



**KAYSVILLE CITY PLANNING COMMISSION
NOTICE AND AGENDA**

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, August 12 starting at 7:00 p.m. at the Kaysville City Municipal Building located at 23 East Center Street. The public is encouraged to attend in person or may view the meeting online via www.Kaysvillelive.com.

The agenda shall be as follows:

1. Opening and approval of the minutes from the July 8, 2021 meeting
2. Public hearing and request to rezone .44 acres of property at 65 Crestwood Road from the R-1-8 (Single Family Residential) zoning district to the GC (General Commercial) zoning district
3. Public hearing for an ordinance allowing for Accessory Dwelling Units
4. Presentation and review of draft Water Wise Landscape Ordinance
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 Friday, August 6, 2021.

Lyle Gibson – Community Development Director



Planning Commission Staff Report

Public Hearing and request to rezone .44 acres of property at 65 Crestwood Road from the R-1-8 (Single Family Residential) zoning district to the GC (General Commercial) zoning district.

August 12, 2021

Applicant

Christian Nielsen

Description:

A zone change is being requested at the subject address in order to accommodate General Commercial potential. The property is currently zoned R-1-8 to accommodate a single family dwelling type development.

The requested General Commercial zoning district is primarily for office and retail sales and services which are permitted uses in the zone. The full provisions of the GC zoning district are included with this report

The request does not include a specific plan or concept to demonstrate the desired use or change to the site, rather they are seeking the rezone to be open to different possibilities allowed by the new zoning district.

As a rezone action the Planning Commission has broad discretion as to whether or not to pass along a favorable recommendation to the City Council.

REQUESTED ZONING - KAYSVILLE CITY CODE – CHAPTER 17-19 GENERAL COMMERCIAL DISTRICT:

17-19-3 Permitted Uses

1. Offices.
2. Retail sales and services, not including storage services, sale of beer for consumption on the premises, sale of liquor for consumption on the premises and conditional uses in [KCC 17-19-4](#).
3. Government offices and services.

17-19-4 Conditional Uses

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

1. Single family dwellings which are an integral part of a commercial use and serves as housing for the proprietor or an employee.
2. Light industry/research uses subject to the provisions of [KCC 17-23](#).
3. Buildings of height greater than thirty-five feet (35').
4. Recreational vehicle parks subject to the provisions of [KCC 17-31-24](#).
5. Public utility substations.
6. Sale of beer for consumption on the premises of a full-service restaurant, limited service restaurant, beer-only restaurant, banquet or reception center.

7. Sale of liquor for consumption on the premises of a full-service restaurant, limited service restaurant, banquet or reception center.

HISTORY

Amended by Ord. [18-9-01](#) on 1/3/2019

17-19-5 Special Provisions

The design of off-street parking facilities shall assure compatibility of vehicular and pedestrian circulation. Site plan drawings prepared for site plan review shall illustrate clearly all existing and proposed vehicular and pedestrian paths. (See [KCC 18-4](#).)

17-19-6 Height Regulations

1. No building shall exceed thirty-five feet (35') in height, except pursuant to [KCC 17-19-4](#).
2. No building shall be less than ten feet (10') in height.

17-19-7 Area, Lot Coverage And Yard Requirements

There are no lot size or yard requirements except that where a lot in the General Commercial District abuts a residential district, the yard abutting the residential district shall be at least twenty feet (20').

The City's **General Plan states**, among other things:

Identity and Character:

Kaysville should be primarily a residential community with a vision to promote business, industry and public use.

Growth and Development

A. Growth should mostly occur through development within the City. Development should improve public safety and sense of community. An adequate revenue base should be developed to fund City operations and infrastructure.

1. Refurbish or replace deteriorating structures so that land is used to its long-term potential.
2. Reserve land and promote development that is high quality, diversified and adaptable to changing conditions.
3. Encourage businesses and industries to locate and invest within the City.
4. Regulate the more intensive uses that create traffic and public service problems and costs

Business and Industry

- A. Most sites used primarily for business or industry should be located on major streets. Mitigate impacts on adjacent residential uses through compliance with ordinances and regulations.

Crestwood Road is classified as a major streets per Kaysville City's Major Street Plan in KCC Section 8-3-2.

Recommendation:

Rezone:

After holding a Public Hearing, the Planning Commission should make a recommendation to the City Council addressing the rezone request based on its findings of compatibility with the General Plan and how well the proposal works at this specific location. The Planning Commission may make recommendations to approve, approve with modifications or specific conditions that could be imposed by a development agreement, or deny the request. The Planning Commission may also table a decision pending additional information.

Attachment 1: Area Map

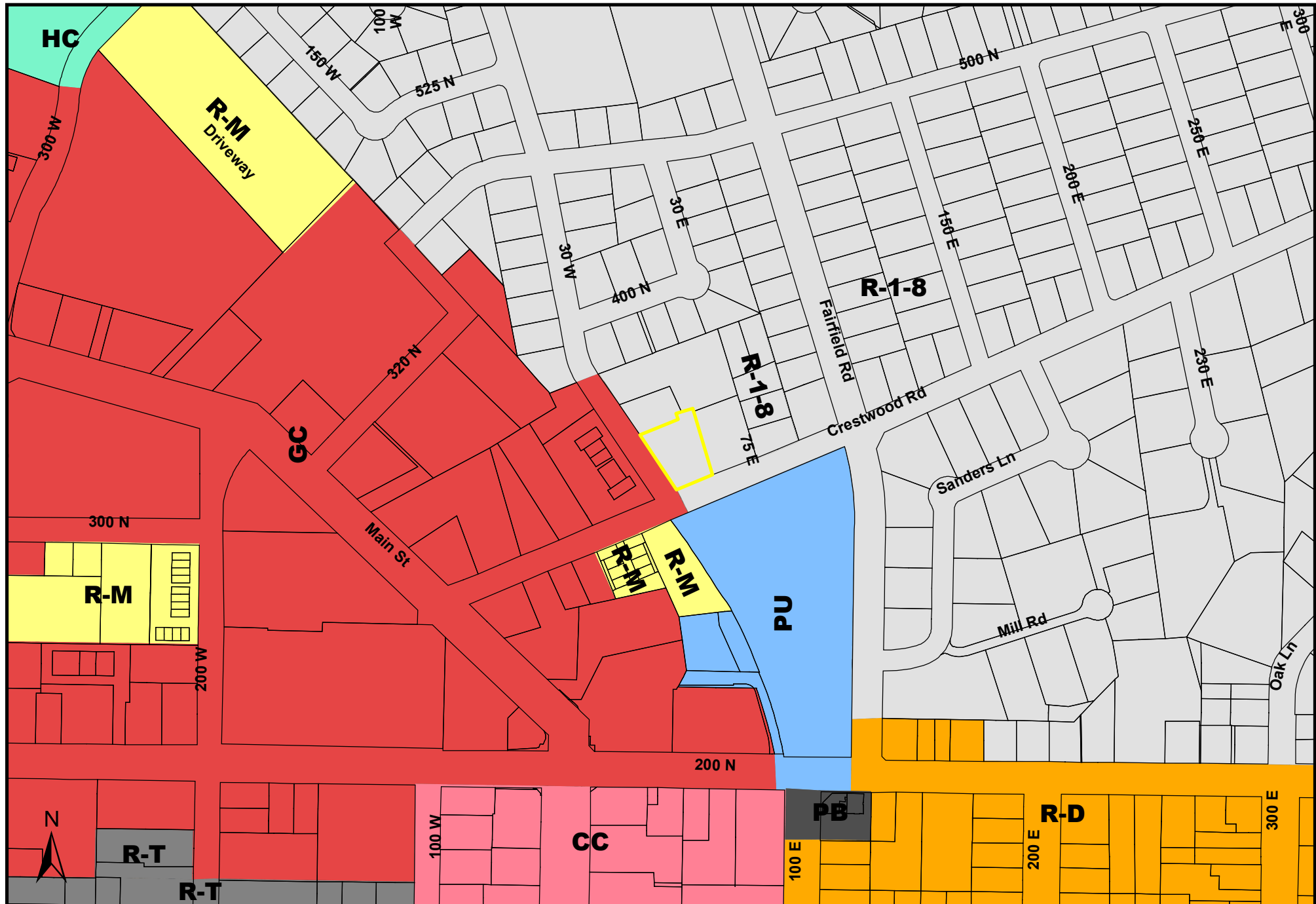
Attachment 2: Zoning Map

Attachment 3: Rezone Ordinance

Rezone of 65 Crestwood Road from R-1-8 to GC



Rezone of 65 Crestwood Road from R-1-8 to GC



ORDINANCE NO. 21-_____

AN ORDINANCE REZONING A CERTAIN PORTION OF KAYSVILLE CITY TO THE GC (GENERAL COMMERCIAL) ZONING DISTRICT, HEREINAFTER FULLY DESCRIBED; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of Kaysville City, State of Utah, has determined in an open meeting to rezone the subject property from the R-1-8 district to the GC district for the purpose of allowing potential future commercial uses; and

WHEREAS, said meeting was duly and regularly held and the interested parties were given an opportunity to be heard; and

WHEREAS, the Kaysville City Planning Commission has made a recommendation to the City Council on said zoning action; and

WHEREAS, the City Council after due consideration of said district has concluded that it is in the best interest of the City and the inhabitants thereof that said zone be implemented;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE CITY, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II:

The real property as shown on the attached map at 65 Crestwood Road, which is made a part hereof, containing approximately 0.44 acres, shall be and the same is hereby rezoned and the Zoning Map amended by removing it from the Kaysville City R-1-8 district as currently delineated and rezoning it to the GC zoning district.

SECTION III: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION VI:

This Ordinance shall take effect upon approval of a final subdivision plat found to be consistent with the provisions of the approved development agreement for the subject property.

PASSED AND ADOPTED by the City Council of Kaysville City, Utah, this ___th day of _____, 2021

Katie Witt
Mayor

ATTEST:

Annemarie Plaizier
City Recorder

APPROVED AS TO FORM:

Nicholas C. Mills, City Attorney



Planning Commission Staff Report

Review of draft ordinance for Accessory Dwelling Units. July 8, 2020

Description:

The State Legislature passed [HB82](#) during the 2021 legislative session which requires cities to allow Internal Accessory Dwelling Units (IADUs) as outlined by that statute.

Kaysville City staff has reviewed the legislation and prepared a draft ordinance for review of the Planning Commission that works within the allowances of that legislation.

In light of this legislation and using some direction from the recent past in considering allowing accessory dwelling units in Kaysville, this ordinance allows most residential properties to have either an internal or external accessory dwelling unit if the property owner also lives on site.

Key Points:

- Single Family Residential Properties exceeding 6,000 sq. ft. may have either an internal or detached accessory dwelling unit.
- The property owner must live on the property.
- No short term rentals in an ADU.
- Requires a license from the city to have an ADU.
- IADUs would be a permitted use, detached ADU would be conditional use.

Recommendation:

Staff is looking for input from the Planning Commission to refine changes before noticing a public hearing where the Planning Commission will make a formal recommendation to the city council regarding this ordinance.

Attached:

Draft Ordinance

1. Internal Accessory Dwelling Units

a. Definition:

An Internal Accessory Dwelling Unit (IADU) is an accessory dwelling unit created within the footprint of a single family detached residence for the purpose of offering a long-term rental where the property owner resides on site.

b. IADU must meet the following regulations.

- i. An IADU shall comply with all applicable building, health, and fire codes.
- ii. The owner of the property shall occupy either the IADU or the primary dwelling where the IADU is located as their place of primary residence.
- iii. Occupancy of any IADU shall be limited to a single family as defined by KCC 17-2-2.
- iv. An IADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single family dwelling.
- v. A minimum of one extra parking space beyond the parking required for the primary dwelling shall be provided on a property where an IADU is proposed.
 1. Any parking spaces displaced by the construction of an IADU (i.e. parking within a garage or carport displaced after the construction of an IADU within the garage or carport) shall be replaced to meet the requirement above.
- vi. An IADU shall maintain the same address as the primary dwelling with the addition of 'Unit B'
 1. An IADU shall not operate on separate utility meters from the primary dwelling.
- vii. An IADU shall not be permitted within a mobile home or within the property area of a mobile home
- viii. An IADU shall not be permitted on a property with a total lot size of 6,000 square feet or less.
- ix. An IADU shall not be permitted on a property with a failing septic tank.

2. Detached ADU:

a. Definition:

A detached Accessory Dwelling Unit (detached ADU) is an accessory dwelling unit designed as a detached structure on the same lot as the primary dwelling. A Detached Accessory Dwelling Unit may be permitted when meeting the following conditions.

- i. Use of a building or structure as a detached ADU shall only be allowed on a property where an internal dwelling unit does not already exist.

- ii. If a property owner wishes to have an IADU on a lot where a detached ADU already exists; Occupancy of the IADU must be ceased before occupancy of a detached ADU is permitted.
- iii. A detached ADU shall comply with all applicable building, health, and fire codes.
- iv. The owner of the property shall occupy either the detached ADU or the primary dwelling where the detached ADU is located as their place of residence.
- v. Occupancy of any detached ADU shall be limited to a single family as defined by KCC 17-2-2.
- vi. All buildings or structures wherein a detached ADU is located shall meet the requirements of KCC 17-31-2.
- vii. A minimum of one extra parking space beyond the parking required for the primary dwelling shall be provided on a property where a detached ADU is proposed. Additional parking may be required by the Planning Commission as part of the Conditional Use Permit review.
 - 1. Any required parking spaces displaced by the construction of a detached ADU shall be replaced to meet the requirement above.
- viii. A detached ADU shall maintain the same address as the primary dwelling with the addition of 'Unit B'
- ix. Upon approval from the Kaysville City Planning Commission to have a detached ADU on a property, a building permit must be pursued to confirm compliance with applicable building code for occupancy as a separate unit.
 - 1. A detached ADU shall not operate on separate utility meters from the primary dwelling.
- x. A detached ADU shall not be permitted on a property with a total lot size of 6,000 square feet or less.
- xi. A detached ADU shall not be permitted on a property with a failing septic tank.
- xii. A detached ADU shall not be permitted on a property where the primary dwelling unit does not meet applicable building, health, and fire codes.

3. ADU Rental Provisions

- a. Neither a detached or Internal Accessory Dwelling Unit (ADU) shall be made available to rent without the owner of the property on which the ADU is located first obtaining a valid permit for the purpose of renting the ADU.
- b. An ADU shall not be made available to rent for a period of less than 30 consecutive days.

- c. An ADU shall not be made available to rent where the owner does not reside within the primary dwelling unit on the property.
- 4. Penalty
 - a. In addition to applicable remedies for correction of non-compliance found in KCC 17-1-8 and in the Utah Code, Kaysville City may hold lien of up to \$100 per day against a property that contains an Internal Accessory Dwelling Unit if the Internal Accessory Dwelling Unit is in violation of any of the provisions of Utah Code 10-9a-530 or of any provisions of this chapter.
 - 1. The lien shall be removed after the violations are resolved.

WATER EFFICIENT LANDSCAPE ORDINANCE
ORDINANCE NUMBER <CITY ORDINANCE NUMBER>

Section 1. Preamble

- A. Whereas, water is an increasingly scarce resource, of limited supply, and are subject to ever increasing demands;
- B. Whereas, it is the policy of <CITY NAME> to promote the conservation and efficient use of water and to prevent waste of this valuable resource;
- C. Whereas, <CITY NAME> recognizes that landscapes provide areas for active and passive recreation;
- D. Whereas; landscape design, installation, maintenance and management can and should be water efficient;
- E. Whereas, <CITY NAME> desires to promote the design, installation and maintenance of landscapes that are both attractive and water efficient;
- F. Whereas, <CITY NAME> can accomplish these goals by adopting this ordinance; and,
- G. Whereas, <CITY NAME> has the authority to adopt this ordinance pursuant to Utah Code Annotated (2010) § 10-3-702, and hereby exercises its legislative powers in doing so.

Section 2. Ordaining Clause

Be it ordained by the <CITY NAME>, that the Water Efficient Landscape Ordinance, Number <CITY ORDINANCE NUMBER>.

Section 3. Title, Water Efficient Landscape Requirements

- A. An ordinance amending the Zoning Code of the City of <CITY NAME> so as to add a Water Efficient Landscape Ordinance of minimum landscape requirements. This ordinance shall be referred to as "<CITY NAME> City Water Efficient Landscape Ordinance".

Section 4. Purpose

The City Council has found that it is in the public interest to conserve the public's water resources and to promote water efficient landscaping. The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste and establish a structure for designing, installing and maintaining water efficient landscapes throughout the City.

Section 5. Definitions

The following definitions shall apply to this ordinance:

Applied Water: The portion of water supplied by the irrigation system to the landscape.

Bubbler: An irrigation head that delivers water to the root zone by "flooding" the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow. Used to prevent pollution or contamination or the water supply due to the reverse flow of water from the secondary irrigation system.

Drip Emitter: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

Effective Precipitation: The portion of total precipitation which becomes available for plant growth.

Established Landscape: The point at which plants in the landscape have developed significant root growth into the soil.

Establishment Period: the first year after installing the plant in the landscape.

Evapotranspiration (ET): The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time, expressed in inches per day, month or year.

Grading Plan: The Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscape area.

Ground Cover: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

Hardscape: Patios, decks and paths. Does not include driveways and sidewalks.

Irrigation System Audit: an in-depth evaluation of the performance of an irrigation system that includes, but is not limited to, inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

Irrigation Landscaped Area: All portions of a development site to be improved with plantings and irrigation. Natural open space areas shall not be included in the irrigated landscape area.

Irrigation Efficiency: the measurement of the amount of water beneficially applied, divided by the total amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system hardware characteristics and management practices.

Irrigation Plan: The irrigation plan shows the components of the irrigation system with water meter size, backflow prevention (when outdoor irrigation is supplied with culinary water), precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Architect: A person who holds a certificate to practice landscape architecture in the state of Utah. Only a Landscape Architect can legally create commercial landscape plans.

Landscape Designer: A person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape Designers generally focus on residential design and horticultural needs of home landscapes.

Landscape Education Package: A package that is intended to inform and educate water users in the City about water efficient landscapes. This package should include a listing of water conserving plants, certified landscape designers, landscape architects, certified irrigation designers, and certified irrigation contractors. Information regarding the City's water rates, billing format for water use and commitment to water conservation may also be included.

Landscape Plan Documentation Package: The preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as

plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, and a Grading Plan.

Landscape Zone: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences or benches.

Localscapes®: A locally adaptable and environmentally sustainable urban landscape style that requires less irrigation than traditional Utah landscapes (see www.Localscapes.com).

Maximum Applied Water Allowance (MAWA): the upper limit of annual applied water for the established landscaped area as specified in Section 8. It is based upon the area's reference evapotranspiration, a plant adjustment factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the MAWA.

Microclimate: The climate of a very small restricted area that is different from the surrounding area. These areas include shade areas, sun areas, and areas protected by surrounding structures.

Mulch: Any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

Plant Adjustment Factor: A reference evapotranspiration factor, also referred to as a crop coefficient which is a value to indicate water needs of various plant types for optimum growth or yield. It is a factor to provide acceptable appearance and function of the plant.

Planting Plan: A Planting Plan shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

Pop-up Spray Head: A sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.

Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.

Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

Rehabilitated Landscaping: Altering, repairing, or adding to a landscape to make possible a compatible use, increase curb appeal, decrease maintenance, etc.

Rotor Spray Head: A sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.

Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.

Smart Automatic Irrigation Controller: An automatic timing device used to remotely control valves in the operation of an irrigation system using the internet to connect to a real time weather source or soil moisture sensor. Smart Automatic Irrigation Controllers schedule irrigation events using either evapotranspiration or soil moisture data to control when and how long sprinklers or drip systems operate and will vary based on time of year and weather/soil moisture conditions.

Special Landscape Area: (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

Spray Sprinkler: An irrigation head that sprays water through a nozzle.

Stream Sprinkler: An irrigation head that projects water through a gear rotor in single or multiple streams.

Turf: A surface layer of earth containing grass species with full root structures that are maintained as mowed grass.

Waste of Water: shall include, but not necessarily limited to:

1. The use of water for any purpose, including outdoor irrigation, that consumes, or for which is applied substantial excess water beyond the reasonable amount required by the use, whether such excess water is lost due to evaporation, percolation, discharges into the sewer system, or is allowed to run into the gutter or street.
2. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except to alleviate immediate health or safety hazards.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

Section 6. Applicability of Water Efficient Landscape Ordinance

The provisions of this ordinance shall apply to all new and rehabilitated landscaping for public agency projects, private commercial and industrial development projects, developer-installed landscaping in multi-family and single-family residential projects, and homeowner provided landscape improvements within the front, side, and rear yards of single and two-family dwellings.

Section 7. Landscape Design Standards

A. Plant Selection.

1. Plants shall be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as possible.
2. Areas with slopes greater than 25% shall be landscaped with deep-rooting, water- conserving plants for erosion control and soil stabilization.
3. Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped with water-conserving plants, that do not a mass planting of any type of plant material requiring uniform overhead spray irrigation.

Note: Please see Exhibit A for a list of recommended plants for various landscape situations and conditions (not a comprehensive list).

- B. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum three (3) inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.
- C. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per specific recommendations of the Landscape Designer/Landscape Architect based on the soil conditions.
- D. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be selected as follows:
 1. Broad canopy trees shall be selected where shade or screening of tall objects is desired;
 2. Low-growing trees shall be selected for spaces under utility wires;
 3. Select trees from which lower branches can be trimmed to maintain a healthy growth habit where vision clearance and natural surveillance is a concern;
 4. Narrow or columnar trees shall be selected where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;
 5. Street trees shall be planted within existing and proposed park strips, and in sidewalk tree wells on streets without park strips. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, utilities, lighting, and other obstacles; and
 6. Trees less than a two-inch caliper shall be double-staked until the trees mature to a two-inch caliper.

Section 8. Irrigation Design Standards

- A. Smart Automatic Irrigation Controller. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All

controllers shall be equipped with automatic rain delay or rain shut-off capabilities and shall be setup to operate in “smart” mode.

- B. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
- C. Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the City due to the limited number of trees on the project site.
- D. Drip irrigation or bubblers shall be used to irrigate plants in non-turf areas. Pop-up spray heads shall be at a minimum of four (4) inches in height to avoid blockage from lawn foliage.
- E. Sprinklers shall have matched precipitation rates with each control valve circuit.
- F. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
- G. Check valves shall be required where elevation differences cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.
- H. Filters shall be required on all secondary water service connections. Filters shall have as a minimum a 30 mesh screen and shall be cleaned and maintained by the property owner on a regular basis.
- I. Drip irrigation lines require additional filtration at or after the zone valve at a minimum of 200 mesh and end flush valves are required as necessary for drip irrigation lines.
- J. Valves with spray or stream sprinklers shall be scheduled to operate in accordance with local water supplier restrictions to reduce water loss from wind, evaporation or other environmental conditions not suitable for irrigation.
- K. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.
- L. Meter Installation: Meters shall be specified by the <CITY NAME> for the particular installation and shall report instantaneous flow in gallons per minute (gpm) and totalized flow in gallons via encoded register output. <DEFINE INSTALLATION REQUIREMENTS INCLUDING METER MANUFACTURER AND ENCLOSURE DEPTHS ETC>
- M. AMR Transmitters: Each meter shall be fitted with an AMR transmitter with integral connector. <DEFINE AMR TRANSMITTER AND INSTALLATION REQUIREMENTS>

Each new development or rehabilitated landscape that uses primary potable water for landscape irrigation must provide a water budget calculation to demonstrate a Maximum Applied Water Allowance (MAWA) for the new landscape or development. For parcels using secondary water,

the MAWA is determined by the secondary water provider based on parcel size and is referred to as an allocation.

The Maximum Applied Water Allowance shall be calculated using the following equation:

$$\text{MAWA} = (\text{ETo}) (0.62)(1.15)[(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year) as calculated from weather data at the closest available weather station.

0.62 = Conversion Factor (to gallons)

1.15= Delivery Inefficiency Factor (sprinkler system uniformity etc.)

0.8 = ET Adjustment Factor (ETAF), plant factor or crop coefficient (.8 standard for cool season turf)

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

ETo values can be obtained directly from the USU Climate Center where a data base of weather data from local stations is collected, analyzed, and stored. If you cannot find the ET data you need, please contact the City.

Additional details and examples of calculations are found in Appendix A

Section 9. Landscapes in New Single-family Residential Developments

- A. Homebuilders and/or developers subdividing lots and/or constructing new single-family residential homes shall provide water-efficient landscaping to prospective home buyers, such as the Locascapes design style when the landscape is installed by the homebuilder/developer. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and any central open shape area consisting of plant material in mass requiring overhead spray irrigation shall not exceed 35% of the total landscaped area.
- B. Homebuilders and/or developers who construct model homes for a designated subdivision shall install water-efficient landscaping, such as the Locascapes design style. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and any central open shape area consisting of plant material in mass requiring overhead spray irrigation shall not exceed 35% of the total landscaped area.
- C. New Construction homes shall have landscaping and irrigation plans approved by the City Planning Department prior to issuance of building permits, for which no variance may be granted, and which meet the aforementioned requirements.
- D. Model homes shall include an informational brochure on water-efficient landscaping or Locascapes. Locascapes brochures can be obtained from the City Planning Department.
- E. When buyers or owners are installing their own landscaping on new home construction, a time frame for landscaping to be completed shall be 18 months from the time of occupancy to complete the front yard and no more than three years to complete the total landscape.

Section 10. Prohibition on Restrictive Covenants Requiring Uniform Plant Material Irrigated with Spray Irrigation

- A. Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:
 - 1. Require the use of any uniform plant material requiring overhead spray irrigation in landscape areas less than 8 feet wide or require any uniform plant material requiring overhead spray irrigation in other areas that exceed 40% of the landscaped area; or
 - 2. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
 - 3. Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.

Section 11. Landscapes in Commercial, Industrial, and Institutional Developments

- A. Commercial, industrial and institutional landscapes shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 15% of the total landscaped area, outside of active recreation areas.

Section 12. Documentation for Commercial, Industrial, and Institutional Projects

Landscape Plan Documentation Package. A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the City prior to the issue of any permit. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a registered landscape architect and shall consist of the following items:

- A. Project Data Sheet. The Project Data Sheet shall contain the following:
 - 1. Project name and address;
 - 2. Applicant or applicant agent's name, address, phone number, and email address;
 - 3. Landscape architect's name, address, phone number, and email address; and
 - 4. Landscape contractor's name, address, phone number and email address, if available at this time.
- B. Planting Plan. A detailed planting plan shall be drawn at a scale that clearly identifies the following:
 - 1. Location of all plant materials, a legend with botanical and common names, and size of plant materials;
 - 2. Property lines and street names;

3. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
 4. Existing trees and plant materials to be removed or retained;
 5. Scale: graphic and written;
 6. Date of Design;
 7. Designation of a landscape zone, and
 8. Details and specifications for tree staking, soil preparation, and other planting work.
- C. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
 2. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
 3. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers, and
 4. Installation details for irrigation components.
- D. Grading Plan. A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and
 2. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.

Section 13. Plan Review, Construction Inspection, and Post-Construction Monitoring for Commercial, Industrial, and Institutional Projects

- A. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to the City for review and approval before construction begins.
- B. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
- C. During construction, site inspection of the landscaping may be performed by the City Building Inspection Department.
- D. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the Building Inspection Department to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or landscape architect and submitted to the City.

- E. The City reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

Section 14. Prohibited Watering Practices

Regardless of the age of a development (commercial, industrial, office, or residential), water shall be properly used. Waste of water is prohibited.

Section 15. Enforcement, Penalty for Violations

The Public Utilities Director and other employees of the Public Utilities Department are authorized to enforce all provisions of this Ordinance.

Any consumer who violates any provisions of this Ordinance shall be issued a written notice of violation. This notice shall be affixed to the property where the violation occurred. The notice will describe the violation and order that it be corrected, cured or abated immediately or within times specified by the City. Failure to receive a notice shall not invalidate further actions by the City. If the order is not complied with, the City may terminate water service to the customer and/or issue a citation.

Section 16. Effective Date

This ordinance shall be effective as of <EFFECTIVE DATE>.

Dated: _____	<u><CITY NAME></u>
	By: _____
	Its: _____ Mayor
[Municipal Recorder Attestation and Seal]	

Appendix A

The Maximum Applied Water Allowance shall be calculated using the equation:

$$\text{MAWA} = (\text{ETo}) (0.62) (1.15) [(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

The example calculations below are hypothetical to demonstrate proper use of the equations and do not represent an existing and/or planned landscape project. The ETo values used in these calculations are examples only but are real ETo values from Weber Basin's weather station and should be substituted for

actual ETo values for your specific city. For actual irrigation scheduling, automatic smart irrigation controllers are required and shall use current reference evapotranspiration data (most of which is part of each controller company's supporting weather network) or soil moisture sensor data.

(1) Example MAWA calculation: a hypothetical landscape project in Layton Utah with an irrigated landscape area of 20,000 square feet without any Special Landscape Area (SLA= 0, no edible plants, or recreational areas). To calculate MAWA, the annual reference evapotranspiration value for Layton is 32.8 inches as documented from the Weber Basin weather station data.

$$\text{MAWA} = (\text{ETo}) (0.62) (1.15) [(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year)

0.62 = Conversion Factor (to gallons)

1.15= Delivery Inefficiency Factor (sprinkler system uniformity etc.)

0.8 = ET Adjustment Factor (ETAF) typical for cool season turf

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

$$\text{MAWA} = (32.8 \text{ inches}) (0.62) (1.15) [(0.8 \times 20,000 \text{ square feet}) + (0.3 \times 0)] = \mathbf{374,182 \text{ gallons per year}}$$

(or 1.15 AF/yr)

(2) In this next hypothetical example, the landscape project in Ogden Utah has the same ETo value of 32.8 inches and a total landscape area of 15,000 square feet. Within the 15,000 square foot project, there is now a 2,000 square foot area planted with edible plants. This 2,000 square foot area is considered to be a Special Landscape Area.

$$\text{MAWA} = (\text{ETo}) (0.62) (1.15) [(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

$$\begin{aligned} \text{MAWA} &= (32.8 \text{ inches}) (0.62) (1.15) [(0.8 \times 15,000 \text{ square feet}) + (0.3 \times 2,000 \text{ square feet})] \\ &= 20.34 \times [12,000 + 600] \text{ gallons per year} = \mathbf{280,696.8 \text{ gallons per year}} \text{ (or .86 AF/year)} \end{aligned}$$

**KAYSVILLE CITY PLANNING COMMISSION
MEETING MINUTES**

July 8, 2021

Planning Commission Members in Attendance: Chairperson Josh Sundloff, Commissioners Lyon, Nguyen, Barrus, Hunt and Branch

Staff Present: Lyle Gibson, Dan Jessop, Mindi Edstrom

Public Attendees: Tammy Tran, Collin Gee

The Planning Commission meeting was held on Thursday, July 8, 2021 at 7:00 p.m. in the Kaysville City Hall located at 23 East Center Street. Chairperson Josh Sundloff opened the meeting by welcoming those present.

ELECTION OF PLANNING COMMISSION CHAIRPERSON AND VICE-CHAIR PERSON

Introduced by: Lyle Gibson

Lyle Gibson explains duties and responsibilities of the position.

Motion: Commissioner Lyon nominates Commissioner Nguyen as Chairman and Abbigail Hunt as Vice Chairman.

Motion to approve: Commissioner Lyon

Motion to second: Commissioner Doxey

Vote on the motion: Vote is unanimous

OPENING

Commissioner Lyon made a motion to approve the minutes from the June 24, 2021 meeting. Abigayle Hunt seconded the motion and they were unanimously approved.

REVIEW OF DRAFT ORDINANCE FOR ACCESSORY DWELLING UNITS

Introduced by: Lyle Gibson

Description:

The State Legislature passed [HB82](#) during the 2021 legislative session which requires cities to allow Internal Accessory Dwelling Units (IADUs) as outlined by that statute.

Kaysville City staff has reviewed the legislation and prepared a draft ordinance for review of the Planning Commission that works within the allowances of that legislation.

In light of this legislation and using some direction from the recent past in considering allowing accessory dwelling units in Kaysville, this ordinance allows most residential properties to have either an internal or external accessory dwelling unit if the property owner also lives on site.

Key Points:

- Single Family Residential Properties exceeding 6,000 sq. ft. may have either an internal or detached accessory dwelling unit.
- The property owner must live on the property.
- No short term rentals in an ADU.
- Requires a license from the city to rent an ADU.
- IADUs would be a permitted use, detached ADU would be conditional use.

Recommendation:

Staff is looking for input from the Planning Commission to refine changes before noticing a public hearing where the Planning Commission will make a formal recommendation to the city council regarding this ordinance.

Public Comment: No public comment

Discussion:

Mr. Gibson shows a power point of what is an ADU. Kaysville has allowed an ADU as long as it has been attached and for a familial relationship. He explains the advantages and applications of offering ADU'S.

Commissioner Lyon mentions that an ADU would not impact traffic concerns.

Mr. Gibson says that staff has received many calls about being able to add an ADU to external auxiliary buildings.

Commissioner Lyon asks about those that are already doing them? Will they be grandfathered in? Or will they have to come back in if they are not meeting the code?

Mr. Gibson explains that existing ones will have to come in so they can track them.

Commissioner Lyon says that you would have to recognize ADU's and bring them in and then you could grandfather them in so that you could begin to regulate the rental.

Commissioner Lyon asks if you could do a blanket zoning over the city or if you pick and choose when zones ADU's would be allowed.

Mr. Gibson says it is up to the commission on what they propose to be allowed. Staff was suggesting to do it based on lot size unless the commission is wanting to restrict it a bit more than it is up to them.

Commissioner Lyon backs up from previous statement of choosing which zones can have them and suggests not restricting new development.

Commissioner Nguyen agrees with Commissioner Lyon on not placing restrictions.

Commissioner Hunt asks Mr. Gibson about 17-2-2 and the definition of family. Would ADU not be allowed to have cooking facilities?

Mr. Gibson says that attorneys were worried about restrictions and that each unit could have their own kitchen facilities and that they should be run independently with bathrooms, kitchens, laundry etc.

Commissioner Branch ask about parking requirements.

Mr. Gibson states that there is not a hard surface parking requirement, but will check with the Attorney's office to see what hard surface can be required based on HB82.

Commissioner Doxey asks if this statute overrides HOA CC&R and Mr. Gibson states that the statute does over ride them.

The state does not require that we allow external ADU's. The state says we have to allow internal. The way the code is written, an external ADU's size would be restricted only by the existing limitations of an accessory building. The Planning Commission may recommend a size limit..

Commissioner Hunt asks if the ADU can be placed as a conditional use and Mr. Gibson responds with yes, a detached ADU can be a conditional use.

Commission discusses the 6,000 sq. foot lot requirement to have an ADU. Most every property will fit within the requirement. There will still be setbacks and lot restrictions.

Definition of family is read and discussed. Questions about relationships and perhaps there is a need to edit the "family" definition.

In what way are these different from duplexes? The look of the home will still remain the same with no change the feel of the neighborhood. The ADU would not operate on separate meters.

Mr. Jessop explains that ADU are to save families money. If you add additional meters than that starts making infrastructure changes and fees begin to apply.

Commissioner Hunt asks about addresses and the ability for emergency vehicles to access in case of an emergency. And staff will have to come back to that concern in the code.

Commissioner Sundloff suggests doing ADU by limiting area, number of inhabitants, lot size rather than not having any restrictions in place.

Commissioner Lyon asks for short term rentals to be added to the ordinance. Staff indicates that this will be included in the ordinance.

Motion: Bring back as a public hearing for additional comments and input.

Motion to approve: Commissioner Lyon

Motion to second: Commissioner Sundloff

Vote on the motion: Vote is unanimous

REVIEW OF HOME OCCUPATION ORDINANCES

Introduced by: Lyle Gibson

Description:

Recently city staff has been made aware of a business model that would operate from homes within Kaysville but is not permitted by the city's ordinances as they are currently written. Staff has not approved the proposed business but believes that it highlights a scenario that merits consideration for potential updates to the city's ordinances.

Fictional Sample Scenarios:

1. A Kaysville City resident is proficient at tennis, but they do not have a tennis court at their home. They would like to teach lessons and a neighbor has agreed to let them use their tennis court. Lessons may be one on one or small group.
 - a. The ordinance requires that a business be owned and operated by the inhabitant of the home where licensed.
2. A Kaysville resident has developed a tutoring program for students that works best offering 1 on 1 instruction. The program is successful enough that this resident can't accept all the students interested in their service. They would like to train or find others capable of teaching at the same home as an employee to reach more students.

Currently, with few exceptions (Major Home Occupation A), no outside employees are allowed in a home business.

These two brief scenarios highlight in some fashion a desire to improve or expand available services of a home business with outside help or at other residential properties.

There may be other items that the commission has noticed during their service and time reviewing major home businesses that may be discussed for the consideration of potential ordinance updates.

Recommendation:

Whether a change is merited or not based on the sample scenario or other reasons, staff believes a review of the ordinance is worthwhile to either ensure we are where we desire or to find ways to improve the code. Upon direction of the commission, staff will prepare a draft ordinance and notice a future hearing for official consideration.

Discussion:

Commissioner Sundloff suggests that staff come up with code that can help draw the line on businesses that this can apply to without the situation being taken advantage of.

Commissioner Lyon mentions that the work place has changed since covid and this ordinance would open up new business opportunities.

Commissioner Sundloff also suggests that staff can approve certain CUP (conditional use permit) as to not making a business owner spend time presenting to the Planning Commission.

So less about approving the business based on the trade and more about how the business operates. Uses the example of contractors or eBay business that are low impact to the neighborhood.

Mr. Gibson agrees with the suggestion of limiting what businesses need to come before the Planning Commission.

Commissioner Nguyen states that we can set a number for participants/employees allowed with a stipulation of staggering shifts for example. And in the ordinance it would allow for staff to make the decision.

Motion: To have staff make a draft ordinance

Motion to approve: Commissioner Nguyen

Motion to second: Commissioner Lyon

Vote on the motion: Vote is unanimous

CALL TO THE PUBLIC

Nothing was brought forward

REPORTS, CORRESPONDANCE AND CALENDAR

Upcoming items:

Meeting to be cancelled on July 22nd.

Utah league of Cities and Towns is coming soon, information will be coming soon.

There is an interest of a landscape ordinance to encourage or mandate more water efficient improvements. Layton, Syracuse, Clearfield, Sunset, and Clinton have adopted a new ordinance that we can glean from. Logan City is also a great city to look at for landscape ordinances.

Perhaps a field trip up to Weber Basin with City Council and the Planning Commission.

ADJOURNMENT

Motion to adjourn by Commissioner Sundloff and seconded by Commissioner Lyons.

Meeting was adjourned at 8:36 pm.