



**Kaysville City Planning Commission
Meeting Notice and Agenda**

The Kaysville City Planning Commission will hold a regular meeting on January 12, 2023, at 7:00 p.m. in the Council Chambers of 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.

1. Opening
2. Approval of the minutes from the December 8, 2022 Planning Commission meeting
3. Preliminary Plat Subdivision for the Carling Subdivision located at 97 East Crestwood Road
4. Public Hearing for a text amendment for a text amendment to [Title 17 Chapter 33 Sign Regulations](#)
5. Public Hearing for a rezone application for a text amendment for [Title 17 Chapter 27 Mixed Use Zoning District Overlay](#)
7. Call to the Public
8. Other matters that properly come before the Planning Commission:
 - a. Reports
 - b. Correspondence
 - c. Calendar
9. Adjournment

On Friday, January 6, 2023, a meeting notice was posted in accordance with Utah State Code Section 52-4-202 (3).

Mindi Edstrom
Community Development Department

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Dan Jessop, Zoning Administrator
Date: January 5, 2023

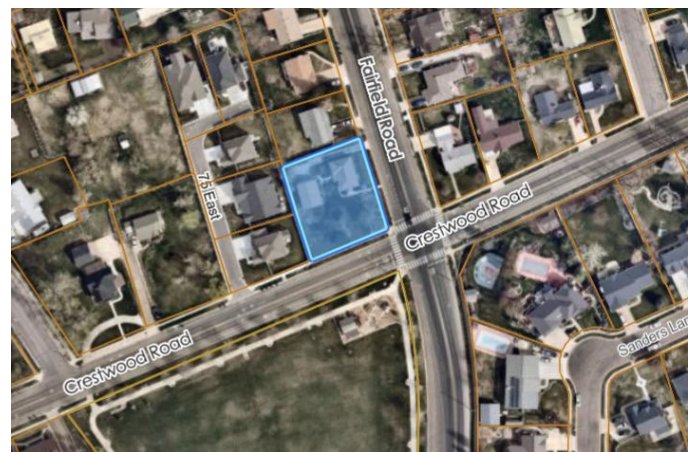
Agenda Item #3: Preliminary Plat Subdivision for the Carling Subdivision located at 97 East Crestwood Road

Meeting Date	January 12, 2023
Application Type	Preliminary Plat for Subdivision
Applicant Owner	Brian Carling
Address Parcel ID Number	97 East Crestwood Road 11-101-0007
Zoning	R-1-6
Lot Size	.34 Acres 14,810 square feet
Current Use	Single family R-1-8
Number of Lots	2
Lot Sizes	7,144 to 7,608 square feet

1. BACKGROUND

Bryan Carling was here a short while ago and was granted an R-1-6 rezone on the subject property by city council on December 15, 2022. Mr. Carling has now submitted a Preliminary Plat for a two-lot subdivision, which meets the frontage, and square footage for the R-1-6 zone.

Mr. Carling's preliminary plat application gives details regarding the anticipated subdivision of the property which is .34 acres.



2. SUMMARY

The subdivision consists of two total lots facing the public street on approximately 399 North Fairfield Road. Lot 1 would be a new 7,144 square foot building lot for single-family home construction. Lot 2 would be a 7,608 square foot for the existing home (which will remain). The

existing property has a detached structure on it which will need to be reduced in size to meet setbacks for the subdivision.

A sign was placed on the property on January 6, 2023.

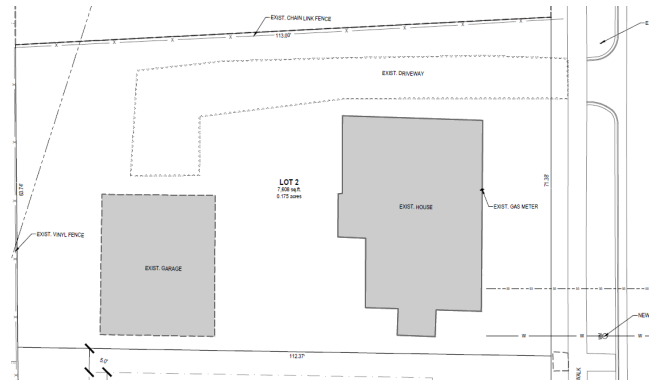
3. RECOMMENDATION

The proposed subdivision is consistent with the anticipated development of the R-1-6 zone. It is in compliance with applicable zoning districts, and proposes a new desirable building lot.

Staff is recommending that the Planning Commission forward a favorable recommendation to the City Council for approval of the proposed preliminary plat for Subdivision with the following conditions.

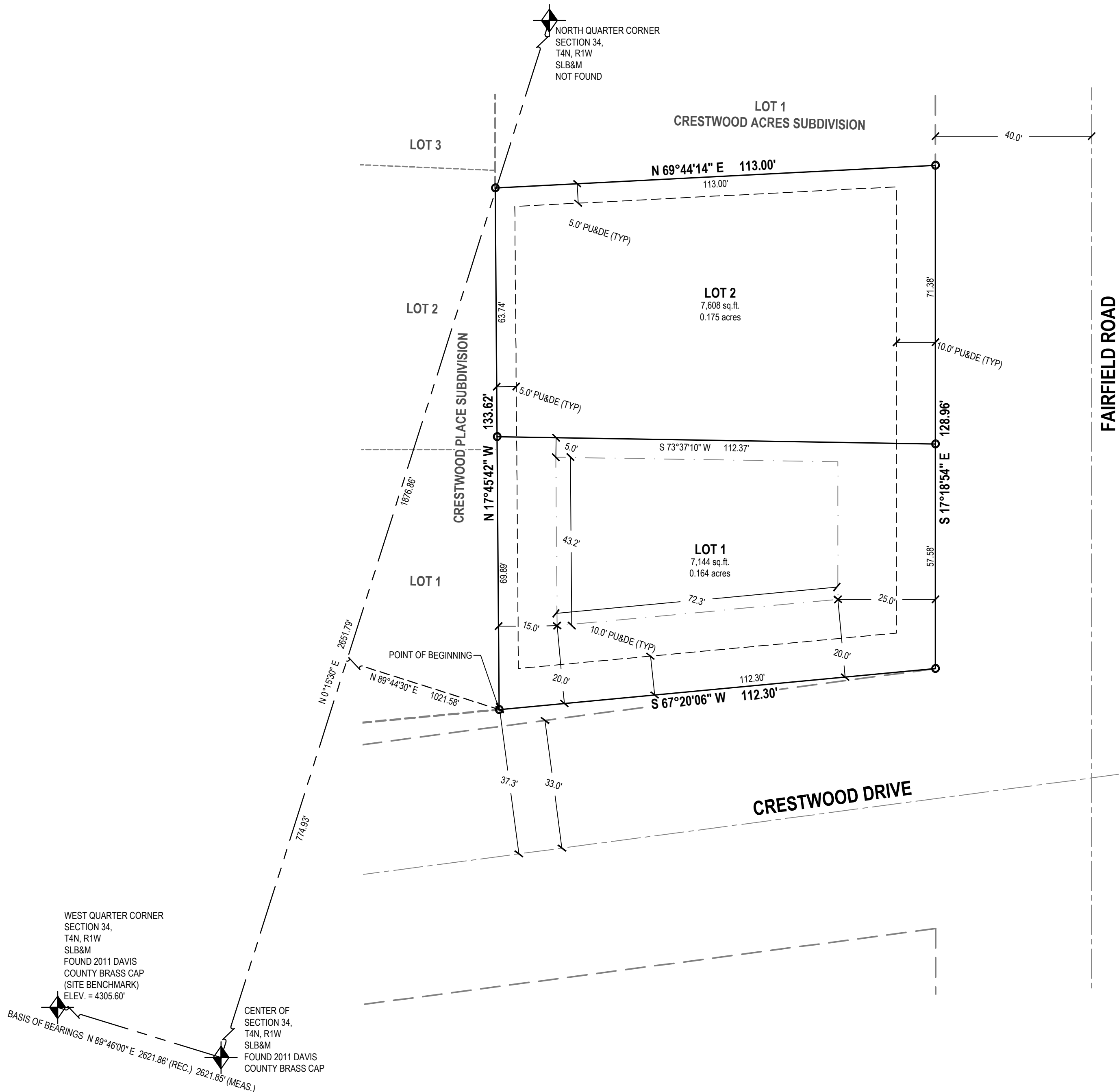
- A. The detached garage be modified to meet setback requirements before the final plat is recorded.

Attachments: Preliminary Plat documents

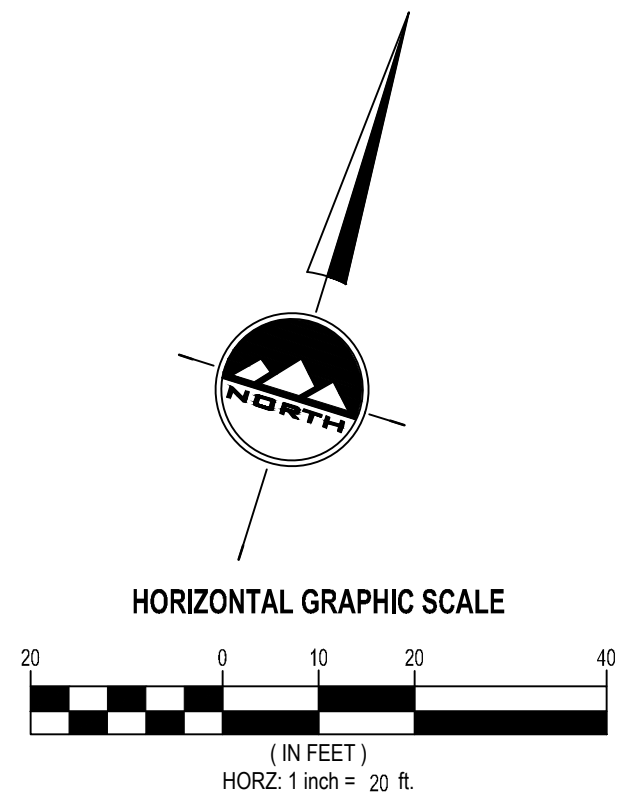


CARLING SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER
OF SECTION 34
TOWNSHIP 4 NORTH RANGE 1 WEST
SALT LAKE BASE & MERIDIAN
KAYSVILLE, DAVIS COUNTY, UTAH
JANUARY 2023



- LEGEND
- SECTION CORNER
 - EXISTING STREET MONUMENT
 - PROPOSED STREET MONUMENT
 - SET 5/8" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSGN ENG. & LAND SURV."
 - PU&DE
 - PU&DE= PUBLIC UTILITY & DRAINAGE EASEMENT
 - EASEMENTS



DEVELOPER
BRYAN CARLING
1623 HAIGHT CREEK DRIVE
KAYSVILLE, UTAH 84037
801-815-8824

SURVEY RECORDING DATA

DATE:
-
DRAWING No.
-

SURVEYOR'S CERTIFICATE

I, TRENT WILLIAMS, do hereby certify that I am a Licensed Land Surveyor, and that I hold certificate No. 8034679, 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 CARLING SUBDIVISION, 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 parcel of land, situate in the Northeast Quarter of Section 34, Township 4 North, Range 1 West, Salt Lake Base and Meridian, said parcel also located in Kayville City, Davis County, Utah. Being more particularly described as follows:
Beginning at the Southeast corner of Lot 1, Crestwood Place Subdivision said point being North 00°15'30" East 774.93 feet along the section line and North 89°44'30" East 1021.58 feet from the Center Corner of said Section 34 and running thence:
North 17°45'42" West 133.62 feet along the Easterly line of Crestwood Place Subdivision to the Southwest corner of Lot 1, Crestwood Acres Subdivision;
thence North 69°44'14" East 113.00 feet along the Southerly line of Crestwood Acres Subdivision to the West right-of-way line of Fairfield Road;
thence South 17°18'54" East 128.96 feet along the West right-of-way line of Fairfield Road to the intersection of the right-of-way lines of Fairfield Road and Crestwood Drive;
thence South 69°20'06" West 112.30 feet to the Point of Beginning.

Contains: 17,752 square feet or 0.339 acres.

OWNER'S DEDICATION

We(I) the undersigned owners of the above described tract of land, do hereby set apart and subdivide the same into lots and streets (private streets/private right-of-way's) as shown hereon and name said tract:

CARLING SUBDIVISION

Dedicate to public use all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares. Grant and dedicate a perpetual right and easement over, upon and under the lands designated hereon as public utility and drainage easements with no buildings or structures being erected within such easements.

In witness whereof We(I) have hereto set our hands(s) this _____ day of _____ A.D., 20____.

By: _____ By: _____

By: _____ By: _____

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH
County of Davis
On the _____ day of _____ A.D., 20____, personally appeared before me, the undersigned Notary Public, in and for said County of _____ in the State of Utah, who after being duly sworn, acknowledged to me that He/She is the _____ a Limited Liability Company and that He/She signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned and acknowledged to me that said Corporation executed the same.

MY COMMISSION EXPIRES: _____
NOTARY PUBLIC _____ RESIDING IN _____ COUNTY.

CARLING SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER
OF SECTION 34
TOWNSHIP 4 NORTH RANGE 1 WEST
SALT LAKE BASE & MERIDIAN
KAYSVILLE, DAVIS COUNTY, UTAH

DAVIS COUNTY RECORDER
ENTRY NO. _____ FEE
PAID _____ FILED FOR RECORD AND
RECORDED THIS _____ DAY OF _____ 20____
AT _____ IN BOOK _____ OF OFFICIAL RECORDS
DAVIS COUNTY RECORDER
BY _____ DEPUTY RECORDER

SHEET 1 OF 1
PROJECT NUMBER : 11964
MANAGER : T.WILLIAMS
DRAWN BY : J.MOSS
CHECKED BY : T.WILLIAMS
DATE : 12/19/22



LAYTON
919 North 400 West
Layton UT 84041
Phone: 801.547.1100
Fax: 801.593.6315
WWW.ENSGNENG.COM

SALT LAKE CITY
Phone: 801.255.0529
TOOELE
Phone: 435.943.3590
CEDAR CITY
Phone: 435.365.1453
RICHFIELD
Phone: 435.886.2983

CITY ATTORNEY'S APPROVAL

APPROVED THIS _____ DAY OF _____, 20____,
BY THE: KAYSVILLE CITY ATTORNEY

KAYSVILLE CITY ATTORNEY

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 20____,
BY THE: CITY PLANNING COMMISSION APPROVAL

CHAIRMAN, KAYSVILLE CITY PLANNING COMMISSION

CITY ENGINEER'S APPROVAL

APPROVED THIS _____ DAY OF _____, 20____,
BY THE: KAYSVILLE CITY ENGINEER

KAYSVILLE CITY ENGINEER

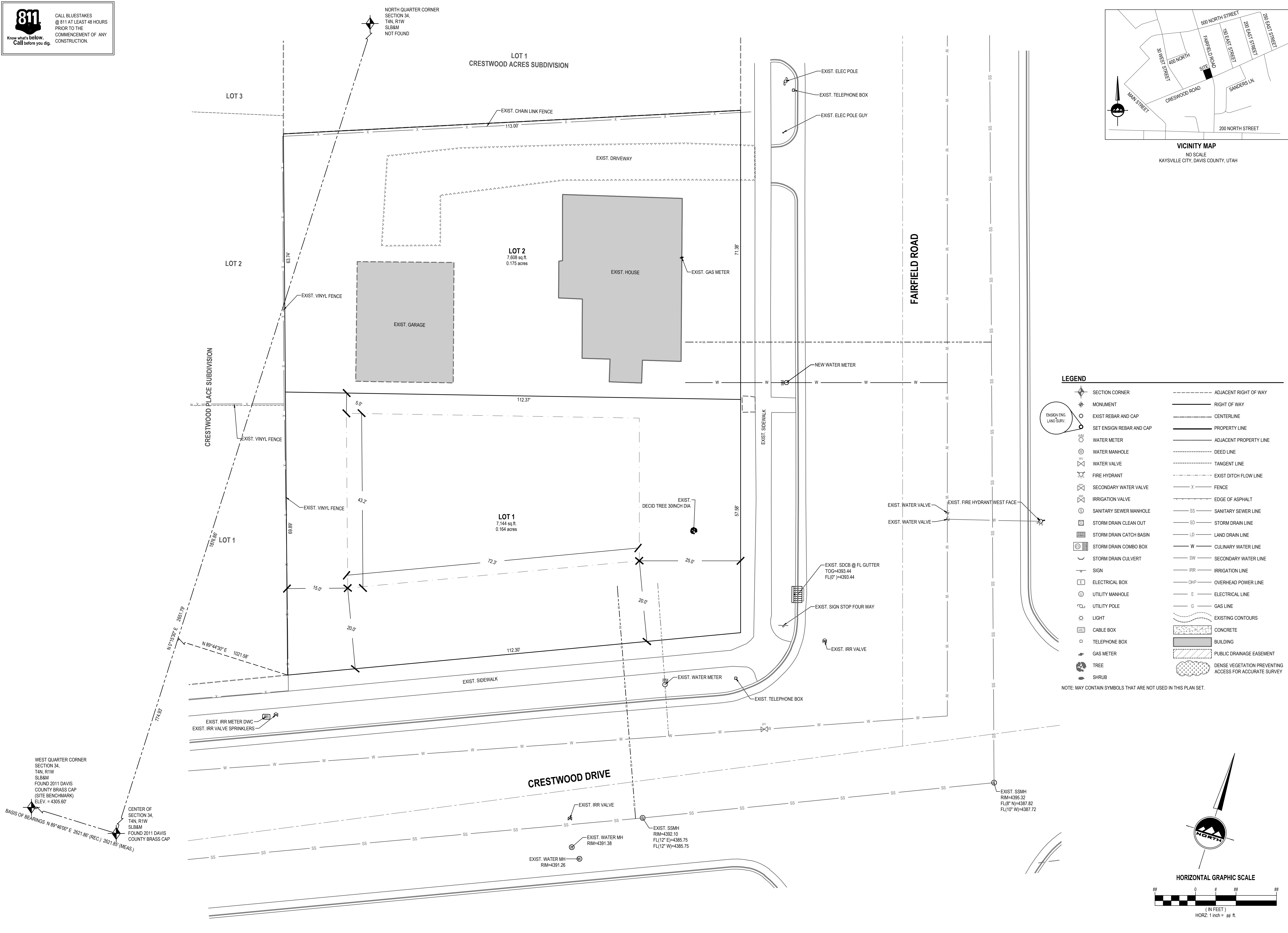
CITY COUNCIL APPROVAL

APPROVED THIS _____ DAY OF _____, 20____,
BY THE: KAYSVILLE CITY COUNCIL

CITY RECORDER CITY MAYOR

811

CALL BLUESTAKES
@ 811 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.
Know what's below.
Call before you dig.



EN SIGN

THE STANDARD IN ENGINEERING

LAYTON
919 North 400 West
Layton, UT 84041
Phone: 801.547.1100

SANDY
Phone: 801.255.0529

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
BRYAN CARLING
97 E CRESTWOOD ROAD
KAYSVILLE, UT 840373

CONTRACT:

PHONE:

CARLING PROPERTY

97 EAST CRESTWOOD ROAD
KAYSVILLE, UTAH

SITE PLAN

PROJECT NUMBER
11964

PRINT DATE
12/27/22

DRAWN BY
C.ROMER

CHECKED BY
T. WILLIAMS

PROJECT MANAGER
T. WILLIAMS

C-100



PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

From: Melinda Greenwood, Community Development Director

Date: January 5, 2023

Agenda Item #4: Public Hearing for a text amendment for a text amendment to [Title 17 Chapter 33 Sign Regulations](#)

Meeting Date	January 12, 2023
Application Type	Text Amendment
Applicant	Kaysville City
Chapter Title Section	17-33 Sign Regulations

1. BACKGROUND

There is a commercially zoned property located on 200 North adjacent to the upcoming West Davis Corridor. We anticipate a project for a convenience store to be submitted in the future, and discussions with the potential applicant has led staff to conclude sign heights allowed near the West Davis Corridor are insufficient.

Staff is proposing the sign height be amended to allow for the same sign heights allowed in proximity to I-15, which is up to 45 feet.

There are a few grammar corrections and some minor modifications proposed, including reduce the amount of conditional use permits required for signs.

2. PUBLIC NOTICING AND PUBLIC COMMENT

A Public Hearing Notice was posted on December 28, 2022. No comments have been received to date.

3. RECOMMENDATION

Staff recommends the Planning Commission send a recommendation of approval of the proposed text amendment for 17-33 Sign Regulations.

ATTACHMENTS:

- Redlined proposed text amendment KCC 13-33 Sign Regulations

Chapter 33 Sign Regulations

17-33-1 Purpose

17-33-2 Interpretation

17-33-3 Scope And Application

17-33-4 Definitions

17-33-5 Permit Required

17-33-6 Abatement Of Dangerous Signs

17-33-7 General Sign Provisions

17-33-8 Prohibited Signs

17-33-9 Signs Permitted By Zone

17-33-1 Purpose

This Chapter seeks to promote public safety, enhance and promote the unique identity of Kaysville City and help both residents and visitors in locating civic, cultural, and business entities within the City by regulating the use and construction of signs.

It is also the intention and purpose of this Chapter to promote short and long term civic beauty and order by establishing standards and regulations for sign design, location, size, type, compatibility, and aesthetics to create streetscapes of buildings and landscaping that are functional and attractive to both residents of Kaysville City as well as visitors.

17-33-2 Interpretation

The sign requirements contained herein are declared to be the maximum allowable and sign types not specifically allowed as set forth within this Chapter are prohibited. Where other ordinances are in conflict with the provisions of this Chapter, the most restrictive ordinance shall apply.

17-33-3 Scope And Application

Except as provided in this Title, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged or altered, unless in conformity with the regulations herein specified. A non-conforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged unless said sign is changed so as to conform to all provisions of this Title.

17-33-4 Definitions

In this Chapter the terms, phrases, words, and their derivatives shall have the meanings as stated and defined in this Chapter. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined in this Chapter, but defined in this Title, shall be construed as so defined.

Alterations - Change or rearrangement in the structural parts or its design, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another.

Building, Front Line of - The line of that face of the building or structure nearest the front line of the lot. This face includes sun parlors, bay windows, covered and/or uncovered porches whether enclosed or unenclosed, but does not include uncovered steps less than four feet (4') above grades and eaves overhanging less than two feet (2').

Building Line - A vertical surface intersecting the ground along a line at which the front of the building occupies the lot on which it is constructed.

Non-complying Sign or Sign Structure - A sign or sign structure or portion thereof lawfully existing at the time this Chapter became effective, which does not comply with all height, area, and yard regulations prescribed in the zone in which it is located.

Setback - The minimum distance that any portion of a sign or sign structure shall be from any street right-of-way line and yard line coterminous with a street.

Sign - Every advertising message, announcement, declaration, demonstration, display, illustration, insignia surface, or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interests of any person, entity, product, or service. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, ornaments or other features used to draw the attention of observers. This definition does not include any flag, badge, or ensign of any government or governmental agency erected for and used to identify said government or governmental agency.

Sign, "A" Frame - A movable sign constructed of plastic, metal or wood with two sides attached at the top so as to allow the sign to stand in an upright position.

Sign, Advertising - An off-premise sign.

Sign, Animated - Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

Sign, Area - The areas of a sign that are used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double face sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

Sign, Awning - A roofed structure constructed of fabric or metal placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings with supports extending back to the building, supported entirely by the building.

Sign, Balloon - Advertisement supported by a balloon anchored to the premises where the advertised use is conducted, commodity sold or service performed.

Sign, Banner - A sign constructed of cloth, canvas, fabric, or other light material and designed to be displayed on an on-premise, ground sign or building wall for a short period of time.

Sign, Billboard - An off-premise sign.

Sign, Business - An on-premise sign.

Sign, Canopy - A roofed structure constructed of fabric or other material placed as to extend outward from the building providing a protective shield for doors, windows, and other openings supported by the building and supports extending to the ground directly under the canopy.

Sign, Changeable Copy (Automatic) - An animated sign on which the copy changes automatically on a lamp bank or through mechanical means.

Sign, Changeable Copy (Manual) - A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.

Sign, Construction - A sign identifying an existing or proposed development project which may contain the name of the project, and name and address of construction firms, architects, engineers, developers, etc.

Sign, Development - A sign identifying a proposed or newly constructed development advertising property for sale or lease.

Sign, Directional - A sign indicating direction to a specific use which the user has applied for and the City has determined there is sufficient need and benefit to traffic safety.

Sign, Electronic Message Center (E.M.C.) - A sign that is capable of displaying a changeable electronic message or image.

Sign, Flat - A sign erected parallel to and attached to the outside wall of a building and extending not more than twenty-four inches from such wall with messages or copy on the face side only.

Sign, Floodlighted - A sign made legible in the absence of daylight by devices which reflect or project light upon it.

Sign, Frame - A movable sign mounted on a frame.

Sign, Governmental - A sign erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance, or other governmental regulation.

Sign, Ground - A sign supported by a fixed permanent frame or support in the ground, including monument signs.

Sign, Identification - A sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses located upon the premises, e.g., schools, churches, hospitals.

Sign, Illuminated - A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

Sign, Interior - A sign located within a building so as to be visible only from within the building in which the sign is located.

Sign, Low Profile - On-premise, ground signs having a maximum height of four feet (4'), incorporated into some form of landscape design scheme or planter box.

Sign, Marquee - A permanent roofed structure designed to meet all provisions of the current International Building Code and other specifications as outlined in this Title. Where specifications as outlined in this Title are different from the provisions of the International Building Code, the more restrictive shall apply.

Sign, Menu Board - A sign which lists the meal items for sale.

Sign, Monument - An on-premise ground sign which is incorporated into the landscape or site features.

Sign, Name Plate - A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

Sign, Off-Premise - An advertising sign which directs attention to a use, product, commodity, or service not on the premises.

Sign, On-Premise - A sign which directs attention to a use conducted, product or commodity sold, or service performed upon the premises on which it is located.

Sign, Open House - An off-premise sign advertising real estate open for inspection.

Sign, Pedestal - A moveable sign supported by a column or columns in a base not attached to the ground, constructed of plastic, metal or wood, so as to allow the sign to stand in an upright position.

Sign, Political - A sign announcing, opposing or supporting a particular issue, political party or candidate for public office.

Sign, Projecting - A sign attached to a building or other structure and extending in whole or in part more than twenty-four inches (24") beyond any wall of the building or structure.

Sign, Promotional - A permanently attached changeable copy sign for the display of promotional items offered for sale on the premises. Includes track letter signs.

Sign, Property (Real Estate) - A sign related to the property upon which it is located and offering such property for sale or lease.

Sign, Public Necessity - A sign informing the public of any danger or hazard existing on or adjacent to the premises.

Sign, Right-of-Way - A sign installed by Kaysville City constructed of cloth, canvas, fabric, or other light material and designed or intended to be displayed across or over a public right-of-way for a short period of time.

Sign, Roof - A sign erected partly or wholly on or over the roof of a building, including ground signs that rest on or overlap a roof twelve inches (12") or more.

Sign, Service - A sign which is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as direction to parking lots; location of rest rooms; sale of agricultural products produced upon the premises and which bear, as an incidental part of the sign, the name, address or trademark of persons furnishing such sign to the owner of the premises.

Sign, Snipe - A sign for which a permit has not been obtained which is attached to a public utility pole, light pole, service pole or supports for another sign.

Sign, Time and Temperature Device - Any mechanism that displays the time and/or temperature, but does not display any commercial advertising or identification.

Sign, Trailer - A sign mounted on a trailer or having wheels, displayed as an on-premise sign.

Sign, Vehicle - A sign on a vehicle not customarily and regularly used to transport persons or properties.

Sign, Wall - A sign that is either painted on a wall or its facing, or is painted in such a way that it gives the visual appearance of being painted on a wall or facing by not having a frame or separation from the wall or facing.

Sign, Window - A sign either attached to a window or door or located within a building so as to be visible through a window or door by people outside of the building.

Structure - Anything constructed or erected which requires location on or below the ground or attached to something having location on or below the ground, including signs but not including fences or walls used as fences which are six feet or less in height.

17-33-5 Permit Required

1. **Permits.** Except as provided in this Chapter, it shall be unlawful to display, erect, relocate, or alter any sign without first filing with the Building Official an application in writing and obtaining a sign permit. A separate permit shall be required for a sign or signs for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits are required for electric signs. When a sign permit has been issued by the Building Official, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Building Official.
2. **Application for Permit.** The application for a sign permit shall be made to the ~~Zoning Administrator~~Community Development Department, on forms provided, by the owner or tenant of the property on which the sign is to be located, or authorized agent, or a licensed sign contractor. The application for a sign permit shall be accompanied by the following plans and other information:
 1. The name, address and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
 2. The location by street address of the proposed sign structure.
 3. A site plan and elevation drawings of the proposed sign, caption and colors of the proposed sign, and such other data as are pertinent to the application. The site plan shall include the proposed location of the sign in relation to the face of the building and to the boundaries of the lot on which it is situated.
 4. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used.
 5. Application and required information for an electrical permit for all electric signs.
 6. A statement of valuation.
 7. Payment of the permit fees.
3. **Fees for Sign Permit.** Sign permit fees shall be as established ~~from time to time~~ by resolution of the City Council.
4. **Completion Date.** If the work authorized under a sign permit has not been completed within one hundred-twenty (120) days after the permit was issued, said permit shall

expire and become null and void, and there shall be no refund of any fee required by this Chapter.

5. **Sign permit not required.** The following do not require a sign permit:
1. The changing of the text or copy of permitted signs.
 2. The electrical, painting, or cleaning maintenance or repair of a permitted sign in accordance with the permit.
 3. "A" Frame signs.
 4. Banner signs.
 5. Construction signs.
 6. Government signs.
 7. Interior signs.
 8. Pedestal signs.
 9. Property (Real Estate) signs no larger than 6 square feet.
 10. Political signs.
 11. Public Necessity signs.
 12. Right-of-Way signs.
 13. Window signs.

These exceptions are not to be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this Chapter or any other law or ordinance regulating the same.

HISTORY

Amended by Ord. 21-07-03 on 7/15/2021

17-33-6 Abatement Of Dangerous Signs

If an unsafe or dangerous sign is not repaired or made safe within ten (10) working days after written notice is delivered to or sent by certified mail to the person having charge or control or benefit of such sign, the Building Official may at once abate and remove said sign and the person having charge, control or benefit of any such sign shall pay to Kaysville City the costs incurred in such removal within thirty (30) calendar days after written notice of the cost is delivered to or mailed to such person.

17-33-7 General Sign Provisions

1. **Signs to Conform with Other Codes and Regulations.** All signs shall conform with the provisions of the Uniform Sign Code, National Electric Code, and other codes duly adopted by or applicable in Kaysville City. If any provision of this Chapter conflicts with any provision of other codes, then the more restrictive provision shall apply.
2. **Traffic Hazard.** Signs shall not be erected at the intersection of any streets or driveways in such manner as to obstruct free and clear vision (see KCC 17-31-18); or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of the

words "Stop," "Drive-in," "Danger," or any other words, phrases, symbol or character in such manner as to interfere with, mislead or confuse vehicle operators.

3. **Clearances.** Clearances shall be as specified in the Uniform Sign Code. Clearances over utility easements shall be a minimum of fourteen feet (14').
4. **Setbacks.** Unless otherwise specified, the setback for all signs shall be at least eighteen inches (18") from the property line as measured from the leading edge of the sign.
5. **Signs On and Over Public Property.** No sign shall be located on publicly owned land or inside a street right-of-way except signs required and erected by permission of an authorized public agency and "A" Frame, Pedestal and Projecting signs as allowed herein. Signs not permitted include, but are not limited to, handbills, posters, advertisements or notices that are fastened, placed, posted, painted or attached in any way upon any curbstone, lamp post, telecommunications pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk, or street. Projecting signs may project over public property up to three feet (3'), but in no case be closer than two feet (2') to the curb line or edge of street, whichever is more restrictive. Other signs may not project over public property.
6. **Lighted Signs.** A lighted sign shall not be installed which permits the light to penetrate beyond the property in such a manner as to annoy or interfere with the use of adjacent properties. Such lights alleged to violate the above by the adjacent property owners or Building Official shall be subject to ~~a public hearing before the Planning Commission~~ investigation as to the validity of the alleged violation. If such light is determined to be in violation, the owner of said light shall take appropriate corrective action as directed.
7. **Size Computation.** The following shall be used when calculating sign sizes: When more than one use occupies a lot, the frontage may be used to calculate the sign sizes for one total of a ground or projecting sign, not for each use. The total may then be divided between the uses. There may be any number of flat or wall signs provided their total does not exceed the percentage of wall area coverage allowed.
8. ~~Planning Commission/~~**Conditional Use Permits.** For a site that is five (5) acres or larger, the ~~Planning Commission~~Community Development Department may consider an on-premise sign proposal that is less restrictive than regulations set forth herein. Such sign plans shall be considered a conditional use and a determination shall be made that the proposed sign exceptions are not in conflict with the purpose of this Chapter and are in architectural harmony with the development and other buildings and uses adjacent to the development.
9. **Maintenance of Signs.** All signs and advertising structures shall be maintained in a safe, presentable, and good condition including the replacement of defective parts, repainting, cleaning, and other acts required for the maintenance of said sign.
10. **Abandonment of Signs.** Signs not maintained as required in Subsection (9), or relating to a product no longer available for purchase or to a business which has moved, shall be removed within thirty (30) days of such unavailability, closure or re location. If an abandoned sign is not maintained and used within ten (10) working days after written notice is delivered to or sent by certified mail to the person having charge or control or benefit of such sign, the ~~Zoning Administrator~~Community Development Department may at once abate and remove said sign and the person having charge, control or

benefit of any such sign shall pay to Kaysville City the costs incurred in such removal within thirty (30) calendar days after written notice of the cost is delivered to or mailed to such person.

17-33-8 Prohibited Signs

Signs not specifically allowed by this Chapter are prohibited. The following signs are specifically prohibited:

- 1. Snipe Signs.
- 2. Off-premise signs, except Open House signs and Directional signs

17-33-9 Signs Permitted By Zone

Sign(s) paid for by applicant and installed only by Kaysville City subject to complying with the Kaysville City Directional Sign Policy. -sq. ft. maximum_6 ft. maximum — residential zones; 12 ft. maximum — other zones_3 ft. maximum when free standing_Installed by City only when approved

Each business occupying a separate space in the building and having a separate exterior building entrance may display one such sign while the business is open for business.

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ZONE	SIGN	SIZE	HEIGHT	LOCATION	OTHER
All	Construction	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30 ft. to a maximum of 96 sq. ft. per development	12 ft. maximum	On private property	Sign must be removed within 30 days from final building or inspection that allows occupancy or when 100% of the facilities are occupied whichever occurs first.
	Directional			In City right-of-way	
	Development	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30 ft. to a maximum of 96 sq. ft. per development	12 ft. maximum	On private property	Permitted use in all zones. Allowed on property that is under development for a new subdivision or has an active building permit. Only allowed in residential development on projects where there are 3 or more units for sale/lease. Sign must be removed

					within 30 days from when 100% of the units/suites are occupied.
	Governmental				By government entity only
	Identification	36 sq. ft. maximum		Attached to main structure	Allowed with public or quasi-public uses. May be floodlighted, but not within 50 feet of a dwelling
	Interior				
	Low Profile	32 sq. ft. plus 1 sq. ft. for every 10 feet of frontage over 30 ft. to a maximum of 64 sq. ft.	4 ft. maximum	On private property and set back 6 ft. from property lines	One sign per street frontage and appropriately landscaped for the site. Conditional Permitted use in agricultural and residential zones. May be lighted by conditional use .
	Name Plate	1 sq. ft. maximum per use — residential zones; 3 sq. ft. maximum per use — other zones		Attached to main structure	
	Open House	3 ft. maximum; 2 ft. in view obstruction area	Within 1,000 feet of real estate open for inspection. On private property not closer than one foot to sidewalk or property line.	Only displayed from one hour before to one hour after the time the real estate is open for actual inspection and not more than 5 continuous hours. Not more than four signs per open house. Not more than one sign on a	

				parcel of property. Must have property owner's permission.	
	Political	32 sq. ft. maximum	6 ft. maximum	On private property and not closer than 10 ft. to a driveway	
	Property (Real Estate)	6 sq. ft. maximum — residential zones; 32 sq. ft. maximum — other zones	On private property	Shall be removed within 30 days after he property is sold	
	Public Necessity				By public agency only
	Service	sq. ft. maximum	On private property	May be lighted in GC, CC and LI zones	
Public Use (PU), Professional Business (PB), General commercial (GC), Central Commercial (CC), Light Industrial (LI),	Flat or Wall	25% of a wall area maximum	Not higher than building it is on	Attached to a building	Up to 40 sq. ft. may be promotional sign. Flat signs exposed to dwellings on adjacent property shall not be illuminated within 50 feet of such dwellings.
	Monument	32 sq. ft. plus 1 sq. ft. per every 5 ft. of frontage over 30 ft. to a maximum of 64 sq. ft.	5 ft. maximum	1 sign per frontage on private property.	The supporting structure of architectural detail of a monument sign is not calculated as sign area if the structure is incorporated into the surrounding landscaping design or with other structural or architectural aspects of the site. Architectural detail may extend beyond the 5 ft. height maximum

Health Care (HC)					by as much as 2 ft. and a horizontal distance of 2 ft. of the sign cabinet.
PU, GC, CC, LI	Banner	Limited to the difference between the size of the on-premise, ground sign, flat or wall sign and the size allowed.	Not higher than the sign or wall it is on.	On an on-premise, ground sign or building wall.	Shall only be displayed for up to one calendar year. Shall be maintained and kept in good repair.
	Menu Board	35 sq. ft. maximum	6 ft. maximum	Behind the front landscaped setback area on private property.	May be two (2) per site
	On-Premise, Ground	1.5 sq. ft. per foot of frontage, up to 300 sq. ft. maximum within 300 feet of I-15 <u>or West Davis Corridor</u> ; 1.5 sq. ft. of frontage, up to 200 sq. ft. maximum within 3,000 feet of I-15, <u>West Davis Corridor</u> or within 1,320 feet of another Principal Arterial Street; 1.5 sq. ft. per foot of frontage, up to 120 sq. ft. maximum at other locations.	45 ft. maximum within 300 feet of I-15 <u>or West Davis Corridor</u> ; 30 ft. maximum within 3,000 feet of I-15, <u>West Davis Corridor</u> or within 1,320 feet of another Principal Arterial Street, 8 feet maximum at other locations.	1 sign per frontage on private property.	Up to 40 sq. ft. may be promotional sign. Illumination may be built into or attached to signs. more More than one sign on one parcel shall be separated by 100 ft. The base and structure of all on-premise ground signs beyond 300 ft. of I-15 <u>or West Davis Corridor</u> shall be the same method of construction, style and design of the materials used in the construction of the building(s). The sign element shall be an integral part of the architecture and design of the site. The colors shall be subdued and unobtrusive. Signs with exposed metal supports or metal masking shall not be permitted.

PB, GC, CC, LI	Electronic Message Center (EMC)	Allowable EMC size shall not exceed 50% of total allowed sign size and not more than 75% of any sign cabinet.			EMC signs shall not cause glare or rapid blinking, nor be intensely lighted so as to create a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. EMC signs shall be capable of being programmed to automatically dim according to ambient light conditions. Conditional use in zones where permitted. Allowed only as part of monument and ground signs. As part of the conditional use review the Planning-Commission Community Development Department may consider hours of operation, sign height, sign size, and/or setbacks from property lines.
GC, CC, LI	Animated				Conditional use
	Awning	% of wall area maximum		Attached to a building	May be lighted, but not within 50 feet of a dwelling
	Balloon			On private property	Conditional use for the period permitted
	Canopy		Structure limit in zone	Attached to a building	Must have building permit
	Marquee		Structure limit in zone	Attached to a building	Must have building permit
	Right-of-Way				
	Window				
GC, CC	"A" Frame or Pedestal	4 feet maximum width	6 feet maximum	On the private property on which the business is located or in the	

				area between the street curb or shoulder and the front lot line of the property on which the business is located, but not obstructing the roadway or pedestrian ways.	
	Projecting	32 sq. ft. maximum	Not higher than building it is on	Attached to a building	

HISTORY

Amended by Ord. 20-05-02 on 5/7/2020

Amended by Ord. 22-07-02 on 7/21/2022



PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

From: Melinda Greenwood, Community Development Director

Date: January 6, 2023

Agenda Item #5: Public Hearing for a rezone application for a text amendment for [Title 17 Chapter 27 Mixed Use Zoning District Overlay](#)

Meeting Date	January 12, 2023
Application Type	Text Amendment
Applicant	Kaysville City
Chapter Title Section	17-27 Mixed Use Zoning District Overlay

1. BACKGROUND

Revisions to the Mixed-Use zone are presented to the Planning Commission for discussion and consideration for approval. The existing code has some inconsistencies and deficiencies and staff is attempting to address those issues.

Mixed-Use zoning is a difficult task to get right, so staff expects the text amendments may have some back and forth versions between a couple of Planning Commission meetings.

2. PUBLIC NOTICING AND PUBLIC COMMENT

A Public Hearing Notice was posted on December 28, 2022. We have received one question on the changes, and they were concerned about the amount of parking requirements.

3. RECOMMENDATION

Staff recommends the Planning Commission send a recommendation of approval of the proposed text amendment for 17-27 Mixed Use Zoning District Overlay.

ATTACHMENTS:

- Redlined proposed text amendment 17-27 Mixed Use Zoning District Overlay

Chapter 27 Mixed Use Zoning District Overlay

17-27-1 Purpose

17-27-2 Project Evaluation / Review Process

17-27-3 Allowed Uses

17-27-4 Prohibited Uses

17-27-5 Height Regulation

17-27-6 Area, Lot Coverage, And Yard Requirement

17-27-7 Development Standards

HISTORY

Amended by Ord. Mixed Use Zoning District Overlay on 8/19/2021

17-27-1 Purpose

The purpose of the Mixed-Use (MU) zoning district is to facilitate the integration of diverse but compatible uses into a single development, with the goal of creating a community with more diverse development types providing a broader range in residential and commercial choice. Developers are encouraged to offer ownership potential such as a condominiums for both commercial and residential uses. The MU zoning district shall be applied as an overlay zone in the R-M, GC, CC, and LI zoning district where specifically approved. The uses permitted in the underlying district shall be a priority. Where the use of this district is desired in a location that is not zoned R-M, GC, CC, or LI, a rezone of the underlying zone to a qualifying district ~~should~~ must accompany the request for the use of this overlay. The flexibility in use provided by this zone should help promote "live, work, and play" opportunities within the city while creating an appropriate transition from surrounding development. A mixed use project can utilize ~~horizontal~~ mixed use where commercial, office and residential uses are designed as a single project yet constructed in phases for separate and distinct building footprints. A mixed-use project may also employ ~~vertical~~ design strategies where commercial, clean industrial, office and residential uses are designed as a single project and constructed within the same footprint.

HISTORY

Adopted by Ord. Mixed Use Zoning District Overlay on 8/19/2021

All applications and project proposals to include a property within the MU zone shall be ~~accompanied-submitted with information and a written narrative indicating by a development agreement and project details which show~~ compatibility with:

1. The Kaysville City General Plan
2. The Kaysville City Zoning Ordinances
3. The purpose of the MU Zone
4. Sound planning practices
5. Surrounding land-uses
6. All other City-approved studies

All projects within the MU zone shall be approved through the use of a Development Agreement (DA) with sufficient project details to show compatibility with the items above by providing at a minimum:

1. a site plan,
2. a landscape plan
3. An amenities plan
4. conceptual building elevations and design schemes
5. streetscape and building setback diagrams,
6. A traffic study as required by the Public Works Department
7. and a circulation plan and parking study as required by the Public Works Department ← justifying the amount of off-street parking being provided if shared parking is proposed-
8. The number and type of units and the general land use categories and uses to be established within a the mixed-use project shall be specified and enumerated in the design provided with the Development Agreement.

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Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment:
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The City may deny any zone map amendment or development proposal that does not comply with any of these criteria.

17-27-3 Allowed Uses

The allowed uses within a project are as follows:

1. When applied in the R-M zoning district:
 - a. The uses allowed within the underlying zone and the following shall be considered Permitted Uses.
 - i. Offices.
 - ii. Retail sales and services, not including self-storage spaces and related services.
 - ii. , sale of beer for consumption on the premises, sale of liquor for consumption on the premises and conditional uses in Sale of beer for consumption on the premises of a full-service restaurant, limited-service restaurant, beer-only restaurant, banquet or reception center.
 - iii. Sale of liquor for consumption on the premises of a full-service restaurant, limited service restaurant, banquet or reception center.
 - iv. Amusement arcades.
 - iii. Amusement arcades
 - v. Motels or hotels.
 - iv. Multiple family dwellings but where the R-M zone limits the number of dwellings to no more than 1 dwelling per 2,800 square feet of property, the MU Zone has no maximum residential density prescribed. Instead building form, height, site envelope, yards, open space standards and parking ratios will determine the number of potential allowable units.

~~b. The uses allowed by conditional use permit in the underlying zone and the following shall be considered Conditional Uses:~~

~~c. Motels or hotels.~~

~~d. Sale of beer for consumption on the premises of a full-service restaurant, limited service restaurant, beer-only restaurant, banquet or reception center.~~

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

~~b. The final mix of commercial square footage and residential square footage shall be determined based on the specific characteristics of the project site and shall be approved by the city council in a development agreement. The commercial square footage is subject to the following conditions:~~

~~i. 50% or more of the square footage of development should be residential use and 30% or more of the square footage of development should be for commercial use.~~

~~i. Ground floor commercial is required on buildings which front arterial and collector streets.~~

~~ii. A minimum of 30% of the building footprints within the project shall be residential buildings.~~

~~iii. Surface parking shall not be counted towards commercial space requirement.~~

~~c. As determined by the DA, required commercial buildings shall may be required to be built before or at the same time as residential development.~~

2. When applied with the GC and CC zoning districts:

a. The uses allowed within the underlying zone and the following shall be considered Permitted Uses.

i. Multiple dwellings with ~~n~~. ~~No~~ maximum residential density prescribed. Instead building form, height, site envelope, yards, open space standards and parking ratios will determine the number of residential units allowed.

ii. Motels and hotels.

iii. Sale of beer for consumption on the premises of a full-service restaurant, limited-service restaurant, beer-only restaurant, banquet or reception center.

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

~~ii~~-v. Minor home occupations subject to the provisions of KCC 17-26.

~~iii~~-vi. Major Home Occupation 'C' subject to the provisions of KCC 17-26.

- ~~iv.~~ Two household pets per dwelling unit.
- ~~v.vii.~~ Private swimming pools subject to the provisions of KCC 17-31-9.
- ~~viii.~~ Accessory uses and accessory buildings customarily appurtenant to a permitted use subject to the provisions of KCC 17-31-2.
- ~~ix.~~ Light industry/research uses subject to the provisions of KCC 17-23.
- ~~vi.~~ Recreational vehicle parks subject to the provisions of KCC 17-31-24.
- ~~vii.~~ The uses allowed by conditional use permit in the underlying zone shall continue to be considered conditional uses, however, the following uses are not allowed on a site where the MU zone has been applied:

~~viii.x.~~ Public utility substations

~~b.~~ 50% or more of the square footage of development should be for commercial use, and 30% or more of the square footage of development should be for residential use. The final mix of commercial square footage and residential square footage shall be determined based on the specific characteristics of the project site and shall be approved by the city council in a DA. The commercial square footage is subject to the following requirements:

- ~~i.~~ Ground floor commercial is required on buildings which front arterial and collector streets.
- ~~ii.~~ A minimum of 30% of the building footprints within the project shall be commercial buildings.

~~ix-iii.~~ Surface parking is not considered towards the commercial space requirement.

Commented [MG1]: What is the best way to calculate this?

3. As Required determined in a DA, commercial buildings shall may be required to be built before or at the same time as residential development.
4. When applied with the LI zoning district:

a. The uses allowed within the underlying zone and the following shall be considered Permitted Uses.

- i. Multiple dwellings. No maximum residential density prescribed. Instead building form, height, site envelope, yards, open space standards and parking rations will determine the number of units allowed.
- ii. Minor home occupations subject to the provisions of KCC 17-26.
- iii. Major Home Occupation 'C' subject to the provisions of KCC 17-26.

~~iv.~~ Two household pets per dwelling unit.

~~v.~~ Private swimming pools subject to the provisions of KCC 17-31-9.

~~vi-iv.~~ Accessory uses and accessory buildings customarily appurtenant to a permitted use subject to the provisions of KCC 17-31-2.

b. The uses allowed by conditional use permit in the underlying zone shall continue to be considered conditional uses, however, the following uses are not allowed on a site where the MU zone has been applied:

- ~~i. Public utility substations.~~
- ~~c. 50% or more of the square footage of development should be for commercial/(clean) light industrial use, and 30% or more of the square footage of development should be for residential use. The final mix of commercial square footage and residential square footage shall be determined based on the specific characteristics of the project site and shall be approved by the city council in a DA. The commercial square footage is subject to the following requirements:~~
 - ~~i. Ground floor commercial is required on buildings which front arterial and collector streets.~~
 - ~~ii. A minimum of 50% of the building footprints within the project shall be commercial buildings.~~
 - ~~iii. Parking is not considered towards the commercial requirement.~~
- ~~c-d.~~

~~Required commercial shall be built before or at the same time as residential development. Phasing shall be determined by the Development Agreement but generally required commercial space will be constructed before or at the same time as residential space.~~

17-27-4 Prohibited Uses

To be applied to all underlying zoning districts: Unless expressly permitted, all other uses that are incompatible with this purpose of this chapter, including short term rentals (occupancy of residential unit for less than 30 days), public utility substations and storage units are not allowed. Detached, single-family dwellings are also not allowed.

17-27-5 Height Regulation

1. The following shall apply in lieu of the height ~~requirements~~ restrictions of the underlying zoning district.
 1. The main floor of any building fronting a major street shall have a minimum ceiling height of twelve feet (12').
 2. No building which is exclusively or primarily for residential use shall exceed thirty-five feet (35') in height subject to the following exceptions:
 1. Elements that meet exceptions found in KCC 17-25-2.
 - ~~2. Any portion of a building within 75 feet of a collector street shall not exceed forty feet (40') in height.~~
 - ~~3-2.~~ Any portion of a building within 50 feet of an abutting residential dwellings shall not exceed thirty feet (30') in height excepting if there is a public road between the residential district and the building.
 3. No accessory building, including any detached accessory dwelling shall exceed the height of the main dwelling(s) on the property.
 - ~~3-4.~~ No accessory building shall exceed fifteen feet (15') in height, except as provided in KCC 17-25-2 and KCC 17-31-2.

5. No main building shall be less than ten feet (~~10'~~^{13'}) in height, and no accessory building less than six feet (~~6'~~^{10'}) in height.

4-6. Buildings which are exclusively used for commercial purposes shall not exceed four (4) stories or fifty (50') feet in height.

17-27-6 Area, Lot Coverage, And Yard Requirement

1. The lot and yard requirements shall be ~~that those~~ of the underlying zoning district, however variations to setbacks may be determined through the DA. Generally, setbacks are to be determined based on the use of the building. Commercial buildings shall have the setbacks set forth in the GC or CC zone. Industrial buildings shall have the setbacks required in the LI zone.
2. Flag lots are not permitted.

17-27-7 Development Standards

The following shall be the base standard for review of any project. Variations to the standards outlined may be altered by specific approval of the City Council in a development agreement ^{DA} when demonstrated that alternate standards are superior to those listed within this chapter.

1. Compatibility And Review:
 - a. All uses and structures shall be sited and designed to be compatible with one another and surrounding development. To determine compatibility, a review, including, but not limited to, the following characteristics of the uses and structures shall be conducted by Community Development Department staff relative to other affected uses and structures: location, orientation, operation, architecture, massing, scale, and visual and sound privacy.
2. Building Placement and Orientation Standards.
 - a. It is the intent of this section to ensure that new development is pleasant and inviting to pedestrians by placing buildings closer to the street and where primary building entrances are visually prominent and easily accessible. Developments shall demonstrate best practices in urban design principles by enhancing the streetscape consistent with the communities ^{community's} vision at the proposed location.
 - b. In cases where it is not practical or possible to orient buildings to streets, the intent of these standards is to use a combination of setbacks, low-level screening and building materials and design variation to soften the visual impact of side or rear facing facades and to create street frontages that are inviting and pleasant for residents and passersby.
 - c. Buildings and their primary entrances shall be oriented to streets or common courtyards unless prohibited by unique site conditions.
 - d. No more than 30% of the frontage of any lot shall be occupied by any combination of parking, driveways and lanes. The predominant visible development from the street shall be buildings or landscaping.

Commented [MG2]: What is the community's vision?

- i. Side yards unoccupied by that exceed fifteen feet (15') in width located adjacent to another side yard that exceeds fifteen feet (15') in width should be avoided unless the areas are to be used as a unified public gathering area or courtyard;
- ii. The percentage of building frontage required along the lot width may be reduced to accommodate site plan approved pedestrian plazas located between buildings;

3. Building Design Criteria:

- a. Where applicable, such as the GC and CC zoning districts, the following shall apply in addition to the Kaysville City Commercial Building Design requirements of KCC 18-5. The following are also applicable for projects in the R-M zone.
 - i. Entrances shall be accessible to the public as a regular building entry from the public sidewalk.
 - ii. The street level floor elevation should match the elevation of the sidewalk at the front of the building as closely as possible to facilitate accessibility and primary street orientation.
 - iii. Detailing at intervals of thirty feet (30') shall be provided to break up expanses of blank walls with no openings. Additionally, walls with no openings shall be set back from the public right of way a minimum of fifteen feet (15') and buffered with landscaping. Landscaping shall include trees spaced at thirty foot (30') intervals and at least one row of additional plants and/or shrubs. For every 75' in building length along the street frontage or adjoining a ~~Neighborhood~~ Residential Zone, the design shall include at least one significant break in the vertical wall plane with a minimum depth of at least ~~five 5~~ (5) feet a minimum length of at least ~~twenty 20~~ (20) feet, and running the full height of the building.
 - iv. Fenestration:
 - 1) A minimum of ~~fifty-seventy~~ percent (~~50~~70%) fenestration is required on the street level of all street facing facades. Street level is considered to be between two (2) ~~feet~~ and ten (10') ~~feet~~ on these street types. Upper stories shall have a minimum of thirty percent (30%) fenestration for each story;
 - 2) Windows of tinted or reflective glass may not be located between two feet (2') and eight feet (8') above the sidewalk grade on street facing facades;

4. Open Space Requirements and Amenities

- a. To support the residential component of each project, there shall be provided amenities that are commensurate with the type of development and scale of project being proposed. The developer shall demonstrate how the proposed amenities meet the needs of residents and how they will be maintained.
- b. There shall be provided a minimum amount of improved open space provided within each development determined based on the underlying zone as follows:
 - i. CC – 10% of land area under consideration
 - ii. GC and LI – 10% of land area under consideration

Commented [MG3]: Wouldn't we want open space in GC?

- iii. R-M – 20% of land area under consideration
 - c. The use of front yard areas for buildings that have nonresidential uses on the ground floor shall be oriented toward the pedestrian and shall include related amenities such as entrance walks, [stairs, ramps](#), plazas, benches, bike racks, raised flower boxes or other such features.
5. Parking And Circulation:
- a. Projects shall provide safe and attractive pedestrian and bicycle connections to building entries and public sidewalks;
 - b. Off street parking for vehicles shall not occupy any space located between the building and the primary street and the secondary street where applicable for a corner lot. Parking areas located to the side of structures shall be located a minimum of ten feet (10') back from the back of the adjacent sidewalk. The space between the parking and the walk in this instance shall be landscaped to help screen the parking area.
 - c. The site shall be configured and landscaping provided so as to minimize the visual impacts of parking areas, parking structures and residential garages on streets, open spaces and adjoining developments;
 - i. Where an off street parking lot is visible from the street in a side yard, it shall be screened by either a two-foot (2') tall screen wall or eighteen inch (18") seat wall located between the parking lot and the sidewalk. Where a parking lot is adjacent to a residential use, a three-foot (3') screen wall and landscaping, sufficient to screen up to the headlight level of vehicles, shall be located between the residential use and the parking lot.
 - d. Amount of Parking Required
 - i. Commercial Parking Requirements:
 - 1) Minimum number of stalls based on use type.
 - ii. Residential Parking Requirements:
 - [1\) Studio – 1 parking stall/unit](#)
 - [2\) One Bedroom Units – 1.5 parking stalls/unit](#)
 - [3\) Two Bedroom or larger Units – 2 parking stalls/unit](#)
 - [4\) Three Bedroom or larger Units – 2.5 parking stalls/unit](#)
 - [5\) The city may allow for shared parking and time of use parking scenarios to count towards \[approval of reducing minimum\]\(#\) required parking stalls upon review of a parking \[analysis and proposal\]\(#\) provided by the developer. \[No more than 10% of the total required parking will be allowed to be shared parking.\]\(#\)](#)
 - [4\) On-street parking located along the frontage of a lot may be credited toward meeting the parking requirements for that use.](#)
 - [6\) The number of parking stalls may be reduced by up to ~~25~~10% based on the following ~~table~~. \[Reduction requests shall be accompanied by a parking analysis for the development and shall include information specific to the proposed uses in the\]\(#\)](#)

Commented [MG4]: Would we want to limit the amount of a parking reduction?

development. The study shall include ridership information for the transit stop including boarding and alighting data.

5-7)

1. Reduction:

1. 10% within ~~1/4~~ 1/4 mile of transit stop.
2. ~~20~~5% within 1/8 mile of transit stop.
3. Additional ~~5~~% reduction up to 2 stalls for including bike racks, board, scooter, drone pats, or motorcycle stalls on site for use of residents and the public.

6. Curb Management:

- a. Projects shall include a sufficient plan and appropriate curb management facilities to accommodate delivery vehicles and trucks, ride share access, moving trucks and postal delivery.

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6-7. Connectivity:

- a. Connectivity throughout the area is critical for the mixed use nature of the area to function as a pedestrian oriented environment. Connectivity will be evaluated for multiple modes of travel, including the pedestrian and bicycle.

7-8. Traffic Access and Management Analysis Study:

- a. A traffic study shall be provided demonstrating safe ingress and egress to the proposed project and identifying measures or improvements to mitigate impact on traffic and adjacent properties.

8-9. Sidewalks:

- a. Sidewalks shall be provided on both sides of each motorized street unless otherwise approved by the Public Works Department, with the exception of alleys or private streets.

9-10. Alleys:

- a. Alleys are allowed in any mixed use district in this chapter to minimize curb cuts off of streets and ~~to~~ provide common access to parking and service areas behind buildings. Alleys should be generally oriented so that they are parallel to the primary street to which they serve. Alleys may be incorporated as drive aisles for rear parking lots or as a fire access. However, alleys shall not be considered a fire access unless specifically approved as such by the City Fire Department and the pavement width and durability/longevity design meets city standards.

10-11. Signs:

- a. Signs within the mixed use district shall comply with other city sign standards and any applicable rules of the underlying zoning district.
- b. In addition to signs permitted in the R-M zone by KCC 17-33, wall signs not to exceed ~~25~~15% of the façade of a building are permitted. EMC signs are prohibited.



**Kaysville City Planning Commission Meeting Minutes
December 8, 2022**

The Planning Commission meeting was held on December 8, 2022 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Barrus, Commissioners Branch, Doxey, Lott, Keetch, Lyon, and Allred

Staff Present: Mindi Edstrom and Melinda Greenwood

Public Attendees: John and Shauna Flint, Brichelle and Darren Eyre, Jake Garn, Tony Powell, Ben and Amy Cook, Nancy Over, Gary and Brenda Mumford, Clay and Becky Packer, Greg Flint, Brenda Green, Linda Francis, Bridgette Frodsham, Spencer C, Ryan Hoeke, John Bunch, Joe Frodsham, and Pam Collard

1-OPENING

Chair Barrus opened the meeting by welcoming all in attendance to the December 8, 2022 Planning Commission meeting.

2- APPROVAL OF THE MINUTES FROM THE NOVEMBER 10, 2022 PLANNING COMMISSION MEETING

Commissioner Branch made a motion to approve the minutes and Commissioner Lyon seconded the motion. Vote was unanimous in favor of the motion.

3- PUBLIC HEARING FOR A TEXT AMENDMENT FOR:

- a. [17-2-2 Definitions](#)
- b. [17-8-3 Permitted Uses](#) for A-5 Heavy Agricultural District
- c. [17-9-3 Permitted Uses](#) for A-1 Light Agricultural District
- d. [17-10-3 Permitted Uses](#) for R-A Agricultural Residential District
- e. [17-11-3 Permitted Uses](#) for R-T Old Kaysville Townsite Residential District
- f. [17-12-3 Permitted Uses](#) for R-1 Single Family Residential District
- g. [17-13-3 Permitted Uses](#) for R-D Diverse Residential District
- h. [17-14-3 Permitted Uses](#) for R-2 One To Two Family Residential District
- i. [17-15-3 Permitted Uses](#) for R-4 One To Four Family Residential District
- j. [17-16-3 Permitted Uses](#) for R-M Multiple Family Residential District
- k. [17-20-4 Conditional Uses](#) for CC Central Commercial District
- l. [17-27-3 Allowed Uses](#) for Mixed Use Zoning District Overlay

Introduced by: Melinda Greenwood

Ms. Greenwood began by saying that this text amendment would remove ownership of household pets

from the land use code and let Kaysville City Code 15-3-6 govern the ownership of pets. She explained that on October 20, the Kaysville City Council amended the ordinance and increased the number of pets that a household can have from two to three pets. There is also a provision that a resident can submit an application for a fourth pet. Kaysville City animal services is provided by Davis County and they asked all the cities they serve be consistent in the number of allowed household pets.

The proposed text amendment would remove household pet definition from the permitted use sections in Title 17 and change the definition of kennels from three to four dogs.

There were no questions for staff from the Planning Commissioners.

The Public Hearing was opened and no comments were made. Chair Barrus closed the public hearing.

Commissioner Lyons made a motion to approve all text amendments as presented and was seconded by Commissioner Allred. The vote was unanimous in favor of the motion (7-0).

4- PUBLIC HEARING FOR A REZONE APPLICATION FOR 391 NORTH FLINT STREET FROM JOHN V. FLINT AND SHAUNA S. FLINT TO GO FROM A A-1 LIGHT AGRICULTURAL DISTRICT TO R-M MULTIPLE FAMILY RESIDENTIAL DISTRICT WITH A MIXED USE ZONING DISTRICT OVERLAY OVER A PORTION OF THE PROPERTY

Introduction by: Melinda Greenwood

Ms. Greenwood shared with the audience the complexities of the Land Use process and how the meeting for this rezone will proceed, explaining that the Planning Commission serves as a recommending body for the City Council, who will make the decision to approve or deny the rezone request.

Ms. Greenwood said that this is the first time a Mixed Use project has come before the Planning Commission. The rezone request is to take the property at 391 North Flint Street from a A-1 Light Agricultural District to R-M Multiple Family and R-M Mixed use Overlay. The property is currently zoned A-1 which has a minimum lot size of 40,000 ft². If the property were to be subdivided under the A-1 zone, seven single family dwellings could be constructed. The R-M portion of the project is 4.59 acres and if rezoned to R-M, the code would allow up to 71 multi-family units. The project is only proposing 46 units and the R-M Mixed Use density is limited based on the allowed height of the building and how much parking you can provide. There are 36 units proposed for the Mixed Use portion of the property. The subject property is surrounded by A-1, LI, PU, and R-1-20 zones.

Ms. Greenwood showed the Future Land Use Map from the Kaysville General Plan and stated it shows the Flint Street property is slated for single family residential zoning. She shared what the General Plan's role is as a guiding document. The General Plan contains five guiding principles, one of which is to provide diverse housing options and continued to say that 92 % of Kaysville is single family housing. She pointed to the "city center" portion of the General Plan which shows that Flint Street property could be used in the future for mixed use development.

She stated the goals and objectives at the end of each chapter are the nuts and bolts of the General Plan.

The first chapter of the General Plan is the Land Use and Placemaking Plan contains several goals and objectives that support the rezone. She said Chapter 1, Goal 7 is to ensure land uses are compatible

and/or utilize adequate buffers to enhance compatibility. Objective 7.1 states we should use land use transitions and development buffers between incompatible land uses and buffer residential uses by using transitional land uses and physical buffers.

Chapter 1, Goal 8 says we should look to provide a range of housing options and price points that can keep Kaysville affordable. The implementation measure says we should “Allow and encourage new residential development models that meet the future needs of the community.” She offered that the proposed development project meets these goals.

Ms. Greenwood explained that Chapter 2 is the Transportation and Connectivity portion of the General Plan and it highlights the need to connect new and existing developments. She noted that Pleasant View Drive is currently a stubbed road which was intended to be connected when the adjacent property developed. Another goal in Chapter 2 is to preserve and enhance access to and from the greater region. This project is in a good area for regional access and would make it more convenient for pedestrians to get to the grocery store and retail area on Flint Street as well as Barnes Park. She furthered that Objective 2.3 is to create a connected network and 2.5 is to increase access to existing trail corridors and specifically calls out the rail trail. A proposed portion of the Flint project is to make a connection to the Rail Trail, so the proposed project meets these objectives.

Chapter 3 in the General Plan is the Housing and Neighborhood element. The General Plan was recently revised and is now in compliance with the State of Utah for the Moderate Income Housing requirements. Several goals and objectives in Chapter 3 support the rezone request. Chapter 3, Goal 1 states Kaysville should provide a full range of housing opportunities to meet economic, lifestyle, and lifecycle needs. Objective 1.3, suggests the City should rezone for densities necessary to facilitate the production of moderate income housing. The R-M and R-M MU rezone and types of housing included in the project would meet these objectives. Objective 1.4, directly taken from state code says we should “Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers.” The proposed rezone and project fulfill this objective.

Ms. Greenwood concluded the discussion on the General Plan and said there is adequate goals, objectives and principles to support the project.

Ms. Greenwood then went over project specifics which on the mixed use overlay would include 1.84 acres, 18,000 ft² of ground floor commercial space. The project proposes 4 three-story building which include 2 stories of apartments over commercial space and 1 two-story live-work style of apartments for a total of 36 units and 97 parking stalls.

The R-M Parcel is proposed to have 4.59 acres, 46 units which would be a mix of 16 single family or twin homes and 30 town homes, adequate open space that includes a walking path, playground, and connection to Rail Trail and dedicated parking for each unit.

Overall the entire project would have 82 units, a public road, waterwise landscaping, fencing on the north side of the property, and buffering with a trail, landscaping trees every 30 feet, all buffering the north side of the project and housing types.

The project was presented with a development agreement which will hold the applicant to the project presented.

Staff has received seven emails from residents and there were 62 notices mailed out to those in a 500 ft² radius. Ms. Greenwood said she forwards all the comments submitted to the Planning Commissioners into the packet for the City Council. The public comments we have received so far include concerns and comments on density, traffic, parking, road widths, buffering, compatibility of uses, and emergency vehicle access.

A traffic study was also included with the application. The traffic study did come back saying this project wouldn't impact the existing traffic enough to warrant mitigation efforts. She said both the City Engineer and Public Works Director have reviewed the traffic impact study and have not suggested any mitigation measures. The public have also had questions about gating the existing public street of Pleasant View Drive, but the Fire Chief has said no to that request based on the negative impacts gates have on response times and public safety.

Ms. Greenwood concluded that staff is recommending approval for the development agreement and the rezone of 391 North Flint Street to R-M with the Mixed Use Overlay over the eastern portion of the property based on these findings:

- These findings are offered to the Planning Commission in consideration of the rezone request.
- The project is harmonious with the Guiding Principle of the 2022 General Plan "Provide diverse housing option."
- Chapters 1, 2, and 3 of the 2022 General Plan contain adequate goals, policy objectives and implementation measures which support approval of the rezone request.
- The rezone approval would allow the city to account for positive progress to the State for the 2023 Moderate Income Housing reporting.
- The design of the project as outlined in the site plan and development agreement would not negatively impact the character of the existing neighborhood to the north.
- The project would diversify the housing product available in Kaysville and provide opportunities for full life-cycle housing within the development.
- The proposed rezone and project enhances connectivity to regional trails and neighborhood access.
- The project will not profoundly negatively impact traffic in the area.
- Staff review has found the project to be compliant with the R-M and Mixed-Use zoning code.

Commissioner Barrus asked the Commissioners if they had any questions for staff and there were no questions at that point.

Greg Nelson, from Millstream Partners and representing the project was given time to address the Commission. He stated he is a Kaysville resident and introduced the Flint family project. He started a PowerPoint presentation and invited Mr. John Flint to first speak to the Commissioners.

Mr. Flint said that they have held four meetings at his home to work with the neighbors and regarding the project. Mr. Flint said his family was there to support him and the project and said they all live in Kaysville. Mr. Flint gave a brief history of his families' legacy in Kaysville. He said this is an emotional

time for his family and that his family has always tried to help the City and improve Kaysville. They have supported with care two park, Angel Street Park and Barnes Park. Mr. Flint said he helped establish the business park as well as the Smith's Marketplace project, which he believes has benefited the west side of Kaysville.

Mr. Flint turned the time back over to Mr. Nelson, who began by saying that the property has several competing land uses surrounding the property, including retail to the south, a mixture of commercial to the south on Flint Street and Barnes Business Park and recreation fields just east of the Flint frontage. He said they are wanting to transition all the uses and hope that what they would develop would be less abrupt to what is happens in other cities.

Mr. Nelson shared the project goals of having the highest and best use of the property and how they do and allow all the stakeholder groups to get what they want. The project team wants to provide housing for those in the later stages of life and housing for younger families. They also want a project that looks and feels like Kaysville. The designed the town homes on smaller blocks to help maintain the feel of openness and said the town homes will be 1,500-1,700 ft² and are designed in clusters to maintain a community feel. They have proposed a street design to help slow speed in the neighborhood.

He continued saying the MU portion on the Flint frontage of the project helps the city fulfill the housing objectives the city is required to have from the State. He said the buildings will be 35' in height with ceilings at 9'. The apartments will have lots of walkability with the MU section. There will be no parking lot area allowed in the front of the commercial buildings and they feel the project fits the General Plan.

Mr. Nelson said there are advantages to using this site for diverse housing. For example, the sewage would drain to the east, there would be a reduction in overall water use as property changes from heavy-use agricultural to housing, there would be another ingress and egress extending Pleasant View Drive and it creates housing diversity in places that are next to several competing land uses in West Kaysville. Mr. Nelson feels the proposed project accomplishes these project goals.

Mr. Nelson spoke to the efforts they have made to incorporate the neighbors input into the project. They met with neighbors on May 16, 2022 and neighbors gave them a wish list. On August 17, 2022 they showed a proposed design and met with neighbors in a broader radius to show the proposed design and discuss feedback. On December 6, 2022 they met again with single family homes within 500 ft² of the property. Based on feedback, they added white vinyl fencing along the north property lines, wide streets for parking and a rail trail entrance.

Mr. Nelson mentioned the traffic study that was done by Hales Engineering and concluded that no mitigation measures were recommended because of the proposed development. He addressed density concerns by stating the project is a 35% pullback from what the code allows. He said if density is further reduced the homes are going to be significantly more expensive and amenities like rail trail connection may be lost, as well as a fence replacement, and smaller commitments to parks and play ground.

Commissioner Lyons inquired about the absorption time frame from approval to being able to start and finish. Mr. Nelson responded saying that town homes are 10-20 units a month depending on the

development and feels that it won't take long to sell all the units. He said many people have already asked to be put on a waitlist for the patio homes.

Commissioner Keetch asked Mr. Nelson if the number of townhomes was definitive to what is in the plan or is the number of units subjective of how many units there would be in total. Mr. Nelson stated that the Development agreement would not allow them to do more units than what has been proposed.

Commissioner Lott asked staff how tall the mixed use unit is at the South East of the project and asked how tall the Smith's building is. Ms. Greenwood said she thinks the three-story Mixed Use building will be slightly taller than Smiths.

Commissioner Allred asked a question in regards to the mixed use height limit. He asked what the height limit is on the ground floor. Mr. Nelson shared that with the 35' height they will be able to fit all three floors in that restriction, hoping to get 9' or 10' ceilings.

Commissioner Allred how the City defines height. Ms. Greenwood shared that the Kaysville City definition is not very detailed however there are some concessions that HVAC that doesn't get added into the height. She said that ground floor commercial is required to be 13'.

Commissioner Allred said he feels as a city we should allow for flexibility for architectural design and flare. He also asked if there is a restriction or a condition on the ground floor that requires it to be retail or if it could be occupied by office. Ms. Greenwood said we do not have a stipulation for the ground floor uses. She also answered the previous statement made by Commissioner Allred that this is a caveat or a catch all in the Mixed Use Overlay Zone that says development standards can be altered by specific approval of the City Council in a development agreement when demonstrated that alternate standards are superior to those listed within the Mixed Use chapter. So in theory, the allowed height differentiate from what is listed.

Commissioner Branch asked Mr. Nelson if the townhomes would be moderate income housing. Mr. Nelson responded saying with the buildings along the front will be closer to achieving more moderate income than they can with townhomes. He said that they did not design the town homes to hit the 80% of AMI and said they have more ability to achieve more moderate income housing with the apartments up above the commercial buildings.

Commissioner Lott asked staff if the Mixed Use in the front of the project would show the state that we are moving in the right direction. Ms. Greenwood said that this is the first time that the state has checked for compliance with the cities and that approval of the project would show us moving in the direction the state wants us to go. She said that Kaysville City has a couple other projects coming through that may help with compliance to the states mandates.

Chair Barrus opened up the Public Hearing and reminded the audience to stick to 3 minutes for their comments.

Jake Garn is a neighbor to the Flint property and said he is very appreciative of how the developers and the Flints opened up their home for input from the neighbors. He feels that everything about this project makes sense and he is generally very supportive. He also likes the age diversity that will come with the project as well as a having a property manager that will be responsible. Mr. Garn asked about the curve on Pleasant View Drive that is kind of a blind corner and going both directions, he wondered if there could be another one going the opposite direction and maybe one more pinch point at the top of the subdivision that could slow traffic down in both directions. He also felt that there is a need to extend the median on Flint Street to help with pulling out from the neighborhood.

Gary Mumford said his written statement is in the Planning Commission Packet for this meeting. He also feels that there is not a good transition with apartments and commercial right next to the five existing homes. He mentioned that Hill Farms did a good job with their transition into the neighborhood. He also said in the first meeting at the Flint home the patio homes would be next to the existing home. He said it appears that the patio homes now look like two-story homes with stairs. He encouraged the Planning Commission to add into their motion greater transition from commercial to existing homes, a commitment from the developer for a certain number or percent of units that will be without stairs, addition of a small visitor parking lot in the west portion of the development, and to limit the apartment and commercial buildings to two stories.

Tony Powell lives north of the proposed development. He requested the Planning Commission to consider some additional building transition beyond what is proposed. He also does not agree that this development will conflict with traffic.

Brenda Mumford said she is generally in favor of changing the property to R-M. She acknowledged the need to have more housing but doesn't believe that the patio homes will be true single level homes. She is in favor however for two-story buildings rather than three-story apartments or commercial building. She also asked how garbage would work for this subdivision.

Chair Barrus closed the Public Hearing.

Chair Barrus invited the applicant to come back to approach the Planning Commissioners. Mr. Nelson responded to Ms. Mumford's question about garbage pickup by saying that it is really the service provider who will determine how to collect garbage for the neighborhood. He also said that some of the patio homes will be single level and some will have a loft, but not a second level.

Commissioner Doxey's concern is that his family will not be able to live in Kaysville due to rising housing costs and limited options. That is why he wanted to be on the Planning Commission three years ago. He applauded the whole process of the Flint rezone for both the applicant and the developer. He shared his experience with others who are struggling to afford owning a home and said this project is as good as it gets as it checks all the boxes.

Commissioner Allred agreed that this project has been the best as far a community outreach, best presentations, and best proposals. He fully supports this project and feels it has been handled well with all shareholders.

Commissioner Lyon feels that this project works for this space. It has good density, it's connected to the trail system and active transportation and feels it checks all the boxes required by the city, state, and community.

Commissioner Branch agreed with the former comments made by fellow Commissioners but made the point that density is not always synonymous with affordability.

Commissioner Lott also agrees with all the other comments that have been made and very pleased to see a project like this in west Kaysville. She likes the fact that this will bring in diverse housing and looks forward to seeing the project come to completion.

Commissioner Keetch also agrees that this development opportunity has been very thoughtful and appreciates all the attention to detail. She is happy with the proposed project for this land and would recommend this be approved.

Chair Barrus commended the applicant and their outreach to the community and feels that this is a great development and he was ready to entertain a motion.

Commissioner Doxey made a motion to recommend to the City Council the rezone for the 391 North Flint Street from A-1 to R-M with the Mixed Use Overlay and Commissioner Lyon seconded the motion with findings recommended by staff. Vote was unanimous in favor of the motion. (7-0)

5- CALL TO THE PUBLIC

There were no comments.

6-OTHER MATTERS THAT PROPERLY COME BEFORE PLANNING COMMISSION

Ms. Greenwood said she hopes to have the rezone on the January 5th City Council agenda.

She said there will be no Planning Commission meeting for December 22nd.

She thanked Commissioner Doxey for his time in serving the community.

Ms. Mindi Edstrom gave some specific details about the 2022 Kaysville Gives program and thanked the community for their support.

7-ADJOURNMENT

Commissioner Lyon motioned to adjourn the meeting at 9:37 pm.