



KAYSVILLE CITY PLANNING COMMISSION NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, July 9, 2020 starting at 7:00 p.m. in the **Business Resource Center of the Davis Technical College, 450 South Simmons Way, Kaysville, UT.**

In consideration of the COVID-19 pandemic, attendance will be monitored and limited to less than 50 individuals, including Commission, Staff and Applicants. Because of the room occupancy limitation, it is encouraged that those wishing to direct comments to the Planning Commission regarding items on the agenda do so through the Planning Commission Form Center at:

kaysvillecity.com/FormCenter/Planning-Commission-17/Contact-the-Planning-Commission-71

Masks are recommended. No participation using Zoom will be available. The audio from the meeting will be posted on kaysvillecity.com/AgendaCenter/Planning-Commission-4 by end of business on Friday July 10, 2020.

The agenda shall be as follows:

1. Opening and approval of the minutes from the June 25, 2020 meeting.
2. Conditional Use Permit for a Major Home Occupation 'B', for private and group swim lessons located at 2052 West Peach Blossom for Peach Blossom Swimming/Cameron Garner.
3. Final Plat approval for the Darling Place Phase Two Subdivision located at 37 South Angel Street for Steven and Sherrilee Einfeldt.
4. Discussion of potential Kaysville City Ordinance changes.
5. Call to the public.
6. Other matters that properly come before the Planning Commission:
 - a. Reports.
 - b. Correspondence.
 - c. Calendar.
7. Adjournment.

I hereby certify that I posted a copy of the foregoing Notice and Agenda at the Kaysville Municipal Center and mailed copies to the media representatives on Tuesday July 7, 2020.

Lyle Gibson – Community Development Director

To contact the Community Development Office please call 801-546-1241.



Planning Commission Staff Report

Conditional Use Permit for Major Home Occupation 'B' Private and Group Swimming Lessons. July 9, 2020

Applicant/Owner: Cameron Garner
Location: 2052 West Peach Blossom Dr.
Zone: R-1-20

Description:

The applicant is requesting a conditional use permit for a major home occupation 'B' to offer group and private swimming lessons from their home. Classes will consist of 10 or less students at any particular time. Typical class sessions go from 30-45 minutes.

The pool on site is an outdoor swimming pool and there is a large amount of parking on site. Lessons are Monday through Friday starting at 8:30 am and going until 12:00 pm.

The request being an organized class per 17-26-4 (12) requires that a limit be placed on the number of students and/or the number of vehicles transporting students in order to prevent congestion.

Recommendation:

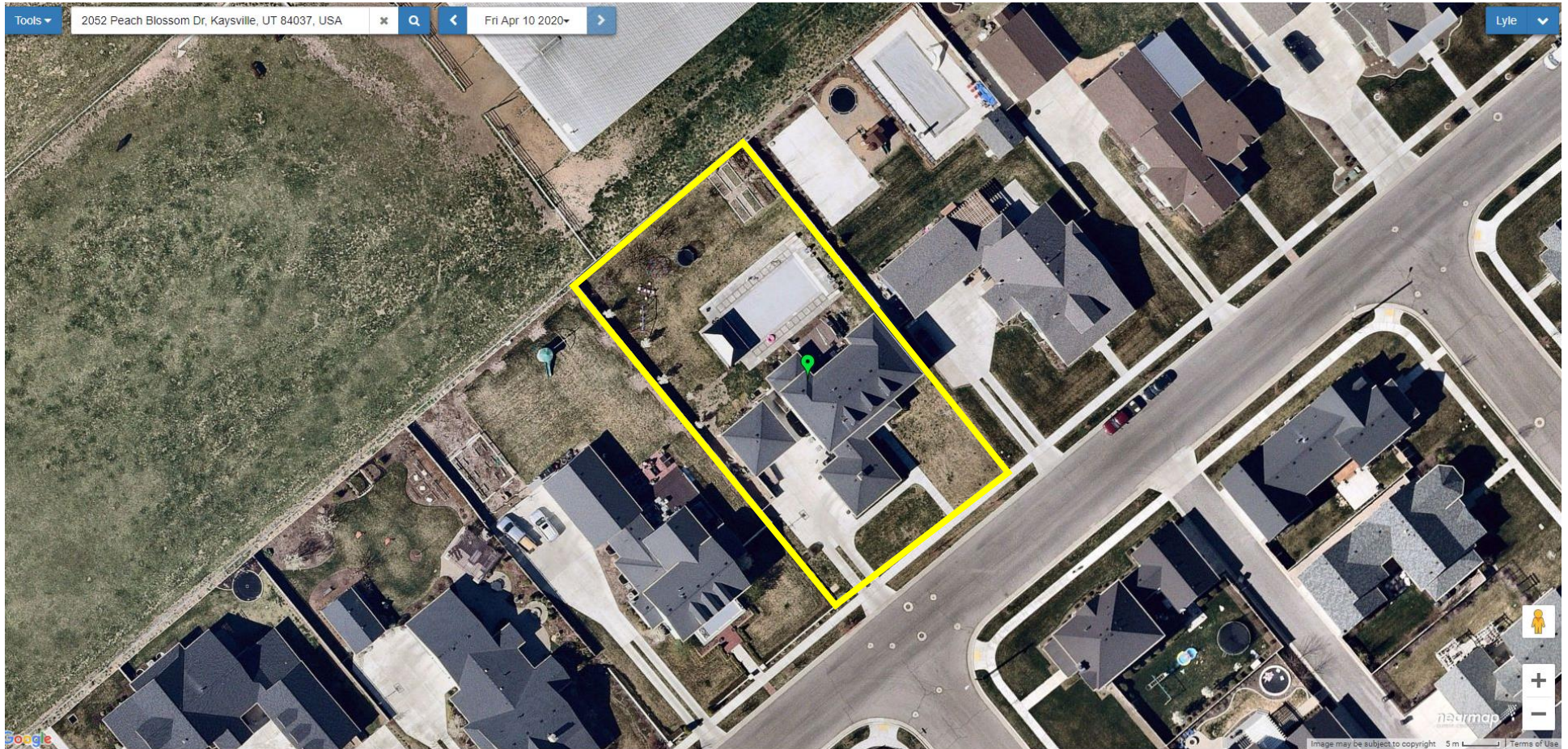
Staff is recommending approval of the proposed conditional use permit for a major home occupation 'B' subject to compliance with Title 17-26-4 of the Kaysville City Ordinance and the following condition:

- The number of students be limited to 10 per class.

Reasoning:

The existing conditions on site, the proposed conditions, and the restrictions of the ordinance appear to be appropriate for mitigating potentially anticipated detrimental impacts.

Attachment 1: Area Map



2052 West Peach Blossom Drive



Planning Commission Staff Report

Darling Place Phase 2 Subdivision Final Plat July 9, 2020

Applicant/Owner: Steven and Sherrilee Einfeldt
Location: 37 South Angel Street
Existing Zone: R-1-14 PRUD

Description:

A few of months ago this property was rezoned to the R-1-14 PRUD zone and received a preliminary plat approval. Initially the applicant intended to only improve and plat the first 2 lots which was previously approved as phase 1 of the development. The final plat and improvement drawings have now been completed and are in good order for approval of phase 2.

The phase 2 plat contains 3 lots on the east end of the site. The proposal is consistent with the concept and approved preliminary plan and all lots within the subdivision meet the minimum frontage and size requirements for the zone. The current plan is to construct phase 1 and 2 together rather than separately. Staff met together with the applicant and sewer district 7/7/20 to discuss the design of sewer system and identified some changes to that system which in short would move a manhole further east. It is currently shown with utilities stubbing to the adjacent property to the east and the plat includes easements for those lines. Both the district and city staff were comfortable bringing the plat to the commission for a final plat approval knowing the construction details will change some before they are allowed to build.

Recommendation:

Staff is recommending approval of the proposed final plat for Darling Place Subdivision as proposed. Recording of the final plat and construction of improvements will be pending final confirmation from the sewer district as to the details of their line before construction and recording of the plat.

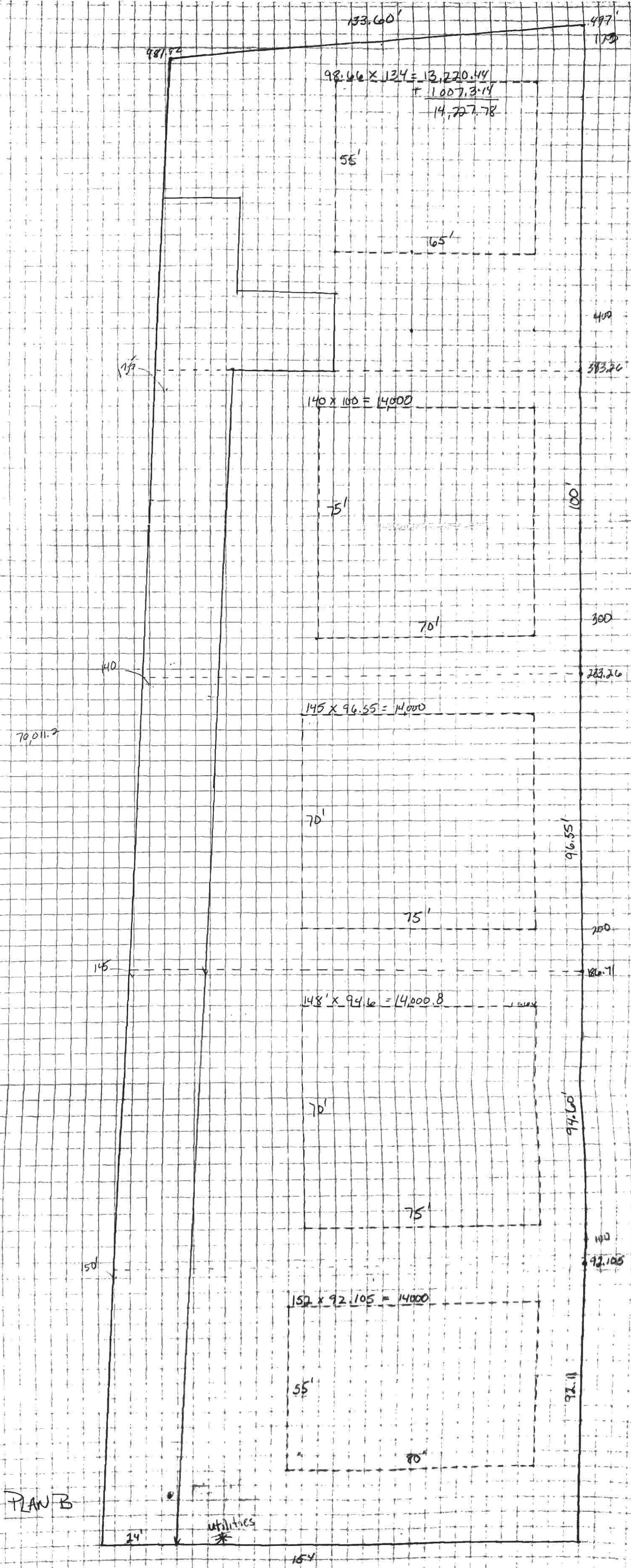
Reasoning:

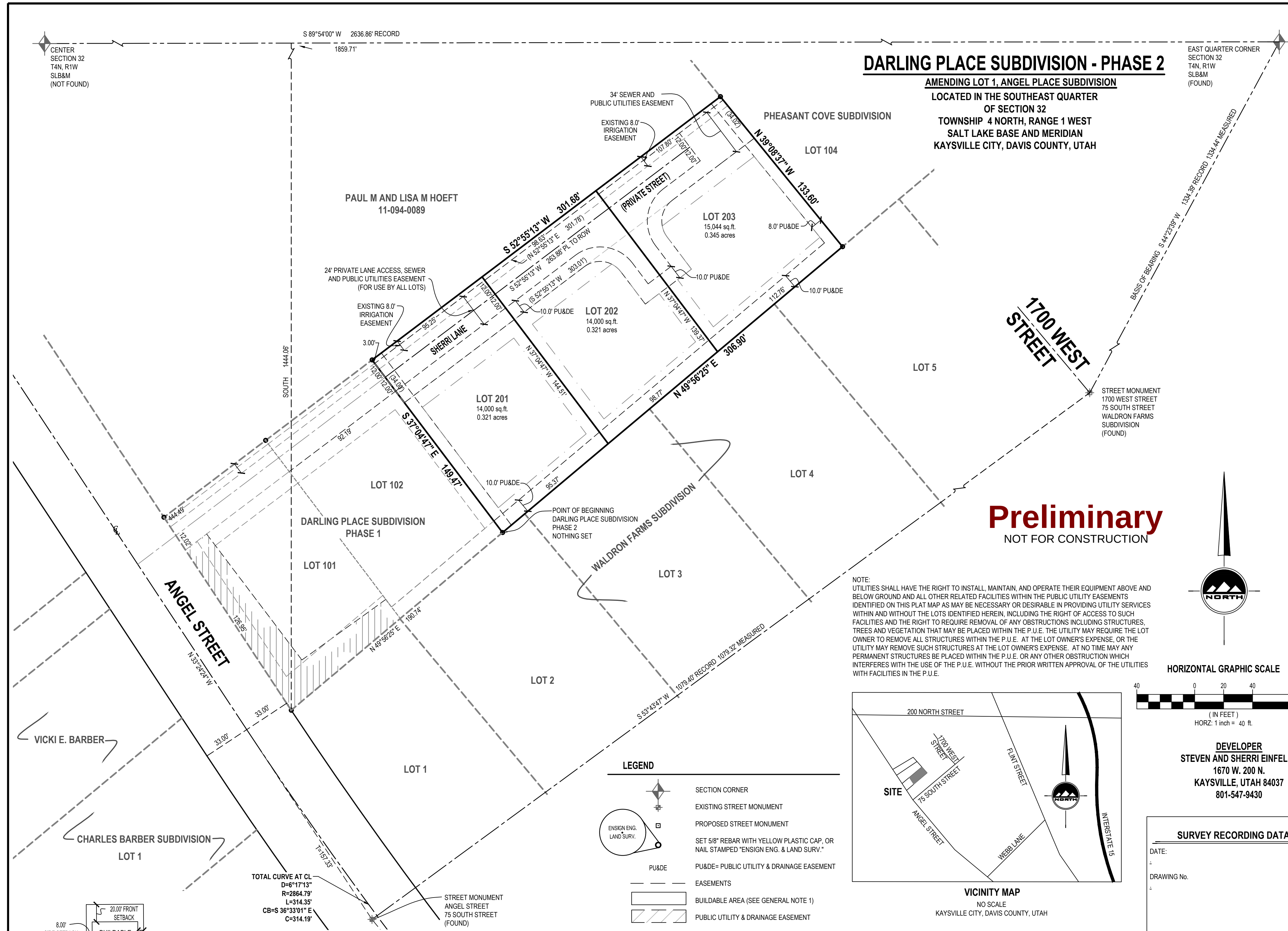
The plat is consistent with zoning requirements, preliminary plat and meets applicable ordinances and standard

Attachment 1: Location Map
Attachment 2: Concept Plan
Attachment 3: Preliminary Plat Map
Attachment 4: Final Plat for Ph. 2

37 South Angel Street - Rezone from A-1 to R-1-14 PRUD







SURVEYOR'S CERTIFICATE

I, **MICHAEL B. HERBST** do hereby certify that I am a Licensed Land Surveyor, and that I hold certificate No. **5046930** as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as, **DARLING PLACE SUBDIVISION - PHASE 2**, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area re-quirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION

A Part of the Southeast Quarter of Section 32, Township 4 North, Range 1 West, Salt Lake Base and Meridian:
Beginning at the Southeast Corner of Lot 102, Darling Place Subdivision, said point also being on the North line of Waldron Farms Subdivision, said point being South 89°54'00" West 1859.71 feet along the quarter section line and South 1444.06 feet to the Northwest Corner of Lot 1, Waldron Farms Subdivision and North 49°56'25" East 190.74 feet along the north line of said Waldron Farms Subdivision, from the East Quarter Corner of said Section 32, and running:
thence North 49°56'25" East 306.90 feet along the north line of Waldron Farms Subdivision to the Southwest Corner of 104 Pheasant Cove Subdivision;
thence North 39°08'37" West 133.60 feet along the West line of said Lot 104, Pheasant Cove Subdivision;
thence South 52°55'13" West 301.68 feet to the Northeast Corner of Lot 102, Darling Place Subdivision;
thence South 37°04'47" East 149.47 feet along the east line of said Lot 102, Darling Place Subdivision to the point of beginning.
Contains 43,044 square feet, 0.988 acres, and 3-Lots.

Date: July 6, 2020
MICHAEL B. HERBST
License no. 5046930

GENERAL NOTES:

- PROPERTY IS ZONED R-1-14 (SINGLE FAMILY DWELLINGS)
A. FRONT YARD SETBACK IS 20'
B. REAR YARD SETBACK IS 15'
C. SIDE YARD SETBACK IS 8'
D. MINIMUM LOT WIDTH IS 90'
- ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS (PU & DE) ARE 10' UNLESS OTHERWISE NOTED HEREON.
- THE FOUND RIVET AT THE NORTHWEST CORNER OF LOT 1, WALDRON FARMS SUBDIVISION IS 1.19 FEET NORTH OF THE EXTENSION OF THE NORTHERLY LINE OF WALDRON FARMS SUBDIVISION AT THE TOP BACK OF CURB LOCATION. I INSTALLED A NEW RIVET ON THE EXTENSION OF THIS NORTHERLY LINE OF WALDRON FARMS SUBDIVISION IN THE TOP BACK OF CURB AT A DIMENSION OF 1.19 FEET SOUTH OF THE FOUND RIVET. THE FOUND RIVET MATCHES THE NORTHWEST CORNER OF LOT 1, WALDRON FARMS SUBDIVISION WHEN GOING FROM THE PROPERTY CORNER TO A POINT PERPENDICULAR TO THE CENTER LINE OF ANGEL STREET. I CONCLUDED THAT EITHER THE RIVET WAS PLACED AS DESCRIBED PERPENDICULAR TO THE CENTER LINE OF ANGEL STREET OR IT HAS BEEN INSTALLED INCORRECTLY AND IS NOT ON THE NORTHERLY LINE EXTENSION OF WALDRON FARMS SUBDIVISION.

OWNER'S DEDICATION

Known all men by these presents that I, the under- signed owner of the above described tract of land, having caused same to be subdivided, hereafter known as the

DARLING PLACE SUBDIVISION - PHASE 2

do hereby dedicate for perpetual use of the public all easements shown on this plat as intended for Public Use. In witness whereof I have hereunto set my hand this _____ day of _____ A.D., 20____.

By: Steven J. Einfeldt
By: Sherilee S. Einfeldt

INDIVIDUAL ACKNOWLEDGMENT

STATE OF UTAH
County of _____ J.S.S.
On the _____ day of _____ A.D., 20____, Steven J. and Sherilee S. Einfeldt, personally appeared before me, the undersigned Notary public, in and for said County of _____ in said State of Utah, who after being duly sworn, acknowledged to me that She signed the Owner's Dedication TWO in number, freely and voluntarily for the purposes therein mentioned.

MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY.

SURVEY RECORDING DATA

DATE: _____
DRAWING No. _____

DARLING PLACE SUBDIVISION - PHASE 2

LOCATED IN THE SOUTHEAST QUARTER
OF SECTION 32
TOWNSHIP 4 NORTH, RANGE 1 WEST
SALT LAKE BASE AND MERIDIAN
KAYSVILLE CITY, DAVIS COUNTY, UTAH

DAVIS COUNTY RECORDER

ENTRY NO. _____ FEE
PAID
RECORDED THIS _____ DAY OF _____ 20____
AT _____ IN BOOK _____ OF OFFICIAL RECORDS
PAGE _____

SHEET 1 OF 1

PROJECT NUMBER : 9638
MANAGER : MHERBST
DRAWN BY : J.MOSS
CHECKED BY : MHERBST
DATE : 7/6/20

DAVIS COUNTY RECORDER
BY _____ DEPUTY RECORDER



Planning Commission Staff Report

Review of potential ordinance changes. July 9, 2020

Description:

The Planning Commission has asked that staff prepare information for consideration of changes to multiple ordinances in the city's Zoning Ordinance.

While one of the following items has previously been noticed for a public hearing, it is the opinion of city staff that new notice should be completed before holding the required public hearing for each item and before a formal recommendation can be made by the Planning Commission.

- Park Strip Landscaping/ Trees
- Accessory Dwelling Units
- Flag lot ordinance.
- Accessory Structures – location and architecture. – Continued from 2/27/20.

Staff will come prepared with additional materials for discussion at the 7/9/20 meeting with the anticipation that this agenda item provide additional background for the consideration of the Planning Commission and that the Commission in return provide additional direction to staff for preparation of materials for the official public hearing on each item.

Attachments: - Park strip tree information sheet, draft accessory dwelling unit ordinance, example flag lot ordinance, current accessory structure guide.

Issue

The Kaysville Planning Commission expressed interest in updating the city's ordinances on park strips and street trees, with water conservation in mind.

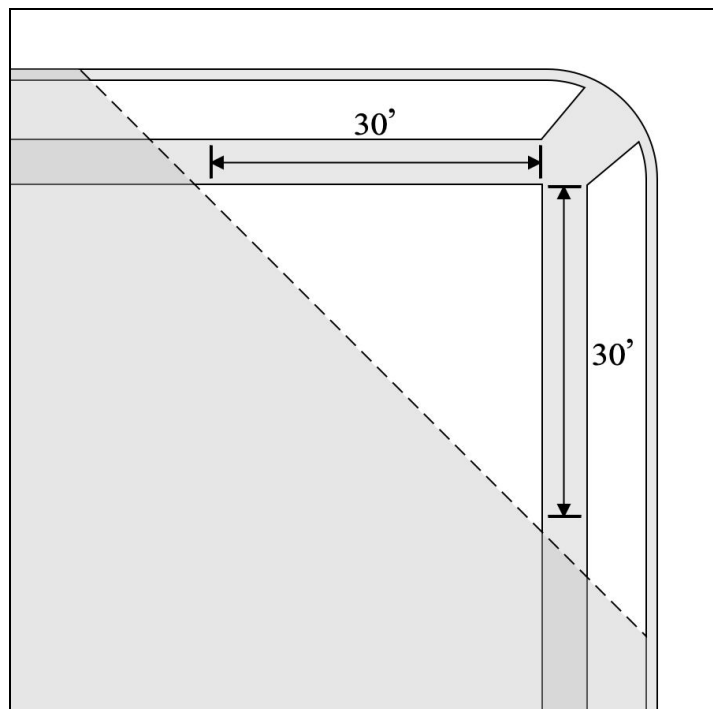
Current Park Strip Ordinances

Definition of parkway: "...the area between private property lines and curb lines or edge of asphalt..."

Who maintains parkways: adjacent property owner

What can be planted: [Kaysville City Plant List](#)

View obstructions: nothing which may obstruct the view of drivers is allowed in the street right-of-way except for trees pruned high enough to see past (residential lots only). Corner lots must maintain a clear view triangle extending 30' from the corner of property line*



* Driveways not included

Pros of Street Trees

- Shade and cooler temperatures for all street users
- Reduced water loss by evaporation in surrounding grass
- Extended lifetime of asphalt
- Cleaner air with fewer pollutants
- Decreased stormwater runoff
- Increased property values

Cons of Street Trees

- Damaged sidewalks and curbs
- Interference with utility lines
- Leaves and debris in gutters
- Can be hit by snow plow spray

Minimizing the Cons

Damage to curbs/sidewalks: minimized by planting appropriately sized trees based on park strip width and not planting trees in park strips less than 3 feet wide.

Interference with utility lines: minimized by planting only small trees under power lines and by properly maintaining trees around utilities.

Debris in gutters: leaves in gutters cannot realistically be avoided, but debris can be limited by planting only fruitless trees.

Snow plow spray: damage minimized by planting only trees with a salt tolerance in the park strip.

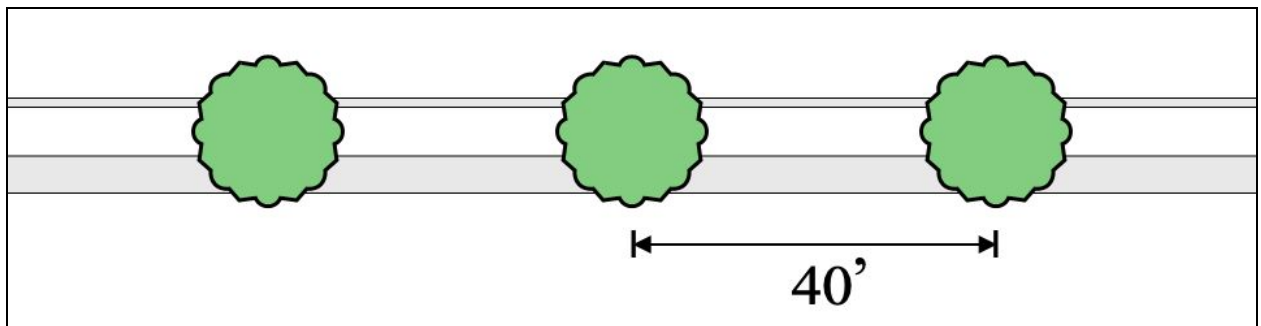
Recommendations

1. Categorize permitted tree species according to park strip width (next page)
2. Update list of permitted tree species (table on page 5)
3. Either update municipal code to consolidate park strip ordinances or create a document explaining everything park strip-related.
4. Include tree spacing standards

Current spacing standards for commercial and industrial zones:
“Every landscaped area adjacent to the sidewalk at least ten feet (10') deep shall have at least one (1) tree for each 300 square feet, planted at least five feet (5') from the sidewalk with regular spacing.”

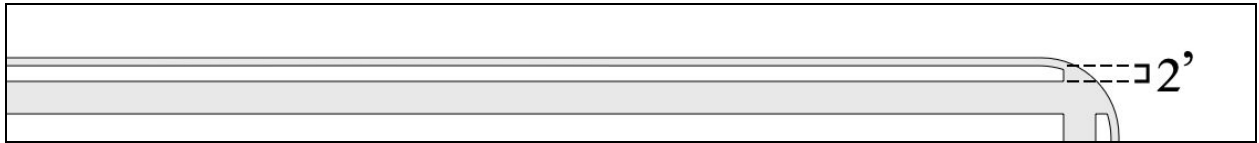
Alternative spacing standard: One tree for every x feet of park strip.

Example:

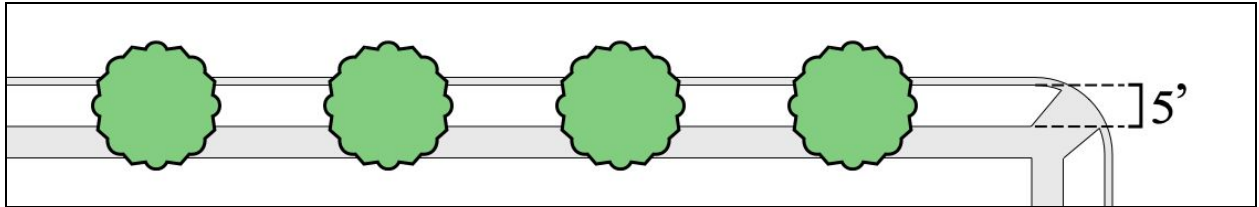


Tree size according to park strip width

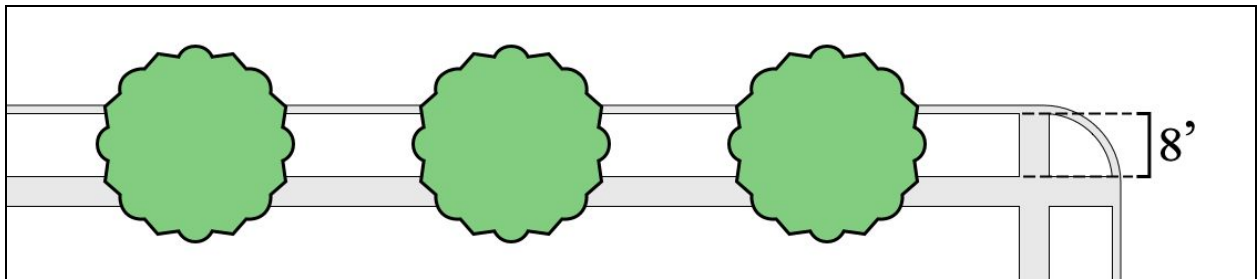
Less than 3 foot park strip — no trees:



3-5 foot park strip — small trees:



6-9 foot park strip — medium trees:



10+ foot park strip — large trees:

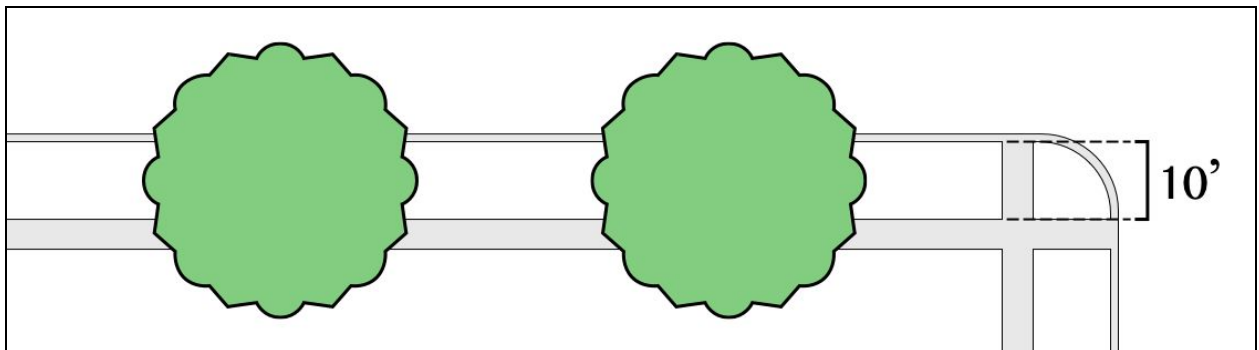


Table of Possible Tree Species

DROUGHT RESISTANCE	SMALL (≥3' parkway)	MEDIUM (≥6' parkway)	LARGE (≥10' parkway)
LOW	Maple, Paperbark		
MEDIUM	Cherry, Japanese Flowering* Crabapple, Snowdrift* Crabapple, Spring Snow* Dogwood, Corneliancherry* Hawthorn, English* Maple, Rocky Mountain*	Catalpa, Southern Beech, Tricolor Hornbeam, American Hornbeam, European Horsechestnut, Red Linden, Littleleaf Maple, Hedge Maple, Sugar Yellowwood	Horsechestnut Linden, Silver Oak, English Tulip Tree
HIGH	Hackberry, Netleaf Hawthorn, Lavalley* Maple, Amur* Maple, Tatarian* Oak, Gambel* Redbud, Eastern* Serviceberry, Utah* Zelkova, Wireless*	Elm, Frontier Ginkgo Goldenrain Mulberry, White	Elm, Accolade Hackberry Honeylocust Kentucky Coffee Maple, Sycamore Oak, Bur Oak, Northern Pin Oak, Swamp White Zelkova, Green Vase Zelkova, Village Green
* = good under power lines Bold = moderate or high salt tolerance Reference: https://treebrowser.org/			

**KAYSVILLE CITY
ORDINANCE 19-11-02**

ACCESSORY DWELLING UNITS

**AN ORDINANCE CREATING SECTION 17-31-3, ACCESSORY DWELLING UNITS, AND
AMENDING MULTIPLE CHAPTERS OF TITLE 17, PLANNING AND ZONING, TO
DESIGNATE WHERE ACCESSORY DWELLING UNITS MAY BE CONSIDERED.**

NOW THEREFORE, be it ordained by the Council of Kaysville City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "17-31-3 (Reserved)" of the Kaysville City Code is hereby *amended* as follows:

A M E N D M E N T

17-31-3 ~~(Reserved)~~ Accessory Dwelling Units

1. Purpose - The purpose of this section is to establish the parameters by which an accessory dwelling unit (ADU) is allowed within Kaysville City.
2. Accessory Dwelling Units shall be allowed only where expressly permitted by Title 17 of the Kaysville City Ordinances and must be approved by the Kaysville City Planning Commission subject to Chapter 17-30. An ADU may be permitted on a flag lot.
3. An ADU may be permitted as either a unit located within the primary dwelling or as a detached structure on the same lot as a permitted dwelling.
 - a. Provisions applicable to all Accessory Dwelling Units
 - i. Where permitted, no more than 1 ADU may be allowed per lot.
 - ii. The unit must be equal to or smaller in size than the main dwelling on the property.
 - iii. The owner of the property must occupy either the primary dwelling or the ADU.
 - iv. 2 parking spaces in addition to the parking required for the main dwelling shall be provided
 - v. An ADU shall maintain the same address as the primary dwelling with the addition of 'Unit B'
 - vi. Occupancy of an ADU shall be limited to 1 family as defined by Chapter 17-2 except that occupancy shall not exceed 2 total individuals where there is no family relation.
 - vii. Upon approval from the Kaysville City Planning Commission to have an ADU on a property, a building permit must be pursued to confirm compliance with applicable building code for occupancy as a separate unit.

(1) An ADU shall not operate on separate utilities meters from the primary dwelling.

- b. An ADU which is part of the main dwelling such as a loft or basement apartment must meet the following parameters.
 - i. No more than 50% of the livable space of a dwelling may be used for an ADU.
 - ii. An ADU must have a separate entrance and be built to meet applicable building codes for a separate unit including but not limited to appropriate fire separation and separation of HVAC systems.
- c. An ADU which is built as an accessory structure or part of an accessory structure must meet the following parameters.
 - i. All buildings or structures wherein an ADU is located shall meet the requirements of Chapter 17-31-2 Accessory Structures.
 - ii. The living area of an ADU which includes all space not dedicated to storage such as a garage shall be limited to a maximum of 900 square feet.

SECTION 2: **AMENDMENT** “17-2-2 Definitions” of the Kaysville City Code is hereby *amended* as follows:

A M E N D M E N T

17-2-2 Definitions

Accessory Dwelling Unit (ADU) - An accessory dwelling unit (ADU) is a legal and regulatory term for a secondary house or apartment that shares the owner occupied building lot of an equal or larger, primary dwelling.

Accessory Use or Building - A use or building subordinate to the principal use of a building or principal use on the same lot, and serving a purpose customarily incidental to the use of the principal building or use. Garden sheds, greenhouses, storage shelters, and covered patios not equipped for use as living quarters are accessory buildings.

Agent or Owner - Any person who is legally authorized to act for the property owner.

Agriculture - The tilling of the soil, the raising of crops, horticulture and gardening, but not including the keeping or raising of farm animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals, greenhouses, or similar uses.

Alley - A public right-of-way less than thirty feet (30') wide.

Amusement Arcade - A building or part of a building in which four (4) or more mechanical or electronic amusement devices are offered for use. Animal Hospital - A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Apartment, Efficiency - A dwelling unit in a multi-family building consisting of not more than one (1) habitable room, together with cooking and sanitary facilities.

Apartment Hotel - Any building which contains dwelling units and also satisfies the definition of a hotel.

Apartment House - See Dwelling, Multiple.

Assisted Living Facility

- a. Assisted Living Facility, Type I - A residential facility that provides assistance with activities of daily living and social care to two or more residents and which is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act, of the Utah Code.
- b. Assisted Living Facility, Type II - A residential facility with a home-like setting that provides an array of coordinated supportive personal and health care services available 24 hours per day to residents and which is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act, of the Utah Code.

Automobile or Trailer Sales Area - An open area used for display, sale or rental of new or used motor vehicles, trailers, or mobile homes in operable condition, and where no repair work is done.

Automobile Repair, Major - General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, collision service, including body, frame, or fender repair, or over-all painting.

Automobile Repair, Minor - Upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1 1/2) tons capacity, but not including other operations, named under Automobile Repair Major, or similar thereto as determined by the Building Inspector.

Automobile Service Station - A place where gasoline or other major fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services are performed to include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, and automobile washing, and not to include repairs performed of a minor or major type, except replacement of plugs, lights, fan belts, and other small parts.

Basement - A story whose floor is more than twelve (12) inches below the average level of the adjoining ground, but where no more than one-half (1/2) of its floor-to-ceiling height is below the average contact level of the adjoining ground (as distinguished from a "cellar").

Beer - Any product defined as beer in Utah Code Section 32B-1-102.

Beginning of Construction - Demolition, elimination, and removal of an existing structure preparatory to new construction, or the incorporation of labor and materials in the foundation of a building or buildings.

Boarding or Lodging House - A dwelling or part thereof where meals and/or lodging are provided, for compensation, for three (3) or more non-transient persons, other than members of the resident family.

Breezeway - A building that is no less than three feet (3') and no greater than ten feet (10') in any horizontal dimension, is open on two sides and joins doorways of two separate buildings which are considered as one main building in any residential zone. The joined buildings shall comply with the setbacks and height requirements for the main building of the zone in which it is located. The combined area of the two buildings and breezeway shall not exceed forty percent (40%) of the lot area in which it is located.

Building - Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

Building Height - The vertical distance from grade plane to the average height of the highest roof structure.

Building, Main - A building in which is conducted the principal use of the building site on which it is situated. In any R-District, any dwelling shall be deemed to be a main building on the building site on which it is located.

Carport - A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than two (2) sides.

Cellar - A room or space wholly under the surface of the ground, or having more than fifty percent (50%) of its floor to ceiling height under the average level of the adjoining ground.

Child - The child of a person other than the provider of child care.

Child Care - Continuous care and supervision of five (5) or more children under 14 years of age, in lieu of care ordinarily provided by parents in their own home, for less than 24 hours a day, for direct or indirect compensation.

Conditional Use - A land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

Condominium - The ownership of a single unit in a multi-unit project or structure together with an undivided interest in common in the common areas and facilities of the property.

Court - An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

Coverage - The percent of the total site area covered by structures other than those excepted in this title.

Crop and Tree Farming - The raising for commercial purposes of any field crops or wholesale nursery or greenhouses including necessary buildings incidental to such crop, but not including a building for retail sales.

Dairy - A commercial establishment for the manufacture and packaging of dairy products.

Disability - A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. Disability does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

Distance Between Residential Structures - The shortest distance between the vertical walls of two residential structures as herein defined.

District - A portion of the territory of Kaysville City within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this title. Includes "Zone" and "Zoning District."

Driveway - A private road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which located.

Dwelling - Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent or trailer.

- a. Dwelling, Condominium - A dwelling whose ownership conforms with the definition of Condominium herein.
- b. Dwelling, Single-Family - A building designed for or used exclusively as a residence by one (1) family.
- c. Dwelling, Two-Family or Duplex - A building designed for or used exclusively as a residence by two (2) families, living independently of one another.
- d. Dwelling, Multiple - A building or portion thereof designed for or used exclusively as a residence by two (2) or more families, living independently of one another.
- e. Dwelling, Townhouse - An attached or semi-attached building containing a single dwelling unit and located on a parcel of land in one (1) ownership and having any yard or court in common.

- f. Dwelling, Twin Home - A building designed and used as a residency by two (2) families and for which each dwelling unit and its lot may be owned separately from the other dwelling unit and lot.

Dwelling Unit - One (1) room, or suite, or two (2) or more rooms, designed for or used by one (1) family for living and sleeping.

Family - An individual, or two (2) or more persons related by blood, marriage, adoption or guardianship, or a group of not more than five (5) persons who are not all so related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

Flag Lot - A lot which meets the minimum area requirement, but not the lot width or yard requirements of the zone in which it is located and is mostly behind another lot and has access to a street by way of a projection or "staff."

Front Lot Line - The boundary of a lot that coincides with the right-of-way line of the street on which the lot has frontage.

Garage, Private - A detached accessory building, or a portion of a main building, used, or intended to be used, for the storage of vehicles of persons occupying the main building on the lot.

Garage, Public - A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor vehicles.

General Plan - A document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

Grade - All walls approximately parallel to and not more than five (5) feet from a street line are to be considered as adjoining a street.

- a. For building adjoining one (1) street only, the elevation of the sidewalk at the center of that wall adjoining the street.
- b. For building adjoining more than one (1) street, the average of the elevations of the sidewalk at the centers of all walls adjoining streets.
- c. For buildings having no walls adjoining the street, the average elevation of the ground (finished surface) adjacent to the exterior walls of the building.

Home Occupation - A commercial or industrial activity conducted on a dwelling site and incidental and secondary to the dwelling use.

Hospital - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel - See Motor Hotel.

Household Pets - Two or fewer animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries. More than a total of two such animals and fowl are not permitted as household pets.

Junk Yard - The use of any lot, portion of lot, or tract of land for the long-term storage, keeping, or abandonment of automobiles, other vehicles, or machinery or parts thereof; provided, that this definition shall not be deemed to include such uses that are clearly accessory and incidental to any agricultural use permitted in the district.

Kennel - Any lot or premise on which three (3) or more dogs (or similar household pets) at least four (4) months old are kept.

Liquor - Any liquid defined as liquor in Utah Code Section 32B-1-102. Lodging House - See Boarding or Lodging House.

Lot - A piece or parcel of land having frontage on a public street, or approved private street, which may be occupied by a principal building or a group of such buildings and accessory buildings, together with such open spaces as required by this title, intended to be held in separate ownership or leasehold.

Lot, Corner - A lot abutting on two or more intersecting or intercepting streets.

Manufactured Home - A transportable factory built housing unit constructed on or after June 15, 1976, according to the National Manufactured Housing Construction and Safety Standards Act of 1974, in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Manufactured Home Park - A parcel of land under single ownership on which two or more manufactured homes are located.

Manufactured Home Subdivision - A subdivision designed and intended for sale of lots for siting manufactured homes.

Mobile Home - A transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the National Manufactured Housing Construction and Safety Standards Act of 1974.

Motor Hotel, Including Motel and Hotel - A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units.

Natural Waterways - Those areas, varying in width, along streams, creeks, springs, gullies, or washes which are natural drainage channels as determined by the Building Inspector or City Engineer.

Non-Complying Structure - A structure that legally existed before its current land use designation; and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations excluding those regulations which govern the use of land.

Non-Conforming Use - A use of land that legally existed before its current land use designation; has been maintained continuously since the time the land use ordinance governing the land changed; and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

Nursing Care Facility - A health care facility, other than a general acute or specialty hospital, constructed, licensed, and operated to provide patient living accommodations, 24-hour staff availability, and at least two patient services and which is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act, of the Utah Code.

- a. Office, Professional - A place intended for the conduct of a recognized learned profession in most cases requiring a license, such as physician, dentist, chiropractor, lawyer, engineer, architect, accountant.
- b. Office, Business - A place intended for the conduct of the administrative function of a business enterprise and in which no goods or merchandise are stored or sold.

Parking Area, Private - An open space for the same uses as a private garage.

Parking Area, Public - An open area used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.

Parking Space - A permanently-surfaced area of not less than one hundred eighty (180) square feet in area, either within a structure or in the open, excluding paved areas necessary for access under the provisions of this title, for the parking of a motor vehicle. (See [KCC 17-32](#), Off-Street Parking.)

Planned Residential Unit Development (PRUD) - A subdivision of land guided by an integrated design in which residential lots may have areas less than the minimum lot area of the zone in which the subdivision is located, and other regulations, except use regulations, may be waived or varied to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements.

Public or Quasi-Public Use - An educational, recreational, religious, cultural, service, utility, or similar use primarily serving the public.

Public Utility - A public or quasi-public agency, or its structures and facilities, established to provide water, power, gas, sewer, storm drain, pressure irrigation, telecommunications and other public services, and who construct and maintain structures and facilities for their distribution, collection, transmission, storage or treatment.

Recreation, Commercial - Recreation facilities operated as a business and open to the general public for a fee.

Recreation, Private, Non-Commercial - Clubs or recreational facilities, operated by a non-profit organization and open only to bonafide members of such non-profit organization and their guests.

Recreation, Public - Publicly owned or operated recreation facilities.

Recreational Vehicle - A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle Park - Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Residential Child Care - Child care provided in the home of a provider.

Residential Density - The average number of dwelling units on one (1) acre of land in a given area. Net residential density is determined by dividing the total number of dwelling units in a defined area by the total acreage of all parcels of land within the area that is used exclusively for residential and accessory purposes. Gross residential density is determined by dividing the total number of dwelling units in a defined area by the total acreage of all land within the area.

Residential Facility for Persons with a Disability - A dwelling in which more than one person with a disability resides and which is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities, of the Utah Code or is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act, of the Utah Code.

Retail Sales - Establishments engaged in the selling or rental of goods or merchandise and in rendering services incidental to the sale of such goods.

Retail Services - Establishments providing services or entertainment, as opposed to products, including eating and drinking places; hotels and motels; finance, real estate, and insurance offices; personal services; theaters; amusement and recreation services; health, educational, and social services; museums; and galleries.

Sign - Any writing, pictorial representation, symbol, banner, lighting fixture, or any other figure of similar character of whatever material which is used to identify, announce, direct attention to or advertise, which is placed on the ground, on any bush, tree, rock, wall, post, fence, building, structure, vehicle, or any place whatsoever and which is visible from outside a building. The term "placed" shall include constructed, erected, posted, painted, printed, tacked, nailed, glued, stuck, carved, strung, or otherwise fastened, affixed, or made visible in any manner whatsoever. (For further definitions, consult [KCC 17-33](#), Signs.)

Site Plan - A description of the proposed development within the boundaries of the development site consisting of plans, drawings, and information.

Stable - A detached building for the keeping of horses.

Story - That portion of a building included between the surface of any floor and the floor or ceiling next above it.

- a. Story, Half - A partial story under a gable, hip, or gambrel, roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story used for one (1) or more dwelling units shall be deemed a full story.
- b. Story, First - The lowest story or the ground story of any building, the floor of which is not more than twelve (12) inches below the finished grade level at the exterior walls of the building, except that any basement or cellar used for residential purposes shall be deemed the first story.

Street - Public rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements and other ways.

Street, Private - A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two (2) or more sites.

Structural Alterations - Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Structure - Anything constructed, the use of which requires fixed location on the ground, or which is attached to something having a fixed location upon the ground, and which imposes an impervious material upon or above the ground.

Swimming Pool - A structure, whether indoors or outdoors, or whether above or below the ground, intended to be used to contain water, and which is of sufficient size, capacity, and depth for swimming.

Tank - A structure, whether indoors or outdoors, or whether above or below the ground, intended to be used to contain liquid, and which is of sufficient size, capacity, or depth for bathing, therapy, or other such use by one or more persons. Such definition shall include, but not be limited to, hot tubs, therapy tanks or pools, and similar structures.

Telecommunications Service - The providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

Telecommunication Tower - A structure that holds transmitting or receiving devices used for telecommunications service, with any associated buildings, site improvements, and property.

Unified Control - A parcel of land under one ownership, or a group of parcels, the owners of which have agreed in writing to subject the development of their properties to a single control.

Yard, Front - An open space extending the full width of the lot measured between the front lot line and the closest main building, which open space is unoccupied and unobstructed from the ground upward except as specified elsewhere in this title.

Yard, Front, Depth - The shortest distance, measured horizontally, between any part of the main building, other than parts herein excepted, and the front lot line. Such depth shall be measured from the front lot line, provided, however, that if the proposed location of the right-of-way line of such street as adopted by Kaysville City in the Major Street Plan differs from that of the existing street, then the required front yard depth shall be measured from the right-of-way line of such street as adopted; or said building shall comply with official setback lines as adopted by the City.

Yard, Rear - An open space between a building and the rear lot line, unoccupied and unobstructed from the ground upward and extending across the full width of the lot, except as specified elsewhere in the title.

Yard, Rear, Depth - The shortest distance, measured horizontally, between any part of a main building, other than parts hereinafter excepted, and the rear lot line.

Yard, Side - An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this title. A side yard on the street side of a corner lot shall be known as an "exterior side yard."

Yard, Side, Width - The shortest distance, measured horizontally, between any part of a building, other than parts herein excepted, and the nearest side lot line. Such width shall be measured from the nearest side lot line and, in the case where the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of such street as adopted by Kaysville City in the Major Street Plan differs from that of the existing street, then the required side yard width shall be measured from the right-of-way of such street as adopted, or said building shall comply with any applicable official setback lines.

Zoning Map - The Zoning Map or Maps of Kaysville City, Utah, together with all amendments subsequently adopted.

SECTION 3: **AMENDMENT** "17-8-3 Permitted Uses" of the Kaysville City Code is hereby *amended* as follows:

A M E N D M E N T

17-8-3 Permitted Uses

1. Accessory building or use customarily incidental to any permitted or conditional use subject to the provisions of [KCC 17-31-2.](#)
2. [Accessory dwelling unit subject to KCC 17-31-3](#)

Agriculture, agricultural experiment station.

Corral, stable, or building for keeping animals or fowl, as set forth in [KCC 17-24.](#)

Dairy farm, milk processing and retail sale, provided at least fifty percent (50%) of milk sold is produced and processed on the premises.

Farm animals and fowl kept for family food production and the keeping of horses for private use, together with their dependent young, as set forth in [KCC 17-24.](#)

Farms devoted to the hatching, raising (including fattening as an incidental to raising) of chickens, turkeys, or other fowl, rabbits or fish.

Fruit or vegetable stand, storage and packaging for produce grown on the premises only.

Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.

Publicly owned treatment works.

Two household pets.

Parking lot accessory to uses allowed in this Zone District.

Private swimming pool subject to the provisions of [KCC 17-31-9.](#)

Single-family dwelling.

Temporary buildings or use incidental to construction work but not to include temporary dwellings. Such building shall be removed upon completion or abandonment of the construction work.

The keeping and raising of not more than ten (10) hogs, more than sixteen (16) weeks old, provided that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that produced on the premises.

The raising and grazing of horses, cattle, sheep or goats as part of a farming operation including the supplementary or full feeding of such animals, provided that such raising and grazing when conducted in conjunction with any livestock feed yard or livestock sales shall:

1. Not exceed a density of twenty-five (25) head per acre of used land.
2. Be not closer than three hundred feet (300') to any dwelling, public or semi-public building on an adjoining parcel of land.

Farms devoted to the raising, breeding, keeping and training of horses.

Public parks and playgrounds, and privately-owned parks, playgrounds, and recreational grounds not operated as a business in whole or part and to which no admission is charged.

Minor home occupations subject to the provisions of [KCC 17-26.](#)

Major Home Occupation 'C' subject to the provisions of [KCC 17-26](#)

.

SECTION 4: **AMENDMENT** "17-9-3 Permitted Uses" of the Kaysville City Code is hereby *amended* as follows:

A M E N D M E N T

17-9-3 Permitted Uses

1. Accessory building or use customarily incidental to any permitted or conditional use subject to the provisions of [KCC 17-31-2](#).
2. [Accessory dwelling unit subject to the provisions of KCC 17-31-3](#).

Agriculture, agricultural experiment station.

Corral, stable, or building for keeping animals or fowl, as set forth in [KCC 17-24](#).

Farm animals and fowl kept for family food production and the keeping of horses for private use, together with their dependent young, as set forth in [KCC 17-24](#).

Fruit or vegetable stand for produce grown on the premises only.

Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.

Two household pets.

Parking lot accessory to uses allowed in this Zone District.

Private swimming pool subject to the provisions of [KCC 17-31-9](#).

Single-family dwelling.

Temporary buildings or use incidental to construction work but not to include temporary dwellings. Such building shall be removed upon completion or abandonment of the construction work.

Public parks and playgrounds, and privately-owned parks, playgrounds, and recreational grounds not operated as a business in whole or part and to which no admission is charged.

Minor home occupations subject to the provisions of [KCC 17-26](#).

Major Home Occupation 'C' subject to the provisions of [KCC 17-26](#)

.

SECTION 5: **AMENDMENT** “17-10-4 Conditional Uses” of the Kaysville City Code is hereby *amended* as follows:

A M E N D M E N T

17-10-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to [KCC 17-30](#).

1. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses.
2. Major home occupations A and B subject to the provisions of [KCC 17-26](#).
3. [Accessory dwelling unit subject to the provisions of KCC 17-31-3](#).

Public utility substations subject to the provisions of [KCC 17-31-15](#)

.

Golf courses subject to the provisions of [KCC 17-31-8](#)

.

Plant nurseries occupying one-half (1/2) acre or more.

Temporary buildings for uses incidental to construction work subject to the provisions of [KCC 17-30-7](#)

, which buildings must be removed upon completion or abandonment of the construction.

Temporary tract offices and development signs subject to the provisions of [KCC 17-30-7](#) and [KCC 17-33](#).

SECTION 6: **AMENDMENT** “17-11-4 Conditional Uses” of the Kaysville City Code is hereby *amended* as follows:

A M E N D M E N T

17-11-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to [KCC 17-30](#).

1. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses and similar uses.
2. Major home occupations A and B subject to the provisions of [KCC 17-26](#).
3. Accessory dwelling unit subject to the provisions of KCC 17-31-3.

Residential child care subject to the provisions of [KCC 17-26](#)

.

Temporary buildings for uses incidental to construction work subject to the provisions of [KCC 17-30-7](#)

, which buildings must be removed upon the completion or abandonment of the construction.

Public utility substations subject to the provisions of [KCC 17-31-15](#)

.

Farm animals other than those allowed as a permitted use subject to the provisions of [KCC 17-24](#)

.

Swimming clubs subject to the provisions of [KCC 17-31-10](#)

.

SECTION 7: **AMENDMENT** “17-12-4 Conditional Uses” of the Kaysville City Code is hereby *amended* as follows:

A M E N D M E N T

17-12-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to [KCC 17-30](#).

1. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses.
2. Major home occupations A and B subject to the provisions of [KCC 17-26](#).
3. [Accessory dwelling unit subject to the provisions of KCC 17-31-3](#).

Residential child care subject to the provisions of [KCC 17-26](#)

.

Temporary buildings for uses incidental to construction work subject to the provisions of [KCC 17-30-7](#)

, which buildings must be removed upon the completion or abandonment of the construction.

Temporary tract offices and development signs subject to the provisions of [KCC 17-30-7](#) and [KCC 17-33](#).

Public utility substations subject to the provisions of [KCC 17-31-15](#)

.

Farm animals other than those allowed as a permitted use subject to the provisions of [KCC 17-24](#)

.

Swimming clubs subject to the provisions of [KCC 17-31-10](#)

.

Two-family dwellings. Not more than two duplexes (4 units) may be allowed within 500 feet of any duplex (2 units). The 500 feet shall be measured in a straight line from the center of a duplex site to the boundary of any other duplex or twin home property.

Twin homes subject to the provisions of [KCC 17-28](#)

. Must also be permitted as two-family dwellings.

SECTION 8: **AMENDMENT** “17-13-4 Conditional Uses” of the Kaysville City Code is hereby *amended* as follows:

A M E N D M E N T

17-13-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to [KCC 17-30](#).

1. Multiple dwellings, not to exceed six (6) dwelling units per building, legally existing upon the effective date of this Chapter. The lot area shall be not less than eight thousand (8,000) square feet for a two-family dwelling, ten thousand (10,000) square feet for a three-family dwelling, twelve thousand (12,000) square feet for a four-family dwelling, fourteen thousand (14,000) square feet for a five-family dwelling, and sixteen thousand, eight hundred (16,800) square feet for a six-family dwelling.
2. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses.
3. Major home occupations A and B subject to the provisions of [KCC 17-26](#).
4. [Accessory dwelling unit subject to the provisions of KCC 17-31-3](#).

Residential child care subject to the provisions of [KCC 17-26](#)

.

Temporary buildings for uses incidental to construction work subject to the provisions of [KCC 17-30-7](#)

, which buildings must be removed upon the completion or abandonment of the construction.

Temporary tract offices and development signs subject to the provisions of [KCC 17-30-7](#) and [KCC 17-33](#).

Twin homes subject to the provisions of [KCC 17-28](#)

. Must also be permitted as two-family dwellings.

Farm animals other than those allowed as a permitted use subject to the provisions of [KCC 17-24](#)

.

Swimming clubs subject to the provisions of [KCC 17-31-10](#)

.

Public utility substations subject to the provisions of [KCC 17-31-15](#)

.

PASSED AND ADOPTED BY THE KAYSVILLE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Council Member Adams	_____	_____	_____	_____
Council Member Barber	_____	_____	_____	_____
Council Member Garn	_____	_____	_____	_____
Council Member DeCaire	_____	_____	_____	_____
Council Member Page	_____	_____	_____	_____

Presiding Officer

Attest

Katie Witt, Mayor, Kaysville City

Annemarie Plaizier, City Recorder
Kaysville City

Layton City Zoning Ordinance:

19.07.110 Flag Lots

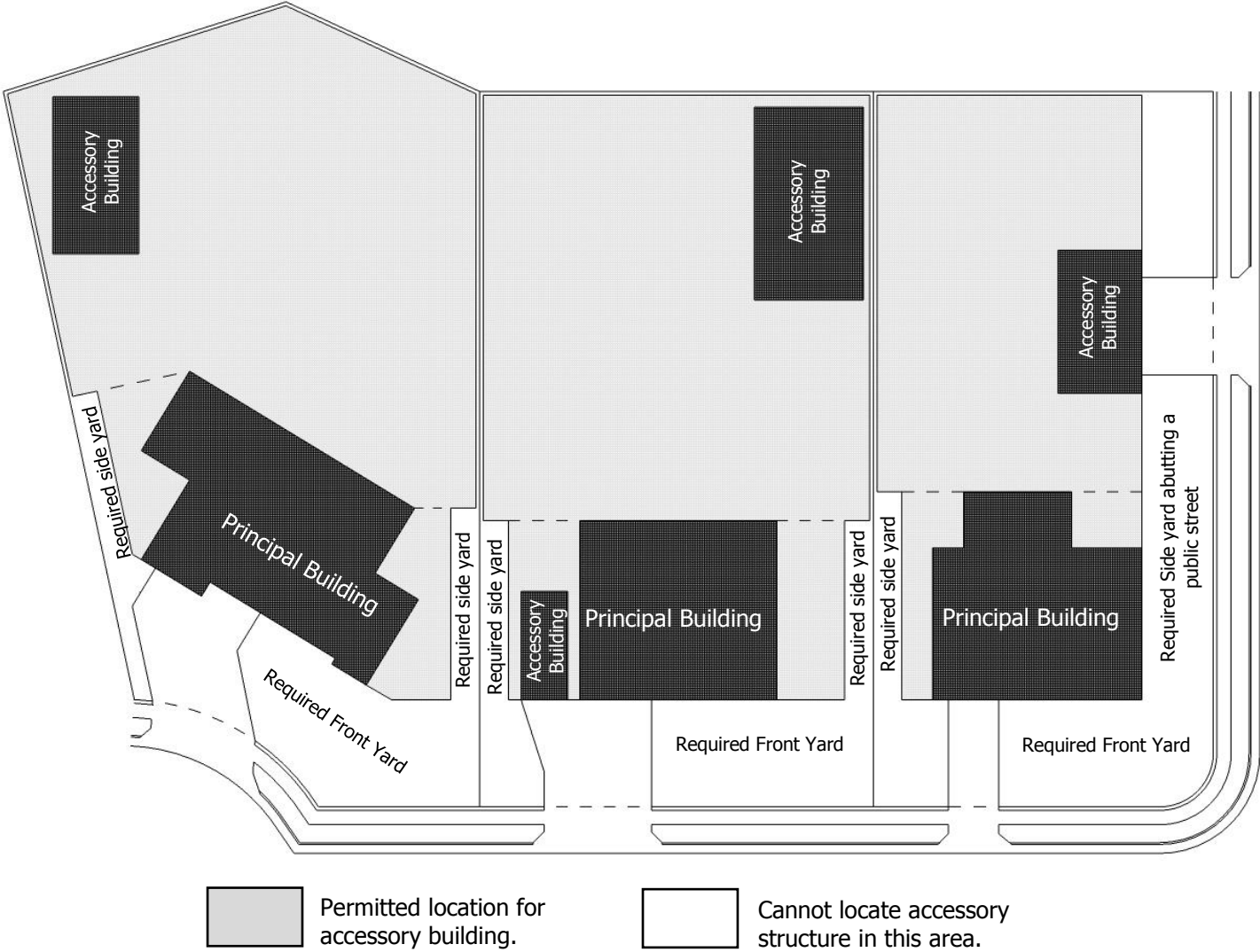
In order to encourage the more efficient use of land, flag or L-shaped lots may be allowed, subject to the following conditions:

1. A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof;
2. The staff portion of said lot shall front on and be contiguous to a dedicated public street. The minimum width of the staff portion of a flag lot shall be thirty feet (30'), and maximum length is one hundred seventy feet (170');
3. No building or construction, except for driveways, shall be allowed on the staff portion of said lot unless the minimum width, for building lots, is the same or greater than the minimum width as allowed in the zoning district;
4. The front side of the flag portion of said lots shall be deemed to be that side nearest to the dedicated public street upon which the staff portion fronts;
5. The staff portion of said lot shall be deemed to end, and the flag portion of said lots shall be deemed to commence, at the extension of the front lot line;
6. The square footage located in the flag portion of said lot, which shall be exclusive of the square footage located in the staff portion of said lot, shall be the same or greater than the minimum square footage as is required in this Section or based on the underlying zoning district, whichever is more restrictive;
7. The side and rear yard requirements of the flag portion of said lots shall be the same as is required in the zoning district;
8. The front yard minimum setback requirements for all buildings shall be thirty feet (30') from the front lot line of the flag portion thereof;
9. No more than two (2) flag lots can be contiguous to each other. No more than two (2) lots may share the thirty foot (30') staff portion, frontage requirement; and
10. The maximum number of flag lots in the development site shall be not more than ten percent (10%) of the total number of lots within the development site

Accessory Buildings Guide – Sample Drawings

Permitted Location of an Accessory Building

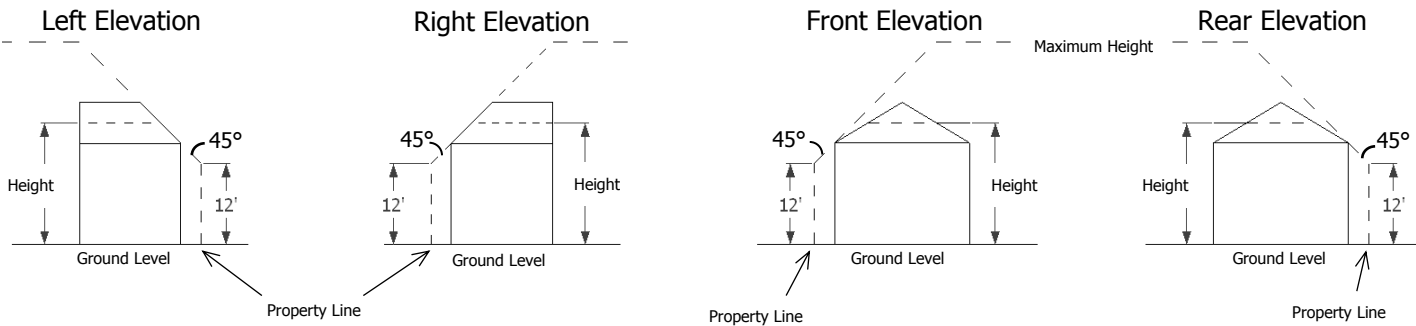
17-31-2 (1)



Permitted Accessory Building Height

17-31-2 (5)

Plans submitted for a building permit must demonstrate the building is within the allowed building envelope.



Accessory Buildings Guide – Applicable Ordinances

Accessory buildings **200 square feet** or less do not require a building permit. If you are adding electrical and/or plumbing, then a permit will need to be issued for that work.

17-2-2 Definitions

Accessory Use or Building - A use or building subordinate to the principal use of a building or principal use on the same lot, and serving a purpose customarily incidental to the use of the principal building or use. Garden sheds, greenhouses, storage shelters, and covered patios not equipped for use as living quarters are accessory buildings.

17-31-2 Accessory Buildings

1. **All** accessory buildings shall comply with the provisions of this Title. **No accessory building shall be located in any front yard or *required side yard.**
2. Any accessory building attached to the main building shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Title applicable to the main building.
3. One story detached accessory buildings smaller than 200 square feet shall not be located so that they cause storm water runoff onto the adjacent property. Accessory buildings 200 square feet or larger shall have the required permits and be located not closer than one foot (1') to the adjacent property line and so that storm water does not run off onto the adjacent property.
4. Accessory buildings in any zone shall occupy no more than twenty percent (20%) of the lot area less the footprint area of the main building. An accessory building shall not exceed ten percent (10%) of the lot area or three thousand (3,000) square feet, whichever is more restrictive. Accessory buildings may exceed three thousand (3,000) square feet in area by conditional use in the zones where allowed by conditional use.
5. Accessory building shall not exceed in height the line created by a point twelve feet (12') above ground at the property line and extending upwards from that point at a 45 degree angle towards the interior of the property, up to the maximum building height allowed in the zone.
6. Buildings housing farm animals shall comply with KCC 17-24-3

Easements: Structures located in an easement such as a Public Utility Easement (P.U.E.) are placed at the property owner's risk and the structure may be required to be removed at the property owner's personal expense should an entity with rights to the easement require access to that easement at any time.

*See Title 17 for yard requirements of Kaysville City zoning districts and 17-2-2 for definition of Yards

KAYSVILLE CITY PLANNING COMMISSION MEETING MINUTES

June 25, 2020

Planning Commission Members Attended: Chairperson Wilf Sommerkorn, Steve Lyon, Toby Barrus, Quan Nguyen, Jared Doxey, Scott Hess, Abbigayle Hunt.

Absent: Joshua Sundloff

Staff Present: Lyle Gibson, Dan Jessop, Heather Nielsen.

Public Attendees:, Tammy Tran, Andre Lortz, Bruce McGraw, Kyle Burck Jennifer Burk, Nathan Alvey, Richard Collard, Thomas Wright, Tim McCreavy, Trent Nelson.

OPENING

The Planning Commission meeting was held on Thursday, June 25, 2020 at 7:00 p.m. via online Zoom Meeting. Chairperson Wilf Sommerkorn opened the meeting by welcoming those present. Steve Lyon made a motion to approve the minutes. Jared Doxey seconded the motion and they were unanimously approved.

CONDITIONAL USE PERMIT FOR MAJOR HOME OCCUPATION 'B' PRIVATE AND GROUP SWIMMING LESSONS LOCATED AT 780 SOUTH 1350 WEST FOR TIFFANY MCREAVY.

Lyle Gibson said that the applicant is requesting a conditional use permit for a Major Home Occupation 'B' to offer group and private swimming lessons from their home. Classes will likely be 4 students or less at any particular time. Typical lesson structure includes 30-45 minute classes.

The pool on site is an outdoor swimming pool and there is a large amount of parking on site. Lessons are Monday through Friday starting at 8 am going until 1 pm.

The request being an organized class per 17-26-4 (12) requires that a limit be placed on the number of students and/or the number of vehicles transporting students in order to prevent congestion.

Staff recommended approval of the proposed conditional use permit with the stipulation that the number of students be limited to 6 per class.

Scott Hess made a motion to approve the conditional use permit for Major Home Occupation 'B' private and group swimming lessons located at 780 South 1350 West for Tiffany McGreavy. Scott Lyon seconded the motion and it was unanimously approved.

PUBLIC HEARING FOR THE REZONE OF 1.1 ACRES OF PROPERTY LOCATED AT 1599 WEST GALBRAITH LANE FROM THE R-A TO AN R-1-20 (SINGLE FAMILY DWELLINGS) WHICH INCLUDES THE PRUD (PLANED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE FOR NATHAN ALVEY.

Lyle Gibson told the Planning Commission that this property was considered by them during their meeting on 6/11/20. The request at the time was for a flag lot in the existing R-A district. The Commission voted in favor of recommending the PRUD overlay zone for a flag lot, but due to a desire by the applicant to make lot 1 smaller than a true half acre, the item is returning to the Commission after having been noticed identifying the desire to rezone to the R-1-20 in addition to the PRUD for the flag lot.

In addition to pursuing the necessary zoning based on the applicants refined plans, the applicant has also prepared some options for dealing with some of the storm water that neighbors who spoke at the last meeting mentioned was such an issue in the area. The plans indicate a sump or on site solution as well as an option that would take water into a yard drain out to the city's storm drain system in Galbraith Lane. Kaysville City is willing to consider either option, complete engineering and details will be required to be reviewed to verify that the proposals function prior to approval of final plat.

The property includes an existing home fronting Galbraith Lane which is proposed to remain with some modifications while the primary purpose of the request for the PRUD overlay is to accommodate a new lot behind the home to the south.

Jared Doxey told Lyle Gibson that he felt the best solution would be to tie into the city's storm drain system. He also suggested that they create an agreement with the developer that states if there is any maintenance needed on the drain that it is the property's owner's responsibility to fix not the city's.

Chairperson Wilf Sommerkon opened the public hearing and asked the Planning Commission members if they had read all of the emails they received regarding this agenda item. The Planning Commission members said they had read all the emails that they received.

Trent Nelson said that he is not trying to stop the development he just wants to make sure that it is done right. There are a few items that still need to be addressed the main one is the water issue. He said that every spring water constantly flows into the Wright's property. The Wright's have placed sandbags and fill dirt along the area to stop the flooding but the water still flows. The water does not seep well into the ground here because of the amount of clay in the soil. Mr. Nelson said that the water table is really high in this area.

Mr. Nelson said that they as neighbors should not have to help pay for a drain to be put in on the developers property. Mr. Alvey is the one developing his land and he is in charge of all costs which include a French drain and a vinyl fence along the driveway that backs the Burks property. Mr. Nelson would like to see a fence installed before any dirt is moved for development. Mr. Nelson also made note that there is a septic tank on the property that should be removed for the safety and health of those in the area.

Thomas and Tammy Wright said that they don't believe that the gravel sump will work. They have sandbags in there yard and that doesn't hold the water.

Kyle and Jennifer Burk said that they want a vinyl fence installed around the property for the safety of their children since the proposed driveway would be butting against their backyard property. They said that in talking with Nathan Alvey he said that there were loopholes in what the Planning Commission said they might require from him regarding the fencing issue. They stated that Mr. Alvey said there was no timeline as to when the fence needed to be installed nor was there a specification of what type of fencing he had to install. He said that he could put in a tacky chain link fence.

Richard Collard said he seconds what everyone else has said. His preference is to move the water off the property and push it out to the city's storm drain system. He seconded the notion that the water would not seep into the ground due to the amount of clay in the soil. The fence also should be installed and paid for by the developer. No neighbor should have to pay anything for this development to take place.

Nathan Alvey said that he does not have a blank checkbook. He should not solve the water problem for everyone in the neighborhood. He was upset that everyone had a wish list and they all want him to pay for it. He told the Planning Commission that developing was a very expensive process and he doesn't feel he should have to pay for it all.

Chairperson Wilf Sommerkorn closed the public hearing.

Chairperson Wilf Sommerkon asked Lyle Gibson if the city requires fencing to be installed along the boundaries of a new development. Lyle Gibson said improvements are required along all non-compatible boundaries.

Scott Hess said on a large subdivision it is not un-reasonable for developers to be asked to put fencing in along the back boundary, however he does not agree that a developer creating one lot should pay for all of the fencing. Toby Barrus seconded that notion.

Quan Nguyen said that he is in favor of the fencing being installed otherwise he would go against the rezone. Steve Lyon seconded that notion as well.

Scott Hess asked the Planning Commission members their thoughts about the developer installing a fence just along the area where the Burk's backyard butts up to the driveway. Therefore, it would not need to be built in front of the existing home just from there to the backyard.

Quan Nguyen made a motion to recommend approval to the Kaysville City Council the rezone of 1.1 acres of property located at 1599 West Galbraith Lane from the R-A to an R-1-20 (Single Family Dwellings) which includes the PRUD (Planned Residential Unit Development) overlay zone for Nathan Alvey with the following stipulations:

- A 6ft vinyl fence within 30 feet of the setback line be installed adjacent to the driveway on the west side running from the side of the existing home to the back corner of the property.
- The developer pays for the cost of the fence.
- The fence has to be installed before home occupancy can be granted.

Scott Hess seconded the motion and the voting went as follows:

Chairperson Wilf Sommerkorn: Nay
Abby Hunt: Yea
Steve Lyon: Yea
Quan Nguyen: Yea
Jared Doxey: Yea
Scott Hess: Yea
Toby Barrus: Nay

The motion passed with a five to two vote.

**PUBLIC HEARING AND PRELIMINARY PLAT APPROVAL FOR THE ALVEY
SUBDIVISION LOCATED AT 1599 WEST GALBRAITH LANE FOR NATHAN
ALVEY.**

Lyle Gibson said that the proposed preliminary plat indicates 2 lots that each meet the minimum frontage or width requirement as well as the minimum acreage for the R-1-20 zone. The flag lot provisions of the PRUD ordinance require that the standard lot fronting the street keep its typical standards for width and setbacks and the access to the new lot be provided at 30 feet in width to a single lot. Each lot must be at least 10,000 sq. ft. in size or meet the minimum for the zone which in this case is 20,000 sq. ft. The property contains enough acreage and is wide enough to accommodate 2 lots which comply with the provisions of the applicable ordinances, but in order to meet the required side yard setback from a property line it is necessary to remove portions of the home as proposed on the preliminary plat.

There are multiple flag lots in the immediate area. There have also been concerns expressed to staff in recent years regarding water which collects in this section of town in the rear yards of properties along Leola St. which would be appropriate to consider with final plat details if the commission and council are on boards with pursuit of the idea of a flag lot at this location.

Steve Lyon said that if you own the property you should be responsible for the water issues on your lot.

Chairperson Wilf Sommerkon said that there is a natural flow to water and adding a driveway, roof, etc will create additional water. He agrees that the water issue on the lot is the developer's responsibility. Chairperson Wilf Sommerkorn said that they need to put in a drain line.

Steve Lyon said that if the city is going to let the developer connect to the city's storm drain then the developer needs to get the water off his property.

Jared Doxey said he wants to make sure that the property owner will take care of any clogging or malfunction issues if the drain does not work. A development agreement needs to be created that states Kaysville City is not responsible for any function of the drain or water backing up into the property.

Scott Hess made a motion to recommend approval to the Kaysville City Council the preliminary plat for the Alvey Subdivision located at 1599 West Galbraith Lane for Nathan Alvey with the stipulations that surface water be mitigated with a French drain or whatever is approved by the Kaysville City Engineer. Steve Lyon seconded the motion and it was unanimously approved.

CALL TO THE PUBLIC

Nothing was brought forward from the public to the Planning Commission.

PLANNING COMMISSION

Chairperson Wilf Sommerkorn said that the Planning Commission needs to look at going back to holding in person meetings. Some of the Planning Commission members were still concerned meeting in person and would like the next session to be done via Zoom online.

Lyle Gibson said that they could do the next meeting via Zoom online but will look for locations to host the next Planning Commission meeting in August, 2020.

CALENDAR

The next regularly scheduled Planning Commission meeting is anticipated to be held on Thursday, July 9, 2020 via Zoom Meeting. There will be no meeting held July 23, 2020 due to the holiday.

ADJOURNMENT

Steve Lyon made a motion to adjourn the meeting. Quan Nguyen seconded the motion and it passed unanimously. The meeting adjourned at 9:00pm.