

**AMENDMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
EVERGREEN FARMS PHASE 1 SUBDIVISION**

This amendment is made and executed on the date set forth below.

**RECITALS**

WHEREAS, the original Declaration of Covenants, Conditions and Restrictions, and Reservation for Evergreen Farms Phase 1 Subdivision was recorded in the Office of the County Recorder of Davis County, Utah on August 6, 2014 as Entry No. 2816851, (the "Declaration"), Book 6075, beginning at Page 252-295, with respect to that certain parcel of real property situated in Davis County, State of Utah, and more fully described on Exhibit "A" attached hereto and by this reference made a part hereof.

WHEREAS, this amendment is intended to allow Owners to operate low traffic businesses from the Property, allow more freedom in the type of animals allowed, and allow solar collectors;

WHEREAS, Section 10.7 of the Declaration provides that it may be amended by the affirmative vote of at least 60% of the Owners of the Lots;

WHEREAS, at least 60% of the Owners of the Lots have approved the following amendment;

NOW THEREFORE, The Evergreen Farms Phase 1 Subdivision Owners Association, Inc., (the "Association") hereby declares and amended as follows:

**AMENDMENT I**

**FAILURE TO ACT**

Section 4.2(d) of the Declaration is deleted in its entirety and replaced by the following:

4.2 (d) *Failure to Act.* If the Board has not approved or rejected any submission within 45 days after the submission of complete plans, the submission shall be deemed to have been approved.

**AMENDMENT II**

**BUSINESS OR COMMERCIAL USE**

Section 5.3 of the Declaration is deleted in its entirety and replaced by the following:

5.3 No Business or Commercial Uses. No portion of the Subdivision may be used for any commercial or business use, provided however that nothing in this provisions is intended to prevent the use by any Owner of his Lot for a home occupation that meets the conditions of Layton City Code Section 19.06.030 which includes:

- (a) The occupation shall be limited to members of the family who reside on the premises;
- (b) The occupation shall involve the use of no more than one (1) room in the dwelling or the equivalent of twenty percent (20%) of the ground floor area, whichever is greater. Home pre-school/day care shall meet all state and City requirements and building code requirements for the number of children allowed. If there are conflicts with any regulations the more restrictive requirements shall apply;
- (c) No home occupation shall carry on activities outside of the dwelling not normally associated with residential use, except outside private swimming pools or tennis courts may be used for instruction and play areas provided for home pre-school/day cares. All outside home occupation activities shall be within fenced yard spaces. No portion of any home occupation shall be conducted in the attached or detached garage or car port section of the dwelling nor shall the use of any accessory building, yard space, or storage be allowed;
- (d) The occupation shall be conducted in such a manner that the average neighbor, under normal circumstances would not be aware of its existence;
- (e) The occupation shall not be associated with noise, dust, odors, noxious fumes, glare, or other nuisances which are discernable beyond the premises;
- (f) No objectionable traffic or parking shall be allowed around the premises;
- (g) No occupation shall create a hazard by using flammable explosives or other dangerous materials;
- (h) The occupation shall include no window displays and signage shall be limited to an identification sign which does not exceed four (4) square feet, located on a single wall or window;
- (i) There shall be no display, nor stock in trade, nor any employees;
- (j) Vehicles associated with home occupations shall be limited as follows:
  - i. Two (2) passenger cars, vans, or pick-up trucks; or
  - ii. One (1) large truck not to exceed one and one-half (1.5) tons; or
  - iii. One (1) trailer located out of the right-of-way and behind the front setback of the residential structure; and
- (k) An application for a home occupation shall be reviewed by the Zoning Administrator for approval. The decision of the Zoning Administrator may be appealed to the Hearing Officer. Such appeal shall be applied for within thirty (30) days of the Zoning Administrator's decision. If the Hearing Officer approves the application, the Zoning Administrator shall issue a home occupation permit. The Zoning Administrator may revoke the home occupation permit for violation of any provision of this Code. Inspections may be performed without notice to ensure compliance to this ordinance

### AMENDMENT III

#### ANIMALS

Section 5.6(a) of the Declaration is deleted in its entirety and replaced by the following:

5.6(a) Household pets shall be limited to the keeping of not more than two (2) dogs or cats, or combination thereof, four (4) months old or older. Except as otherwise provided herein, farm animals shall be limited as follows: Not more than one (1) cow or horse and two (2) sheep or goats and twenty-five (25) pheasants or chickens, or rabbits, or pigeons; and ten (10) geese or ducks, for every twenty thousand (20,000) square feet of lot area. Animals and fowl not specifically listed may be substituted for those listed of similar size. Combinations of animals and fowl are also allowed within the numbers listed for each category. An increase in this density is allowed only by a conditional use permit for a farm industry pursuant to Layton City Code.

- i. The purpose of this Section is to provide regulations for the keeping of chickens in the Subdivision. For the purpose of this Subsection, the term "chicken" refers only to the female, or hen, of the species. Chickens may be kept in a way which will ensure the continued health and welfare of Layton residents and maintaining the residential character of the Subdivision while permitting a more sustainable way of living. Any resident with the intent of keeping chickens within a Lot, must have a Lot with a minimum of ten thousand (10,000) square feet and shall comply with the following provisions:
  - a. No more than six (6) hens on a Lot;
  - b. The coop, pen, cage, or similar structure shall be restricted to the rear or backyard or a residential use, and shall be located not less than five feet (5') from any property line;
  - c. No coop, pen, cage, or similar structure shall exceed one hundred twenty (120) square feet (includes coop space and chicken run) and shall be no taller than seven feet (7') at the highest point of the roof;
  - d. All animals must be kept in an area enclosed by a fence sufficient to prohibit escape; this is in addition to the coop, pen, cage, or other similar structure.
- ii. All pens, coops, and cages shall be kept clean and free from objectionable odor and waste. Waste and debris must be kept from becoming offensive or a health hazard.
- iii. No slaughter is allowed.

### AMENDMENT IV

#### ALTERNATE ENERGY RESOURCES

Section 6.4 of the Declaration is deleted in its entirety and replaced by the following:

6.4 Alternate Energy Resources. No geothermal products, wind turbines or other alternate energy resources may be installed without the prior express written consent of the Board. Solar panel systems are allowed within the Subdivision.

**CERTIFICATION**

The undersigned President of Evergreen Farms Phase 1 Subdivision Owners Association, Inc. ("hereby certifies that the within Amendment to the Declaration of Covenants, Conditions and Restrictions for Evergreen Farms Phase 1 Subdivision were approved by a vote of at least 60 percent of the Owners of Lots as required by the Declaration.

IN WITNESS WHEREOF, this amendment is hereby executed this 8 day of ~~January~~, 2020.

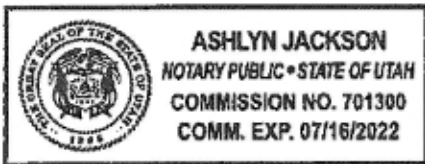
FEBRUARY

Evergreen Farms Phase 1 Subdivision Owners Association, Inc.

By *R. Todd Anderson*  
Its: President

State of Utah )  
                  Davis ss. )  
County of ~~Salt Lake~~ )

On the 8 day of February 2020, personally appeared before me Ashlyn Jackson who by me being duly sworn, did say that he is the president of the Evergreen Farms Phase 1 Subdivision Owners Association, Inc, and that within the foregoing instrument was signed of said Association by authority of the consent of its members.



Notary Public *Ashlyn Jackson*

Residing in Kaysville, Utah

My commission expires: 07/16/2022

**EXHIBIT A**

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**Legal Description of Land**

That certain real property located in Layton City, Davis County, Utah more particularly described as follows:

**EVERGREEN FARMS PHASE 1 BOUNDARY DESCRIPTION**

PART OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT LOCATED NORTH 89°57'58" EAST 250.82 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER FROM THE NORTH WEST CORNER OF SAID SOUTHWEST QUARTER WHICH IS MARKED BY A DAVIS COUNTY BRASS CAP MONUMENT. RUNNING THENCE:

NORTH 89°57'58" E 479.64 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER TO THE NORTHWEST CORNER OF UTAH POWER AND LIGHT PROPERTY THENCE; SOUTH 36°25'35" EAST 445.77 FEET ALONG WESTERLY LINE OF ROCKY MOUNTAIN POWER PROPERTY THENCE; SOUTH 53°34'25" WEST 113.00 FEET THENCE; SOUTH 89°44'47" WEST 71.85 FEET THENCE; SOUTH 53°34'25" WEST 113.00 FEET THENCE; SOUTH 56°57'47" WEST 209.23 FEET THENCE; SOUTH 37°29'23" WEST 103.14 FEET THENCE; SOUTH 01°46'41" WEST 283.36 FEET THENCE; SOUTH 00°02'39" EAST 105.00 FEET THENCE; SOUTH 00°11'37" WEST 58.00 FEET THENCE; SOUTH 00°02'39" EAST 185.00 FEET THENCE; SOUTH 89°57'21" WEST 498.77 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER THENCE; NORTH 00°11'08" EAST 1190.25 FEET ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER AND THE CENTERLINE OF 2200 WEST; THENCE; NORTH 89°57'38" EAST 250.80 FEET THENCE; NORTH 00°11'08" EAST 130.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 828,094 SQ. FT. 19.01 ACRES

**EXHIBIT B**  
Serial Numbers

All of Evergreen Farms Phase 1 Subdivision, as reflected on the Plat on file with the Davis County Recorder, which includes:

Serial No. 11-085-0042;

Serial No. 11-085-0044;

Serial No. 11-085-0054; and,

Serial No. 11-747-0101 through 11-747-0149.