By:** _____
Thieda Wellman, City Recorder

LAYTON CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify Layton City eight or more hours in advance of the meeting. Please contact Kiley Day at 437 North Wasatch Drive, Layton, Utah 84041, 801.336.3825 or 801.336.3820.

**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 1.

Subject:

Discussion - Recreation, Arts, Museum and Parks (RAMP) Tax Funds Distribution

Background:

Mr. David Price, Parks and Recreation Director for Layton City, will discuss with the Mayor and Council the RAMP Tax Funds distribution.

Alternatives:

N/A

Recommendation:

N/A

1.1 – Recreation, Arts, Museum, and Parks (RAMP) Tax Commission

1.1.1 Provisions.

This Chapter shall be known as “the local sales and use tax to fund Recreation, Arts, Museum, and Parks (RAMP) improvements, facilities, and organizations for Layton City.”

1.1.2 Statutory authority.

The authority for imposing this tax is derived from Title 59, Chapter 12, Section 701 et seq., Utah Code Annotated 1953.

1.1.3 Purpose of provisions.

This Chapter is enacted to provide the City with a source of revenue for the purposes of funding recreation, arts, museum, and cultural facilities and organizations, and parks improvements for the City pursuant to, and in accordance with, Section 59-12-701 et seq., Utah Code Annotated; and policies and procedures enacted by the City to establish, collect, and use the revenues as provided by State statute.

1.1.4 Imposition –Amount.

The RAMP Tax imposes a one-tenth of one percent (0.1%) sales and use tax for funding recreation, arts, museum, and cultural facilities and organizations, and parks improvements for the City of Layton.

1.1.5 Use of revenues.

The revenues received from the local sales and use tax levied herein (RAMP Revenues) shall be used solely for the purposes of funding City owned recreation, arts, museum, and cultural facilities and organizations, parks improvements and facilities, and the ongoing operating expenses of private non-profit organizations, as such terms are defined in State law, this Chapter, and that do business in the City, and serve a majority of Layton residents, and in accordance with Utah Code Annotated 59-12-701 et seq., 1953 as amended.

1.1.6 Collection.

Taxes imposed under this Chapter shall be:

- A. Levied at the same time and collected in the same manner as provided in Title 59, Chapter 12, Part 2, the Local Sales and Use Tax Act, except that the collection and distribution of the tax revenue is not subject to subsection 59-12-205(2) through (9); and
- B. Levied for the period authorized in accordance with Section 59-12-703, Utah Code Annotated.

- C. The records of the State Tax Commission, the Commission's performance under the contract, and the records of any taxpayer subject to this tax shall be subject to review and audit as provided in the City's contract with the Commission for the collection and distribution of the local sales and use tax and as provided by law.

1.1.7 RAMP Advisory Commission.

- A. There is hereby created an advisory board known as the RAMP Advisory Commission and its members shall be appointed as set forth herein and in accordance with statutory requirements.
- B. The RAMP Advisory Commission shall consist of nine (9) members with four (4) standing members and five (5) at large members. The Mayor may appoint one City Council member to serve as a non-voting liaison to the RAMP Advisory Commission.
- C. The four (4) standing members shall include; Layton City's Parks and Recreation Director or designee (parks representative), Layton City's Recreation Supervisor or designee (recreation representative), Heritage Museum Curator or designee (museum representative), and the Davis Arts Council's Executive Director or designee (arts representative). The five (5) at large members shall be appointed, by the Mayor upon advice and consent of the City Council, from among the residents of the municipality.
- D. The RAMP Advisory Commission shall select annually, during the first regularly scheduled meeting in October, a Chairperson, Vice Chairperson, and any other officers deemed necessary, all of whom may be selected to succeed themselves. Such officers shall be elected from among the at large members of the RAMP Advisory Commission by majority vote of the total membership, with their duties and responsibilities being set forth in the RAMP Advisory Commission Bylaws and Rules of Procedure.
- E. At large members may receive an expense allocation per regular meeting, as set by the Layton City Council.
- F. The term of office for each at large member shall be three (3) years. The terms will be staggered so that two (2) at large members' terms of office will expire on September 30th of a given year, two (2) at large members' terms of office that will expire on September 30th of the second year, and one (1) at large member's terms of office that will expire on September 30th of the third year, and then continuing each year in that order. No at large member shall serve more than three (3) consecutive terms.
- G. Appointed members of the RAMP Advisory Commission may be removed from office with or without cause by a majority vote of the City Council. A member may be removed for failure

to attend three (3) consecutive commission meetings or failure to attend seventy-five percent (75%) of the meetings in a six (6) month period. Vacancies occurring in an unexpired term are to be promptly filled as an original appointment, and are only appointed for the remainder of the unexpired term.

- H. The RAMP Commission shall follow the RAMP Advisory Commission Bylaws and Rules of Procedure governing the conduct of meetings and operation of the RAMP Advisory Commission adopted by the City Council. These bylaws shall govern the RAMP Advisory Commission and establish the procedures for performing its duties. The RAMP Advisory Commission, upon its own initiative, may amend the Bylaws and Rules of Procedure, and thereafter, such amendments shall be submitted to the City Council for final approval and adoption.
- I. The minutes of each meeting of the RAMP Advisory Commission shall be recorded and preserved. Minutes of each meeting shall be approved and signed by the Chairperson. All official actions shall be recorded therein, and copies of all letters to and from the Commission shall be preserved. All records of the Commission are considered public records, unless designated otherwise.
- J. The RAMP Advisory Commission shall advertise for, collect, review, and prioritize all grant applications and make a yearly recommendation to the City Council for the expenditure of all RAMP Funds as outlined in the RAMP Advisory Commission Bylaws and Rules of Procedure.
- K. The RAMP Advisory Commission shall function as a planning and advisory body for the City Council in all matters pertaining to the expenditure of the RAMP Revenues. The RAMP Advisory Commission is not empowered to bind or obligate the City or any of its departments.

1.1.8 Distribution of revenues – Determination of operating expenses.

- A. The distribution of revenues and determination of operating expenses shall be in accordance with Section 59-12-701 et seq. of the Utah Code and the provisions of this Chapter and shall be subject at all times to the policies and procedures adopted by the City Council.
- B. The RAMP Advisory Commission shall create an administrative budget to be turned into the City for approval by the City Council as part of the City's normal yearly budgeting process. This administrative budget may not exceed 1.5% of the RAMP funding collected during the preceding calendar year, as defined by State statute.

- C. Distribution. It is the intent of the Council to distribute revenues derived from the RAMP Fund to City owned recreational, arts, museum, and parks improvements and new facilities, and the ongoing operating expenses of private non-profit cultural organizations and facilities, as such terms are defined in State law, that do business in the City, and serve a majority of Layton residents as follows:

Major Project Grants

Major Projects Grants are projects submitted to the RAMP Advisory Commission which are in excess of \$200,000 and are to fund City owned recreational, arts, museum, and parks improvements and new facilities, and cultural organizations and facilities. Priority may be given to projects with partnering agencies, or other entities that can provide donations, property, or matching funds. These projects shall submit a letter or letters of intent from the individual(s), if an individual donor, or, if the donor is a corporate donor or governmental donor, a letter of intent from the chief executive officer (or corporate resolution), or in the case of a governmental entity a resolution or letter of commitment from the board or person having authority and is authorized to allocate the funds.

Major Projects funding guidelines; during a given calendar year the amount of RAMP Funds allocated to Major Projects can change but as a general guide 50% of funds received shall be targeted toward this category of projects.

Parks and Recreation Grants

Parks and Recreation Grants are projects submitted to the RAMP Advisory Commission which are to fund City owned parks and recreational improvements and new facilities. Priority may be given to projects with partnering agencies, or other entities that can provide donations, property, or matching funds. These projects shall submit a letter or letters of intent from the individual(s), if an individual donor, or, if the donor is a corporate donor or governmental donor, a letter of intent from the chief executive officer (or corporate resolution), or in the case of a governmental entity, a resolution or letter of commitment from the board or person having authority and is authorized to allocate the funds.

Parks and Recreation Grant funding guidelines; during a given calendar year the amount of RAMP Funds allocated to Parks and Recreation Grants can change but as a general guide 25% of funds received shall be targeted toward this category of projects.

Arts and Museum Project Grants

Arts and Museum Grants are projects submitted to the RAMP Advisory Commission which are to fund City owned arts and museum improvements and new facilities. Priority may be given to projects with partnering agencies, or other entities that can provide donations, property, or matching funds. These projects shall submit a letter or letters of intent from the individual(s), if an individual donor, or, if the donor is a corporate donor or

governmental donor, a letter of intent from the chief executive officer (or corporate resolution), or in the case of a governmental entity a resolution or letter of commitment from the board or person having authority and is authorized to allocate the funds.

Arts and Museum Grant funding guidelines; during a given calendar year the amount of RAMP Funds allocated to Arts and Museum can change but as a general guide 15% of funds received shall be targeted toward this category of projects.

Minor Grants

Minor Grants are projects submitted to the RAMP Advisory Commission which fund improvements to City owned facilities, the ongoing operating expenses of City owned recreational facilities/programs, or the ongoing operating expenses of private non-profit organizations, as such terms are defined in State law, that do business in the City, and serve a majority of Layton residents, and in accordance with Utah Code Annotated 59-12-701 et seq., 1953 as amended.

Minor Grants that fund operating expenses cannot exceed one-fourth of the applying entity's annual yearly operating budget for an average of the past 3 years, excluding any past grant funds.

Minor Grant funding; during a given calendar year the amount of RAMP Funds allocated to Minor Grants shall be from 8.5% to 10% of RAMP funds received.

- D. Any available funds not allocated in any given year shall be available for allocation in the following year.
- E. RAMP funds shall be received from the State taxing agency for a calendar year. The RAMP Advisory Commission shall prepare and present a prioritized listing and a recommendation of grant awards to the City Council on or before the first day of May. The awarding of RAMP funds by City Council should be completed on or before the first day of June. The distribution of funds collected in the previous calendar year will be available after the first day of July.
- F. Contract Preparation. Upon awarding of RAMP funds by the City Council, the recipient shall enter into an agreement to be approved by the City Council. Major Grant funds will be distributed only after all other funding is in place for the proposed project and construction contracts have been executed; or distributed as reimbursement after the project has been completed. That decision is at the discretion of the City Council. All RAMP Funds must be expended on the approved project within one year after the funds are approved for distribution by the City Council, unless an extension is applied for and granted by the City Council.

**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 2.

Subject:

Rezone and Parcel Split Request – Flint/Ashby – A (Agriculture) to R-S (Residential-Suburban) – Ordinance 15-27 – Approximately 2202 West Gentile Street

Background:

The property proposed for rezone to R-S and parcel split is .50 acres (21,780 square feet) located on the north side of Gentile Street at 2202 West. The rezone area is occupied by a single family home situated at the northwest corner of Gentile Street and 2200 West. The rezone area is surrounded by A zoning to the north, west and south; and R-S zoning to the east.

Alternatives:

Alternatives to the first motion: Alternatives are to 1) Adopt Ordinance 15-27 approving the rezone request from A to R-S based on consistency with General Plan land use and density recommendations; or 2) Not adopt Ordinance 15-27 denying the rezone request.

Alternatives to the second motion: Alternatives are to 1) Approve the parcel split subject to meeting the requirements of the R-S zone; or 2) Not approve the parcel split.

Recommendation:

The Planning Commission reviewed this rezone and parcel split request on August 25, 2015. The Planning Commission recommends the Council adopt Ordinance 15-27 approving the rezone request from A to R-S and the parcel split based on consistency with General Plan land use recommendations and based on conformance with the lot area and width requirements of the R-S zone.

Staff supports the recommendation of the Planning Commission.

**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 3.

Subject:

Zoning Ordinance Amendment – Title 19 (Zoning), Sections 19.02.020, 19.06.010 (Table 6-1, 6-2) and 19.06.080(3) “Beekeeping” – Ordinance 15-17

Background:

This proposed amendment to the zoning ordinance provides regulations and guidelines for the keeping of bees on single family residential lots and regulations for the keeping of bees on Agriculture parcels. Staff first presented research to the Planning Commission for residential beekeeping on April 14, 2015, during Work Meeting. Since that time Staff has compiled research and collected feedback from the Planning Commission, the public, the Utah Department of Agriculture and Food, and the Davis County Beekeepers Association to determine appropriate language for regulating the keeping of bees in residential and agricultural zoning districts. On June 9, 2015, the Planning Commission held a public hearing and continued their review of the beekeeping ordinance for a month to allow additional time for Staff to make requested adjustments to the ordinance. On July 14, 2015, following a public hearing, the Planning Commission forwarded a positive recommendation to the Council to approve regulations and guidelines for beekeeping in residential and agricultural zoning districts.

The ordinance amendment includes ownership and maintenance requirements for the keeping of bees in the residential and agriculture zoning districts. Setback, height and flyway barrier requirements for the placement of hives are also provided. The number of hives in a residential zone is based on the size of the lot up to one acre. Setbacks are also required in the A zoning district with no limit on the number of hives if the lot is over one acre.

On August 6, 2015, the Council reviewed the proposed beekeeping ordinance in a Work Meeting. During the discussion, the Council asked about fencing requirements for the yard area (property) containing beehives. It was mentioned that the regulations for “residential chickens” requires that all animals must be kept in an enclosed area by a fence sufficient to prohibit escape. Some Council members were concerned for the safety of others not owning beehives. During the June 9, 2015, Planning Commission public hearing, the fencing issue was discussed. The Davis County Beekeepers Association and the Utah Department of Agriculture and Food recommend against requiring fencing. These two groups indicated that requiring a fence would impose a costly and excessive financial burden on the beekeeper. In addition, none of the ten beekeeping ordinances included in Staff research required property fencing besides that of a flyway barrier. Based on this discussion, the fencing requirement was not included in the Planning Commission’s recommendation.

Options for the Council to consider regarding fencing in single family residential zones are represented on the attached Table 1.

Alternatives:

Alternatives are to 1) Adopt Ordinance 15-17 amending Title 19, sections 19.02.020, 19.06.010 (Table 6-1, 6-2) and 19.06.80(3) establishing regulations for beekeeping in residential and agricultural zoning districts; 2) Adopt Ordinance 15-17 with modifications or additions; or 3) Not adopt Ordinance 15-17 leaving the existing regulations for beekeeping in agricultural zoning districts in place.

Recommendation:

On July 14 2015, the Planning Commission unanimously recommended the Council adopt Ordinance 15-17 amending Title 19, sections 19.02.020, 19.06.010 (Table 6-1, 6-2) and 19.06.80(3) to establish regulations for beekeeping in residential and agricultural zoning districts.

Staff supports the recommendation of the Planning Commission.