



MEETING NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Council will hold a regular council meeting on Thursday, March 2, 2023, starting at 7:00 PM in the **Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT**. The meeting will be streamed on YouTube, and the link to the meeting will be posted on www.KaysvilleLive.com.

Public comment is only taken during a meeting for Action Items, “Call to the Public”, or for a public hearing. **Those wishing to speak during these times must sign-up in person before the meeting begins.** Comments may also be directed to the City Council via email to publiccomment@kaysville.gov. Emailed comments will NOT be read out-loud at the meeting.

CITY COUNCIL Q&A – 6:30 PM

The City Council will be available to answer questions or discuss any matters the public may have.

CITY COUNCIL MEETING – 7:00 PM

The agenda shall be as follows:

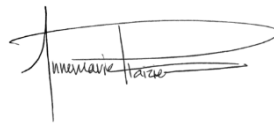
- 1) OPENING
 - a) Presented by Council Member Mike Blackham
- 2) CALL TO THE PUBLIC (3 MINUTE LIMIT, MUST SIGN UP IN PERSON)
- 3) PRESENTATIONS AND AWARDS
 - a) Presentation to Firefighter James Wade for 20 years of service
 - b) Presentation of the 2022 Firefighter of the Year, Spencer Brothers
 - c) Kaysville Fire Department Report - Chief Paul Erickson
- 4) DECLARATION OF ANY CONFLICTS OF INTEREST
- 5) CONSENT ITEMS
 - a) Approval of Minutes of January 27, 2023
 - b) Approval of Minutes of February 2, 2023
 - c) Award of Bid for Crushing of Concrete and Asphalt Debris for Repurposing
 - d) Award of Burton Lane/50 West Roundabout Construction Project
- 6) ACTION ITEMS
 - a) An Ordinance amending Kaysville City Ordinance 4-2-7 “Electric Revenues and Rates”, regarding electric fund transfers
 - b) An Ordinance amending Title 17, Chapter 27 of the Kaysville Municipal Code regarding Mixed Use Zoning District Overlay
- 7) WORK ITEMS
 - a) Discussion of Amendment to Title 17, Chapter 33 Sign Regulations, regarding limiting the size and height of signs

along the West Davis Corridor

- 8) COUNCIL MEMBERS REPORTS
- 9) CITY MANAGER REPORT
- 10) ADJOURNMENT

Kaysville City is dedicated to a policy of non-discrimination in admission to, access to, or operations of its programs, services, or activities. If you need special assistance due to a disability, please contact the Kaysville City Offices at (801) 546-1235 at least 24 hours in advance of the meeting to be held.

I hereby certify that I posted a copy of the foregoing Notice and Agenda and emailed copies to media representatives on February 24, 2023.

A handwritten signature in black ink, appearing to read "Annemarie Plaizier", written over a horizontal line.

Annemarie Plaizier
City Recorder



Kaysville City Fire Department

***Paul J. Erickson
Fire Chief***

Overview

Station/Staffing

Vehicles

Training

Fire Prevention/Public Education

Safety, Health and Wellness

Fire Response Districts/Mutual Aid

Responses/Coverage-5 years

Requirements/Standard

Failed to Meet Standard

Day of the week and time of day

Benchmarks

Staffing/Station

- (1) fire Station-15,618 sq. ft.
- 22 full-time firefighters
 - (1) Fire Chief
 - (3) Captains
 - (3) Engineers
 - (15) Firefighters
- 13 part-time Firefighters
- 1 part-time Junior Fire Setter Counselor
- 1 part-time administrative assistant
 - 37 total

Vehicles

- (2) Command vehicles
- (1) Support vehicle
- (3) Engines/Heavy rescue engine
- (1) Medic Rescue
- (3) Ambulances
- (2) Brush trucks
- (1) Aerial apparatus/Ladder truck
- (1) HazMat trailer

*(1) New medic rescue ordered 12 mo. Delivery date

Training

- Annual Training Plan (ATP)
 - 80+ firefighter specific class
 - 45 medical specific class, + 113.5 hours continuous education

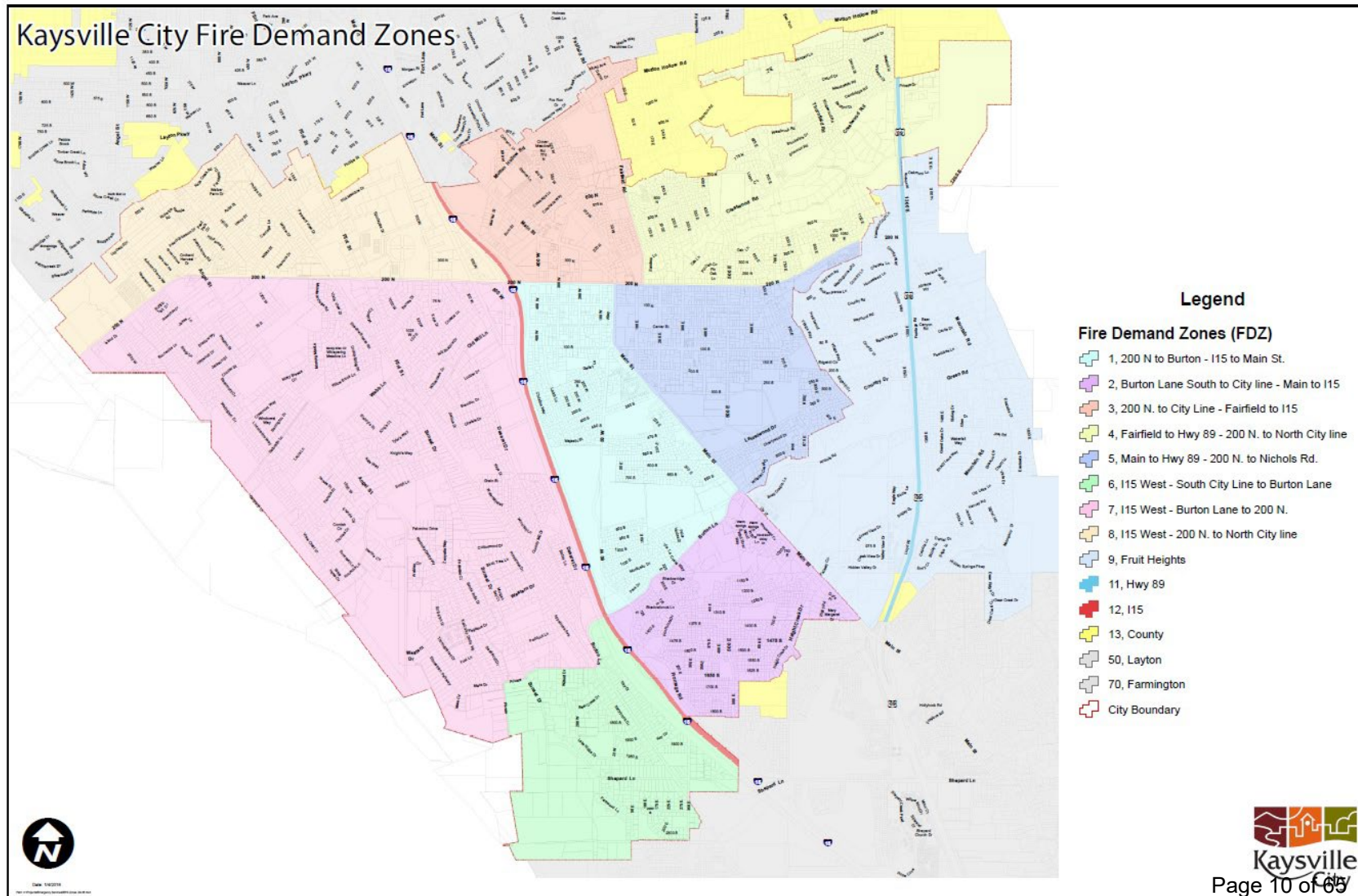
Fire Prevention/Public Education

- Annual Inspections – 1,020
 - 439 commercial businesses
 - 576 home
 - 8 food trucks
- Events – Trunk or Treat w/ PD, school visits

Safety, Health and Wellness

- Monthly safety meetings
- Annual physical exams
- Annual fitness evaluation
- Near Miss reports
- After Action reports
- Firefighter Safety Stand-Down

(12) FRD's and (3) mutual aid areas



Mutual Aid

Fire Department	Automatic Aid Given	Automatic Aid Received	Mutual Aid Given	Mutual Aid Received
Farmington Fire Dept	33	13	83	11
Hill Air Force Base	0	10	2	3
Layton Fire Dept	25	25	23	27
North Davis Fire District	0	2	2	0
Smithfield Ambulance	0	0	1	0
South Davis Metro Fire Dept	1	3	3	1
South Weber Fire Dept	0	1	0	0
Syracuse Fire Dept	0	1	1	1
Overall	59	55	115	43

Responses/Coverage

10.5 sq. miles/32,900 residents served

2018 – 1578

2019 – 1542

2020 – 1678

2021 – 1963

2022 - 2032

62% EMS responses – 1,264

38% Fire responses - 768

20% responses in West Kaysville - 403

16% overlap response – 340 = 28 a month

** 55 reported fires

** 12 saves = 4 cardiac arrests, bleeds, head injuries

Requirements/Standard

- NFPA 1710, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*. Chapter 4, Organization drives the time standard, 6:04 for EMS response and 6:24 for fire and/or special operations.
- NFPA 1710, chapter 4, 4.1.2.3.3 alarm processing of not more than 64 seconds for dispatch, then 4.1.2.1 (2) 80 seconds for fire and special operations and 60 seconds for EMS, then 240 seconds for travel time = 6:04 for EMS and 6:24 for fire/special operations responses, at least 90% of the time.

****Failed to Meet Standard**

- **All calls** including mutual-aid and non-emergent runs: 1,106 busted. We were compliant with NFPA response times on 926 runs, putting us at 46% compliant.
-
- Busted calls **minus mutual-aid** runs and **minus Fruit Heights**: 950 busted. We were compliant with NFPA response times on 793 runs, putting us at 45% compliant.
-
- Busted calls **minus mutual-aid runs**, **minus Fruit Heights**, and **minus non-emergent** calls: 542 busted. We were complaint with NFPA response times on 451 runs, putting us at 83% compliant.

DAY OF WEEK/TIME OF DAY

- 2018 – Mon-Wed-Fri – 0600-0000
 - 49% of total responses
- 2019 – Tues-Wed-Sat – 0800-2300
 - 46% of total response
- 2020 – Tues-Wed-Fri – 0800-2300
 - 46% of total response
- 2021 – Mon-Wed-Thurs – 0800-2200
 - 46% of total responses
- 2022 – Mon-Tues-Thurs – 0800-2200
 - 46% of total responses
 - *April busiest month – 204 responses

Benchmarks

- **Certifications – Benchmark 100%**
 - All minimum qualifications met
- **PPE Inspections – Benchmark 100%**
 - 100% full time employees, approx. 80%
- **Training – Benchmark 80%**
 - 96% complete for full time
- **Response Times – Benchmark 90%**
 - 83%



QUESTIONS??

KAYSVILLE CITY COUNCIL
ANNUAL RETREAT
January 27, 2023

Minutes of a special strategic planning retreat of the City Council held on January 27, 2023 at 9:00 a.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Tamara Tran, Council Member John Swan Adams, Council Member Mike Blackham, Council Member Abbigayle Hunt, Council Member Nate Jackson, Council Member Perry Oaks (via virtual call)

Others Present: City Manager Shayne Scott, Finance Director Dean Storey, Assistant Finance Director Levi Ball, City Recorder Annemarie Plaizier

CITY COUNCIL RETREAT

Mayor Tran opened the meeting.

City Manager Shayne Scott explained that the council gathers at the beginning of each year to review and discuss plans for the upcoming year. More specifically, to look at where the city is at in our current budget and what we might expect going into the next fiscal year.

Council Member Nate Jackson arrived.

Finance Director Dean Storey presented a general report of the finances of the city, including financial challenges that the city already knows we will face finishing FY 2023 and in FY 2024. During this last year, the ambulance enterprise fund was moved to governmental funds. Instead of the Road Fund being an enterprise fund, it was made into a special revenue fund, which is also considered a governmental fund. Doing these things creates more transparency. Mr. Storey reviewed the city's enterprise funds, how they work, and which of the city's operating costs in the enterprise funds are showing a depreciation. Some of the cash flows within these enterprise funds are restricted.

Shayne Scott added that we have recently seen a very drastic increase in the cost of some of our utility costs.

Council Member Mike Blackham asked about cash flows from the electric utility fund over the last five years.

Shayne Scott said that in the last five years, two of those years the city spent money from the electric enterprise fund in order to cover the cost of installing the AMI meters throughout the city.

Dean Storey added that the AMI metering project was classified as an operating expense rather than a capital expense.

Council Member Jackson asked about road funds and if we have any funds available to be used

towards repairing sidewalks in the city. We need to be more aggressive in maintaining our sidewalks.

Shayne Scott responded that city ordinances state that sidewalks are the responsibility of the property owner. A few years ago, the city decided to hire a contractor to address some sidewalk issues within a small neighborhood in the city. However, they only addressed the more minor issues. Work that is more extensive is more costly and was therefore not fixed by the contractor. The contract cost the city around \$30,000. We have not considered doing another similar project since, mostly because of funding. Staff would not recommend using road funds for sidewalk repairs as those funds are needed for our road maintenance.

Council Member Jackson responded that he would like to see the city continue hiring contractors to address areas of the city where the sidewalks are more hazardous.

Shayne Scott said that if the council wanted to try to do similar contract work for sidewalk repair throughout the city, it would likely take ten or fifteen years to get through the whole city.

Council Member Jackson asked about road funds and how road projects are prioritized.

Shayne Scott responded that our Public Works Superintendent reviews the road projects that need to be done throughout the city and will prioritize them from most necessary to least. Then he will discuss available road funds with Dean, and they will list the highest priority projects on the next budget.

Assistant Finance Director Levi Ball reviewed a summarized Interim Financial Report from July 1, 2022 to December 31, 2022 with the council.

Dean Storey commented that for the 2023 Fiscal Year budget the council decided to transfer a significant amount of fund balance to balance the budget. We hope to see additional revenue come in this year but we do not have any year-to-date actuals as of yet. However, we likely will need to use fund balance again this year in order to balance our current year budget. Our sales tax revenue numbers seem to be staying strong, but we do not know if those numbers will hold.

Shayne Scott said that the Council would be holding a Council Retreat in April to begin to review and have further detailed discussion of the FY 2024 budget. Mr. Scott added that while it is encouraging to see that we will get some income from sales tax revenues, it won't be enough to cover the city's costs. The departments had been asked to not hire for any new positions over the last year, and it is likely that will need to be the case again for another year. We also need to do another cost of living increase for our employees.

Council Member Hunt added that last year some of the money that was transferred from the general fund to cover costs was for operational expenses. We will be facing the same challenges with the Fiscal Year 2024 budget, and it is unlikely that the revenue we have received over the last year will cover those operational expenses. We also need to take into account that inflation has increased the cost of most things.

Shayne Scott agreed and added that inflation has impacted the city budget. Not only is it costing the city more for salaries, but it is also costing us more to purchase equipment and to operate.

Mayor Tran as we are trying to develop what we want for our city, the council needs to consider what kind of businesses we can bring to our city to help to increase revenue in our city.

Council Member Blackham said that he feels that the city has had very little development within the city in the last year, and he would like to see the city be able to live within its means.

Council Member Adams suggested approaching the department heads and asking where they can cut back in their budget this upcoming year.

Shayne Scott commented that our department heads already do that every year. Instead of showing us where they can cut back, they present the minimum of what they need to operate. Mr. Scott commented that he is confident in what city staff has been doing to try to cut costs, but we could probably be better at relaying to the council the ways we are trying to cut costs.

Dean Storey added that Kaysville is seeing increases in costs just as everyone else is. One example is that Davis County increased the fee for their dispatch services. That increased amount was unexpected and the city had to figure out how to absorb the different into our FY2023 budget.

Council Member Adams said that it would be helpful for the council to know about these unexpected increases that city staff has to find ways to accommodate for in our budget.

Council Member Blackham said that he would like to encourage the department heads to look at their budget at the end of the fiscal year and if there is extra funds in there, to not spend it just to spend it. If they have gone that far in the year and not needed to make that purchase for an item, maybe it does not need to be purchased at that point.

Council Member Oaks commented that his biggest concerns are with the requests that come before council for approval because they were not included within the yearly budget. Maybe some requests can wait until the next budget cycle.

Shayne Scott responded that when that happens, those department heads should have a good reason to be making their request when they do.

Council Member Adams stated that if they have a good reason to be making such a request outside of the regular budget review process, he would rather review and consider the request when staff needs the funds so that our staff has what they need to get their jobs done.

Dean Storey discussed power enterprise funds with the city council. A lot has happened in the last ninety days in regards to the cost of power resources. The cost of power has been significantly higher and therefore the city is paying more for power than we are receiving for it. This increase is only the power resource cost; it does not include operation costs. The Power Commission has been recently discussing a power rates increase as a result of this.

Shayne Scott added that we have seen a million dollars difference in resource costs within one month. This is a crisis situation.

Council Member Blackham said that he wanted to see the amount for the city's total gross revenue

in the power fund. This situation has only happened one time in the last several years.

Shayne Scott said that the reasons for what caused the cost for power to spike are still occurring and therefore we do not know how long this will go on and if it won't happen again. The Council could consider delaying a power rate increase, but we likely will continue to see a deficit in our power budget as it is anticipated that power rates will continue to be high.

Council Member Blackham added that the city also has some money with UAMPS to help cover costs.

Shayne Scott commented that the city only has so much money in reserve and cannot afford to cover the gap in resource costs forever.

Council Member Oaks said that with the war on fossil fuels occurring, it is unlikely that we will see any difference in our costs in the near future, and any monies we might have in reserve to help cover costs in these situations will likely not last long.

The City Council and Staff discussed power costs over the last year.

Council Member Jackson said that he does not feel that the council has enough information yet to justify a rate increase.

The City Council took a ten-minute break at 10:50 a.m. and reconvened at 11:00 a.m.

Council Member Blackham stated that he does not want to see the council approve a tax rate increase this year and feels that the city should be able to find a way to work within our means.

Dean Storey reviewed the budget schedule for Fiscal Year 2024 with the Council. It is scheduled for the council to adopt the tentative budgets in May, and that is when they will become available for the public to review. The council will hold a public hearing on June 1, 2023 and could potentially adopt the final budget by mid-June, should the council choose not to hold a Truth and Taxation hearing. If a Truth in Taxation hearing is held, it will be held at the beginning of August prior to the final budget being approved. The council needs to decide how much money they wish to use out of the city's reserve fund balance. The city typically bases our recommendation for a cost of living increase for our employees based on what the Utah Retirement System provides to their retired employees.

Council Member Blackham said that he would like to know what the state is considering for a cost of living increase for state employees.

Shayne Scott commented that last year the council targeted a 4.7% cost of living increase for employees, and many staff members felt that percentage was a minimum of what should have been done. Many felt that we should have followed what other cities did in giving an 8-10% increase, and it would have been justified. The 4% that URS has approved is taking into account two calendar years. However, when the state is facing an average of 8% cost of living increase, staff is wondering what will be done in the following year if the 4% is supposed to carry over in subsequent years if we are following what the URS does.

Dean Storey said that the city has tried to keep operational costs the same over the last couple of years, which has been a challenge with each department. Some capital improvements need to be completed soon, including what to do with the old library building, and installing a new roof on the operations center if we do not build a new facility there. Our utility service providers have indicated that they will be raising their rates this year.

Council Member Jackson suggested pausing the allowance of a department head to give a discretionary salary increase or bonus to employees for the year.

Shayne Scott commented that last year the council approved a change to the police department salaries after a compensation study was done. A compensation study was done four years ago for the entire city staff, and it is already outdated in some areas.

Dean Storey said that there has been some concern that the increase to the police department's salary has left other department positions behind. It is likely that if we were to do another compensation study for the city, we would find areas that needed adjustments made. We typically do not have compensation studies done often, however, there have been some major events in the last couple of years that have effected some salaries. We had a good compensation done four years ago, but we need to make sure we are keeping up with it.

Shayne Scott commented that we could likely do an analysis in-house and not have to hire it out.

Council Member Jackson asked if staff could do an in-house compensation study to see where the city is at in comparison to similar cities, and present that information in April.

Shayne Scott gave an update on the RAMP tax program and said that the city is receiving more income from the RAMP tax than we originally anticipated.

The City Council had a discussion regarding the transfer of enterprise funds from within the city budget. There was a general consensus that if the council decided to transfer any enterprise funds, that a policy needed to be put in place beforehand of how those funds could be transferred.

Shayne Scott commented that it is anticipated that the city will be moving forward with budgeting for a design of a fire station on the west side in the upcoming budget. The council and staff had discussion on if a specific location had been decided for the fire station on the west side.

The City Council discussed attending the National League of Cities Conference in March of this year. Mayor Tran commented that all of the current council members have had the opportunity to attend, and it is beneficial to attend.

Council Member Hunt said that it is a great opportunity and is good for each council member to attend, but suggested that this year might not be the best year to attend.

It was the consensus of the Council that they would not attend the NLC Conference this year.

Council Member Jackson asked about salary increases for elected officials.

Shayne Scott responded that previous councils have refused an increase to their salaries. A recent

council decided to increase the salaries of their positions for the upcoming council members. This is something that can be considered during budget review.

The City Council took a break at 12:00 p.m. and reconvened at 12:07 p.m.

The Mayor reviewed the City Council member assignments with Council Members, and made adjustments as needed.

Shayne Scott suggested putting the contract for our yearly audit out to bid next year. We have had the same auditor for seven years now, and although we have been extremely happy with their work, a standard time is five years for changing auditors, and it would be good to see what other options we have. Mr. Scott suggested also putting out to bid our solid waste services.

Council Member Blackham commented that if our current solid waste service provider is willing to keep their prices the same again this next year than we should keep contracting with them. If they are not, that is when we should go out to bid.

Dean Storey commented that there was a new software that was implemented last year, and it was critical that we stayed with the same auditor because of it. This year it is not as critical, but it would be beneficial to keep our same auditor for another year. Mr. Storey added that we contract with our current waste provider every two years, and will find out if it expires this July or next.

Mayor Tran gave an update on the open city manager position and said that the position had been posted in several places and we have received several great applicants.

The City Council discussed upcoming city projects. Shayne Scott said that there will be a redesign of the Wilderness Park parking lot and the design of the project has gone out to bid. Our Public Works Superintendent has also indicated that they hope to start on the Burton Lane roundabout project soon and have it completed by the next school year.

Mayor Tran said that Davis County owns the senior center to the east of City Hall, and they are considering building another senior center elsewhere in the county. At that point, they have said they may allow the city to use a portion of the building. If that happens, we may be able to move our Parks and Recreation staff into their building, and do something with the old fire station building or put something else in its place. Mayor Tran asked the Council if they had any priorities or goals for the city, and if there were anything they would like to see happen in the city.

Council Member Hunt said that she would like to see more revitalization of commercial in the city. She would also like to see the city's land use code reviewed. There have been times recently that we have found issues within the code and it would be good for the council to look at it to make sure it is written for what we want to have in the city.

Council Member Jackson said that he would like to ensure that higher density housing developments be required to have a certain amount of designated visitor parking. Council Member Jackson said that he would also like to see the city do more to improve roads and sidewalks within the city.

Council Member Blackham said that he would like to see the city catch up financially by keeping

our budget the same for the upcoming year and that any necessary expenditures for the upcoming year be kept within our current FY 2023 budget amount.

Council Member Oaks said that many big expenditures and projects have been mentioned today and previously, and he would like to see which ones are the biggest priorities. It will help us to determine what funds are needed and when they are needed.

Council Member Adams said that as we see more properties being redeveloped along 200 North, he would like to see that there be uniform requirements on how new buildings may look, including setbacks.

Mayor Tran commented that she would like to see the city focus this year on improving infrastructure where needed, and consider what we want our city to look like for the future, including economic development. If our ordinances do not reflect the look and feel of what we want in our city, they need to be cleaned up. If we want our downtown area to have a different feel or bring in more businesses and opportunities, we need to do something we have not done before because what we have done before is not working. We want to be able to keep our current employees, and maybe we will need to do another hiring freeze again this year in order to try to keep our costs low and still give our current employees a cost of living increase. We also do not want to have to raise taxes unless it is needed. However, it is a good idea to hold a Truth in Taxation because it helps to be more straightforward and transparent with our residents about the process and to show our citizens what we are doing as a city to try to keep costs low and bring more revenue into the city. That does not mean that we will have to raise taxes. We want to show our citizens that we are being responsible. It is a bad idea to hold off on holding Truth in Taxation for many years.

Council Member Jackson said that we need to be more willing to change and accept change. We need to be more forward thinking and plan for things we want to see come to the city. We need to set higher expectations for the developers that come to us so they know what we want in our city.

Mayor Tran commented that if we want to see more improvements to our downtown area, to our city infrastructure, or any other projects for our city, it would require more funding.

Levi Ball commented that some budget line items for FY 2024 will show an increase as the cost of those items and services have increased. Mr. Ball said that city staff is currently doing a wage study for the fire department and asked for clarification on if the Council wishes Staff to do the same for the rest of the city departments at the same time.

Dean Storey added that another option the council has is to give a strong cost of living increase this year, and not consider the compensation study for now. The end cost would likely be about the same.

Council Member Blackham said that he feels there should not be any tax or rate increase and the city should just figure out how to make ends meet with what we have.

Shayne Scott said that our department heads would be derelict in their duties if they were to come to the council saying that they won't need to hire any new positions and will be able to stay within the same budget this next year. What our department heads do, and need to continue to do, is

present to council what they need to operate, both financially and staffing. It is then the responsibility of the council to review those needs and say whether what they are asking for is too much or if it can be approved as presented. It is important that the city take into account what our needs are, and what our revenue is, and then if there is a deficit in the amount between the two then we need to figure out how to balance the budget. It is incorrect to state that our needs are the same as the amount of money that will be allowed. Our department heads are already saying that they are already operating within their budget as tight as they can, and they will not be able to operate within the same budget next year.

Council Member Blackham said that he would like to have more council work sessions to really review and discuss the budget in depth.

Shayne Scott said that it is added as a work agenda item on each council meeting during the budget review process, and we can schedule additional work sessions outside of council meetings.

Council Member Jackson suggested that the council also be able to meet with each department, possibly in their own buildings, to get an idea of their operations.

Council Member Blackham made a motion to adjourn the meeting at 1:17 p.m., seconded by Council Member Adams and passed unanimously.

KAYSVILLE CITY COUNCIL
February 2, 2023

Minutes of a regular Kaysville City Council meeting held on February 2, 2023 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Tamara Tran, Council Member John Swan Adams, Council Member Mike Blackham, Council Member Abbigayle Hunt, Council Member Nate Jackson, and Council Member Perry Oaks

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, Finance Director Dean Storey, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Assistant Finance Director Levi Ball, Information Technology Assistant Jordan Hansen, Parks and Recreation Director Cole Stephens, Public Works Director Josh Belnap, Josh Green, Brandon Rindlisbacher, Jon Galbraith, AJ Green, Kamron Barr, Chase Saxton, Bob Murri, Steven Haws, Judy Rigby, Fawn Morgan, Carl Galbraith, H. Lynn Galbraith, Brigg Lewis, Laurene Starkey, Val Starkey, Paul Nielson, Camille Jepsen, Marilee Jepsen, Rob Dansie

OPENING

Council Member Adams opened the meeting with a prayer and led the audience in the pledge of allegiance.

CALL TO THE PUBLIC

H. Lynn Galbraith said that he, along with a group of other citizens, have been discussing ideas for what to do with the old library building, and they would like to submit their own proposal for Council consideration. Mr. Galbraith also said that the council should allow for a lot of citizen input on any of these proposals before a decision is made.

Brigg Lewis said that he feels that it would be a bad idea to transfer funds from the electrical enterprise funds. The citizens voted several years ago to stop the city from using power funds for non-power items. The money is needed for upgrades to our power system. Mr. Lewis also commented that the cost of living has increased substantially and everything seems to be going up in cost. The council needs to keep in mind the vulnerable citizens in the city who are struggling to make ends meet as it is. Instead of taxing the citizens, the city needs to consider other options, including the possibility of cutting their workforce if necessary.

PRESENTATIONS AND AWARDS

LIBRARY BUILDING PROPOSALS

Parks and Recreation Director Cole Stephens explained that in 2022 there was an assessment done on the old library building. After reviewing the assessment report, the city announced an RFP allowing anyone to submit proposals for the library building. That RFP ran for two months from October to December 2022 and we received various proposals from interested parties. A

committee reviewed those proposals and narrowed the proposals down to the two that met the qualifications of the RFP. One of the proposals came from Alchemy Development, and the second was from City Creek Construction. Both are here tonight to present their proposals to the council.

Mayor Tran added that the RFP was posted in several places online and we welcomed anyone who was interested in preserving and repurposing the old library building, and who would be willing to help pay for it.

Josh Green, with Alchemy Development, introduced their company and the team that has been working on the proposal for the old library building. Mr. Green gave a presentation about what they are proposing for the building and explained that they tried to take all of the RFP qualifications and the financing for this project into consideration. Their proposal is to convert the historic library into a modern food hall. The existing building would be preserved and brought up to code. They want their project to keep the hometown feel that Kaysville has. There are existing problems with the building that will need to be addressed as part of the project. The food hall would have curated local food options and would have a flex space that could be used as an art gallery, or meetings, or pop-up retail events. They would like to create an outside patio in front of the building where local bands could play, and they would have drivable spaces between the building and the street for food trucks to park. These types of food halls are becoming more popular all over the country. There are some currently located in Salt Lake City and in Holladay. This development would add vibrancy to downtown Kaysville. It would provide more eating options, and could be a good place to meet for a business lunch or a place to bring your family.

Jonathan Galbraith, the architect for this project, said that this area is the hub of the community and we wanted to create a design that would preserve the historic nature of the building. They did not want to change a lot on the outside of the building so that the look stays the same. The stone on this building is a trademark of the other buildings on this city block. They want to make the windows on the front of the building larger to allow for more natural light into the building. The food restaurants would be on the east side of the building, close to the parking area. A patio would be built on the west side between the building and the existing memorial and flagpole. The memorial and flagpole would not be removed. Different local food trucks would be able to come and park in front, off the street, so as to not impede traffic. Events would be held here, such as community food truck rallies. Many people travel along this area of Main Street, and this food hall would help to draw people in. They would install slab on grade inside, and the windows would need to be replaced with more energy efficient ones. The roof will also need to be replaced.

Kameron Barr, a contractor working with Alchemy on this project, said that we want to preserve as much of the building as possible. It is good to include the contractor in projects early on to help identify concerns with the project early, and to help try to keep construction costs on budget. It is critical in today's market to control costs where possible. Mr. Barr said that they have experience using old buildings and retrofitting them into restaurants and office spaces, and they have been successful projects. This project would help liven the area and will draw more people here.

Josh Green said that it was mentioned in the RFP that the city does not have a lot of funds to be able to put into the project, so Alchemy has come up with a few ideas on how to handle the finances. One idea they liked the most was to have a public-private partnership with the city, which would allow the city to keep some control of the property and to share in some of the profits of the operation. The city would contribute the building and the land it is on as part of the

partnership, and then Alchemy's team would secure a bank loan. There are historic tax credits and other types of grants that are also available for these types of projects. AJ Green, who is part of their team, would help in capital raising and working to find investors for the project. There are other ways that the finances could be structured with the city, and they are willing to have further conversations with the city about other scenarios. They want this to be a collaborative project not just with the city, but they also want to involve the community.

Chase Saxton said that he is involved with the marketing for this project and these types of projects provide great opportunities for community engagement. There are local entrepreneurs who may have a food truck and might be looking for a brick and mortar space to expand their business. A place like this would be a great opportunity for them. We look for ways to involve the community with this project. Having members of the community involved helps to attract more people. We have already spoken with some of the local restaurants and food trucks who have expressed interest in this project. One way to get the community involved is to have a community vote on at least one of the tenants that should be here. Websites, online ads and social media campaigns will also help drive traffic to this location. Marketing will continue to be an ongoing effort. We also would ensure that this building be embedded with technology throughout the restaurants, such as including digital kiosks, mobile ordering, Wi-Fi beaconing and push notifications. We feel that this project would eventually sustain itself. There are many different types of partnerships that could be done as well.

Mayor Tran asked about the public-private partnership and asked if the city would donate the land with a long-term lease or are is Alchemy looking for the city to donate the land to them?

Josh Green said that their idea was that they would own it together with the city as a partnership. They had not yet determined any details of the partnership as of yet, but it would be negotiated with the city.

Mayor Tran asked about what kinds of restaurants would be here and what would happen if all of the restaurants were to leave?

Chase Saxton said that they have found with other projects of this type that there is always an interest from someone to fill these restaurant spaces. There are many food trucks that are looking for a brick and mortar location, and they cannot afford to have their own building. They would share the space and would share some of the amenities like drink stations, which helps with the cost for these restaurant owners.

Mayor Tran asked if the restaurants would lease or purchase their space.

Chase Saxton said that they would have long-term leases.

Council Member Oaks said that from what he has seen and heard, there seems to be a good market for these types of projects.

Council Member Hunt asked if the marketing would be ongoing, even after the project is complete.

Chase Saxton said that it would be an ongoing effort. They would provide some marketing, but it is common for these restaurants to put a percentage of their gross revenue into marketing as well.

Council Member Jackson asked about how large the flex space area would be.

Jonathan Galbraith responded that it would be a little bigger than the LeConte Stewart gallery area that is currently located inside the building.

Council Member Jackson said that he feels it would be important to have some of the local art and history within the building. It would be a good space to display things from our community for patrons to see. Council Member Jackson asked about the east entrance and if it could be made to look more inviting.

Jonathan Galbraith responded that they would like to do something more with it, but is not sure how much modification to the building is allowed in order to get historic tax credits and grants.

Council Member Adams said that he appreciates the proposal being presented because he did not want to see the building just torn down. It is nice to see what opportunities people have found for the building through the RFP process. Council Member Adams asked about if Alchemy would be willing to work with a citizens committee who would provide input on the design, specifically ensuring the preservation of the exterior of the building. Many individuals are passionate about preserving this building.

Mayor Tran commented it was her understanding that you cannot qualify to get certain historic grants or tax credits if you alter the building.

Jonathan Galbraith said that the requirements are convoluted and really depend on where the tax credit or grant is coming from.

Council Member Adams commented that the next proposal involves housing and he would not mind seeing a plan that included this food hall as well as the housing units.

Bob Murri, representing City Creek Construction, said that when there is personal connection to a project, there is more passion and power behind not only the process, but also what you deliver in the end. Mr. Murri said that he used to live in Kaysville where he raised his kids, and they have many fond memories of this old library building. The city wants to extend the life of the building and find a way to energize this part of the city. There are many things going on in downtown Kaysville, but we feel that the city could be doing more. We want to facilitate connectivity in downtown with residents and visitors in a way that will also complement the business along here. There also needs to be a financial structure that allows continued benefits to the city, and minimizes financial investment from public funds. Mr. Murri introduced their company, City Creek Construction and the team that has been working on their proposal for the old library building, including FFKR Architects and The Green Collective. As has been mentioned, this building is going to need a lot of work. They anticipate that this project will take eight to ten months to complete. They already have a couple of companies that have said they would help provide financial backing for this project. City Creek is also interested in creating a public-private partnership with the city so that the city can keep the property, and they be able to do a long-term lease agreement with the city. They want to be able to own the building, and when they are done with it they will give the city the first right of refusal to purchase the building back from them. They are not sure how long they would own and manage the building yet. There could be all

different kinds of tenants to occupy the old library building, such as a small coffee shop, or retail or professional uses. They would like to see that the LeConte Stewart gallery remain in this building. Steven Cornell is part of their team and was the State Historical Architect with Utah from 2018 to 2021. He has a lot of experience working on historic renovation projects. FFKR Architects will provide architectural services for the project. They have experience in doing renovations that have been very successful. This last year they renovated the historic Camp Williams Officers Club. They cleaned and restored all of the rock masonry on both the interior and exterior of the building. They were able to perform a complete structural and seismic upgrade to the building. Many of the same renovations they did to the Camp Williams building would also be done to the Kaysville library building in order to keep the historic value. As part of their project, they are also proposing to build a four-level apartment complex that would be designed to complement the city building, and would have a stepped, tiered design. It is estimated to have forty-six units. Parking is a problem in this area of Kaysville, and as part of their plan they have incorporated three levels of structured parking, with one level below grade, one at grade, and one above grade. The estimated number of parking stalls totals one-hundred and thirteen. This would help to increase the number of parking stalls in this area. We feel that this project would help to energize the heart of Kaysville. It would bring more people to downtown Kaysville, and those living here would help support the businesses in this area. It will help to generate continuous tax revenue for Kaysville. It will also provide covered parking for city employees. The estimated cost for this project is sixteen million dollars. The estimated construction time would be twenty-four to thirty months. They would create an LLC to manage the property. Both FFKR and City Creek Construction have significant experience constructing large multi-family housing projects. They have interested capital investors who would like to help make this project happen. They have met with several key city employees to seek understanding and knowledge of the needs and sensitivities of this project. They understand the historic tax credits that are available through renovation of the library building. If their proposal is chosen, the city will need to split the parcels on the city block to establish ground leases for the property under the library building and parking space area. The city will also need to help with rezoning the necessary parcels from Public Zone to a Commercial and Mixed Use zone. We would also ask the city to help where possible with tax increment, licensing fees, RDA funds or any other negotiable incentives. City Creek believes that their strength they bring as a team would help allow the city to be able to create the ideal solution to achieve the city's vision and create a new, fresh innovation at the heart of downtown Kaysville.

Mayor Tran asked Mr. Murri for more insight on what they envision for the old library building.

Bob Murri said that they have found that there are different professional services looking for small offices spaces to work from, and so they have envisioned parceling out the interior spaces for professional uses. They have also considered creating a space inside for the leasing office for the apartment building area. They would love to have an area inside to display art and have a museum for the city.

Council Member Jackson asked where the entrance and exit would be for the parking structure.

Bob Murri said that there would be two access points on the north and south sides. They would put one set of apartments on the main level, along the western side, and put parking behind them. It helps to soften the look of the parking structure.

Council Member Adams commented that he has some concerns with the amount of parking that would really be available to the public. If each of these apartment units were allowed to have two cars each, there would not be that much left for employees or the public to utilize.

Bob Murri said that the studio apartments would only be allowed one vehicle, and tenants would have designated parking.

Council Member Oaks thanked both presenters for presenting their proposals tonight. Some wondered if we would get any proposals through the RFP that would be something doable. There is such a love for the old library from the people of Kaysville, and we appreciate the consideration both groups have had for the building and for the community.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Council Member Adams made a motion to approve the following consent items:

- a. Approval of Minutes of January 5, 2023.
- c. Award of design and coordination services for the 200 North Road and Utility Project – Kaysville Public Works.

The motion was seconded by Council Member Oaks.

The vote on the motion was as follows:

Council Member Blackham, yea
Council Member Adams, yea
Council Member Oaks, yea
Council Member Hunt, yea
Council Member Jackson, nay

The motion passed with a vote of four to one.

B. APPROVAL OF PURCHASE OF BRAINMASTER FREEDOM BRAINAVATAR – KAYSVILLE POLICE DEPARTMENT.

Council Member Blackham said that he had spoken with Chief Oberg about this item and it is another tool for our public safety therapist to use. In order for us to even qualify to purchase this, we had to meet certain staffing requirements. This equipment is something that our therapist can use with our ongoing police officer and firefighters who have faced tragic incidents and critical issues. It measures brainwaves in different areas of the brain to see if brain synapses are firing normally. It can help to pinpoint areas that may need to be restructured, which can be done by the therapist or referred elsewhere. Our Police Department is only receiving this equipment because they were awarded a grant through the State.

Council Member Oaks asked about qualifications to use this device.

Council Member Blackham said that our therapist has to go through a course to learn how to use it. It is required that we also have another independent person, not on our staff, to work the equipment alongside our therapist. Our therapist has spoken to doctors and psychologists that work with mental health throughout the county to find someone in order to meet that requirement.

Council Member Jackson said that he was unaware of any details about this item, including how much it would cost the city, and felt uncomfortable voting on any item that the council had not been properly briefed on. Council Member Jackson expressed concern regarding staff not giving the council proper presentation on consent items within council meetings before the items are voted on, especially if these items involve spending city money. Council Member Jackson said that he would have liked to have discussed Consent Item “C” tonight as well because he is very interested in the design aspects of the 200 North road and utility project.

City Manager Shayne Scott explained that the reason this item is being presented to the city council for approval is because it was not budgeted for in the FY 2023 budget. The city’s procurement policy dictates that items that are not included in the approved budget must be presented to the council for approval. The reason this item was not included in the budget is that staff was only recently made aware of this equipment and the ability to receive a grant to pay for it. The device provides neurofeedback that can identify the parts of the brain struggling with depression, anxiety, PTSD, and other mental health issues. For many clients seeking therapy, their brains have become stuck in a rigid pattern of thinking and responding. With neurofeedback, we can better enable clients to learn how to change physiological activity to improve mental health and performance. The financial grant that was recently awarded to us from the State of Utah covers the entire \$35,595 cost of this item, which means that the net cost for the city will be zero. All of this information was provided to the council prior to tonight’s meeting in a Staff Report within the city council’s meeting packet. As for procedures for council meetings, consent items are usually items that do not present much of an issue or where this not much of a decision to be made. Consent Item “C” went through an administrative bidding process and Staff was presenting the lowest qualified bidder to the council for approval. If a member of the council would like to discuss an item further, it can be pulled from the approval of consent items, like what happened tonight for Item “B”. This council procedure was established by the city council, and can be changed as the council sees fit.

Council Member Jackson said that while he understands the thought process of going with the lowest qualified bid, it might not be what is best for the city and for the project. Council Member Jackson asked if the grant for this BrainMaster equipment is the same grant that pays for our therapist. Does the city receive any additional money for the equipment besides the grant? Will the city receive any continuous funds after the grant is finished?

Shayne Scott responded that the therapist position is paid for through a different grant. The grant given for the equipment will cover the entire cost of the equipment. We have been told there will not be any additional cost for the equipment.

Council Member Jackson commented that he is not willing to consider any item that comes before the council for approval that is outside of the budget at this time.

Council Member Adams said that with all that is happening in regards to police officers in the US right now, our officers need all of our support, especially when it comes to their wellbeing. Council Member Adams said that even if we did not have a grant to pay for this equipment, he would be

willing to approve this because it will be very beneficial in helping our public safety employees.

Council Member Adams made a motion to approve the purchase of BrainMaster Freedom BrainAvatar. The motion was seconded by Council Member Oaks.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Oaks, yea
Council Member Hunt, yea
Council Member Jackson, yea
Council Member Blackham, yea

The motion passed unanimously.

COUNCIL MEMBER REPORTS

Mayor Tran said that tonight was City Manager Shayne Scott's last meeting and expressed her appreciation for all that he has done for the city during his time working for the city. Mr. Scott has been a great asset to the city and he will be missed. The City Council presented gifts of appreciation to Mr. Scott.

Shayne Scott thanked the mayor and council members and said that while he excited for what is to come with his next employer, he will miss the people here at the city the most.

CLOSED SESSION

Council Member Hunt made a motion to adjourn the city council meeting at 8:45 p.m. and reconvene into a closed session to discuss the purchase, exchange, or lease of real property, in conformance with Utah State Code §52-4-205. The motion was seconded by Council Member Blackham and it passed unanimously.

Council Member Adams made a motion to adjourn the closed session at 9:24 p.m. and reconvene into the city council meeting, seconded by Council Member Hunt. The motion passed unanimously.

ADJOURNMENT

Council Member Hunt made a motion to adjourn the City Council meeting at 9:25 p.m. The motion was seconded by Council Member Adams and passed unanimously.

CITY COUNCIL STAFF REPORT



MEETING DATE: March 2, 2023

TYPE OF ITEM: Consent Items

PRESENTED BY: Josh Belnap

SUBJECT/AGENDA TITLE: Award of Bid for Crushing of Concrete and Asphalt Debris for Repurposing

EXECUTIVE SUMMARY:

Public Works maintains two debris stockpiles at the Operations Center for asphalt and concrete rubble. These piles are comprised of material generated by pothole repairs, water leaks, curb repair, parks and cemetery projects etc. That debris would typically require staff time to haul it to Clearfield and pay the dumpsite fees for that debris. However, being able to dump the debris on City property allows the City to handle the debris at any hour of the day, avoiding additional staff time/fuel costs/dump fees to haul it to Clearfield. We crush and analyze this material every 2-3 years for use as road base on City projects or repairs. Estimates show a savings of nearly 250 employee hours and nearly \$100,000 by being able to dump the debris locally, and crush it for future use (vs having to haul the debris to a dump and purchase that amount of road base).

Yarbrough Construction submitted a bid of \$107,660.00 to crush the 3,400 cubic yards of material and stockpile it for future City use, and haul off any garbage (metal, plastic, wood etc) that is currently mixed in with the debris. Staff budgeted for this in the current budget, and recommends awarding the bid to Yarbrough.

City Council Options:

1) Approve, 2) Approve with suggested changes, 3) Table

Staff Recommendation:

Approval

Fiscal Impact:

Fund source is a combination of gas tax revenue, County transportation funds and road utility funds.

ATTACHMENTS:

None

CITY COUNCIL STAFF REPORT



MEETING DATE: March 2, 2023

TYPE OF ITEM: Consent Items

PRESENTED BY: Josh Belnap

SUBJECT/AGENDA TITLE: Award of Burton Lane/50 West Roundabout Construction Project

EXECUTIVE SUMMARY:

In May 2022, Public Works held a bid opening for the construction of a permanent roundabout at the intersection of Burton Ln and 50 West. The City received only one bid for the project, which was nearly \$1.8 million, approximately 80% above the engineers' estimate for the project. We spoke with the bidder and identified that the main causes for the difference between the estimate and their bid were inflation and labor/scheduling difficulties.

In the June 2, 2022 City Council meeting, we informed Council of the bid, and made a recommendation to reject the bid and explore other options, with the hope of finding better pricing. Council directed staff to do so, and since that time, we have been working on evaluating pricing with Yarbrough Construction, whom the City has a subcontract with for concrete and roadway work. Yarbrough has submitted a price of \$1,193,782.10, which is within about 10% of the original estimate, and within the \$1.2 million we budgeted in the current budget.

With Yarbrough's reputation and pricing, staff recommends awarding them the project, and they hope to start construction as soon as possible.

City Council Options:

1) Approve, 2) Approve with suggested changes, 3) Table

Staff Recommendation:

Approve

Fiscal Impact:

Fund source is a combination of gas tax revenue, County transportation funds and road utility funds.

ATTACHMENTS:

None

CITY COUNCIL STAFF REPORT



MEETING DATE: March 2, 2023

TYPE OF ITEM: Action Item

PRESENTED BY: Dean Storey

SUBJECT/AGENDA TITLE: An Ordinance amending Kaysville City Ordinance 4-2-7 "Electric Revenues and Rates", regarding electric fund transfers

EXECUTIVE SUMMARY:

This Ordinance would amend 4-2-7 regarding Electric Fund Transfers. The amendment would allow a potential fund transfer, but provides gentle guidance regarding when such transfers are appropriate. Importantly, this amendment does not require any fund transfers. Further, any fund transfer would require further City Council action along with the proper notices.

This action comes to the Council at this time following the discussion at the Council Meeting on December 15, 2022 and the motion to reconsider amending the Ordinance in 2023.

This amendment is necessary if the Council is desirous of amending the FY 2023 Budget and transferring monies from the Electric Fund for capital purchases and to allow sufficient time to give proper notice as required by statute.

City Council Options:

1) Approve the Ordinance as written; 2) Approve the Ordinance with any modifications that the Council deems appropriate; 3) Decline to approve the Ordinance and remand to staff with further direction.

Staff Recommendation:

Fiscal Impact:

This Ordinance has no direct fiscal impact, but its effect will give the City Council greater flexibility to fund future expenses.

ATTACHMENTS:

1. Ordinance Amending 4-2-7
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ORDINANCE 23-XX-XX

AN ORDINANCE AMENDING TITLE 4, CHAPTER 2, SECTION 7 REGARDING ELECTRIC REVENUES AND RATES; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Kaysville City desires to have the ability to utilize City revenue held in its Electric Utility Enterprise fund for City needs; and

WHEREAS, the Kaysville City Council recognizes that they are not obligated to use these proposed fund transfers, but recognizes that having this option may alleviate the need to raise property taxes and other fees; and

WHEREAS, the Kaysville City Council recognizes that they are stewards of the public's funds and shall not use these enterprise transfers in a way that violates the proposed amendment; and

WHEREAS, the City Council of Kaysville City finds it to be in the best interest of its citizens to amend these sections of the City Code.

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

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

SECTION II: Enactment. Title 4, Chapter 2, Section 7 shall be amended to read as follows:

4-2-7 Electric Revenues And Rates

All operating revenues of the Kaysville Electric Utility Enterprise Fund should be used to benefit the City. Preference may be given to restrict expenditures solely to the direct operations of the Kaysville Power Department. The Kaysville Electric Utility Enterprise Fund shall maintain Cash Reserves as established by the governing body. Operating revenues above operation expenditures and Cash Reserves may be redistributed to other City needs that encourage the health, safety, and welfare of the Citizenry.

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 IV: Effective Date. This ordinance shall become effective 20 days after publication or posting, or 30 days after final passage by the governing body, whichever is sooner.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this 2nd day of March 2023.

Tamara Tran, Mayor

ATTEST:

Annemarie Plaizier, City Recorder

CITY COUNCIL STAFF REPORT



MEETING DATE: March 2, 2023

TYPE OF ITEM: Action Item

PRESENTED BY: Melinda Greenwood, Community Development Director

SUBJECT/AGENDA TITLE: An Ordinance amending Title 17, Chapter 27 of the Kaysville Municipal Code regarding Mixed Use Zoning District Overlay

EXECUTIVE SUMMARY:

Revisions to the Mixed-Use zone have been presented to the Planning Commission to improve inconsistent language as well as address deficiencies identified in the code. The attached documentation identifies those exact changes, which include:

1. Revisions to make application requirements more clear
2. The allowance of a hotel or motel in a General Commercial base zone
3. Moving conditional uses to permitted uses
4. Clarification of commercial space requirements and acknowledgement that final ratios will be approved through a development agreement
5. Allowance of building heights up to 4 stories for buildings that are exclusively used for commercial uses
6. increase in height allowance for accessory structures to a practical height of no less than 10 feet
7. Clarification of setback requirements
8. Clarification of what will be allowed for open space
9. Revisions to improve parking requirements
10. The addition of a curb management requirement
11. Other minor edits and clarification language

The Planning Commission discussed the proposed amendments at the January 12, 2023 meeting and directed staff to make additional edits. They then held a public hearing at the January 26, 2023 meeting and forwarded a recommendation of approval to the City Council with a unanimous vote of 6-0.

Minutes from both Planning Commission meetings are attached, as well as the redlined and clean copy of the proposed ordinance changes.

City Council Options:

1. Approve the text amendments to Title 17, Chapter 27 Mixed Use Zoning District Overlay as

presented

2. Approve the text amendments to Title 17, Chapter 27 Mixed Use Zoning District Overlay with any additional changes
3. Deny the proposed text amendments

Staff Recommendation:

Staff recommends option 1: Approval of the text amendments to Title 17, Chapter 27 Mixed Use Zoning District Overlay.

Fiscal Impact:

N/A

ATTACHMENTS:

1. Mixed Use Revisions PC Recommendation CLEAN 1-26-23
 2. Mixed Use Revisions PC Recommendation REDLINE 1-26-23
 3. Planning Commission Minutes MU Excerpt 1-26-2023
 4. Planning Commission Minutes MU Excerpt 1-12-23
 5. Mixed Use Zone Ordinance
-

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 choices. 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 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 submitted with information and a written narrative indicating 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 and plans

All projects within the MU zone shall be approved through 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. 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 or parking reductions are proposed
8. The number, unit types, and general land use categories of building square footage proposed in the mixed-use project shall be specified and enumerated in the site and concept plans and shall accompany the Development Agreement

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 following shall be considered Permitted Uses.
 - i. 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 allowable units.
 - ii. Offices.
 - iii. Retail sales and services.
 - iv. Sale of beer for consumption on the premises of a full-service restaurant, limited-service restaurant, beer-only restaurant, banquet or reception center.
 - v. Sale of liquor for consumption on the premises of a full-service restaurant, limited service restaurant, banquet or reception center.
 - vi. Amusement and entertainment facilities.
 - vii. Motels or hotels.
 - b. Adequate commercial space within the project shall be provided. The final proportion of commercial square footage and residential square footage will be

determined based on specific characteristics of the project site and shall be approved by the city council in a DA. Minimum guidelines for commercial space include:

- i. Ground floor commercial is required on buildings which front arterial and collector streets.
 - ii. A minimum of 30% of the combined total of the square footage for all buildings in the project shall be commercial space.
 - iii. Parking shall not be counted towards commercial space requirement.
- c. As determined by the DA, commercial buildings 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 following shall be considered Permitted Uses.

- i. Multiple dwellings with 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. Retail sales and services.
- iii. Offices.
- iv. Motels and hotels.
- v. Sale of beer for consumption on the premises of a full-service restaurant, limited-service restaurant, beer-only restaurant, banquet or reception center.
- vi. Sale of liquor for consumption on the premises of a full-service restaurant, limited-service restaurant, banquet or reception center.
- vii. Amusement and entertainment facilities
- viii. Minor home occupations as specified in KCC 17-26.
- ix. Major Home Occupation 'C' as specified in KCC 17-26.
- x. Private swimming pools as specified in KCC 17-31-9.
- xi. Accessory uses and accessory buildings customarily appurtenant to a permitted use as specified in KCC 17-31-2.
- xii. Recreational vehicle parks as specified in KCC 17-31-24.

b. Adequate commercial space within the project shall be provided. The final proportion of commercial square footage and residential square footage will be determined based on the specific characteristics of the project site and shall be approved by the city council in a DA. Minimum guidelines for commercial space include:

- i. Ground floor commercial is required on buildings which front arterial and collector streets.
- ii. A minimum of 30% of the combined total of the square footage for all buildings in the project shall be commercial space.

- iii. Parking shall not be counted towards commercial space requirement.
- 3. As determined in a DA, commercial buildings 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. Light industry/research uses as specified in KCC 17-23.
 - iii. Retail sales and services.
 - iv. Offices.
 - v. Amusement and entertainment facilities.
 - vi. Minor home occupations as specified in KCC 17-26.
 - vii. Major Home Occupation 'C' as specified in KCC 17-26.
 - viii. Private swimming pools as specified in KCC 17-31-9.
 - ix. Accessory uses and accessory buildings customarily appurtenant to a permitted use as specified in KCC 17-31-2.
 - b. Adequate light industrial and/or commercial space within the project shall be provided. The final proportion of light industrial or commercial square footage and residential square footage will be determined based on the specific characteristics of the project site and shall be approved by the city council in a DA. Minimum guidelines for commercial space include:
 - i. Ground floor commercial is required on buildings which front arterial and collector streets.
 - ii. A minimum of 30% of the combined total of the square footage for all buildings in the project shall be for clean/light industrial space or commercial space.
 - iii. Parking shall not be counted towards commercial space requirement.
- 5. 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 not owned by the city and storage units are not allowed. Detached, single-family dwellings are not allowed.

17-27-5 Height Regulation

1. The following shall apply in lieu of the height restrictions of the underlying zoning district.
 1. The main floor of any building fronting an arterial or collector 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:
 - a. Elements that meet exceptions found in KCC 17-25-2.
 - b. Any portion of a building within 50 feet (50') of a residential dwelling 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.
 4. No main building shall be less than thirteen feet (13') in height.
 5. No accessory building shall be less than ten feet (10') in height.
 6. Buildings which are exclusively used for commercial purposes shall not exceed four (4) stories and shall not exceed fifty (50') feet in height.

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

1. The lot and yard requirements shall be 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.
2. Commercial buildings shall have the setbacks set forth in the GC or CC zone.
3. Industrial buildings shall have the setbacks required in the LI zone.
4. 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 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 General Plan and any small area plans specific to 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.
 - 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 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) feet a minimum length of at least twenty (20) feet, and running the full height of the building.
 - iv. Fenestration:

- 1) A minimum of fifty percent (50%) 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. Functional, improved open space shall be provided within each development as required by the DA. Open space can include such things as plazas, paseos, walking trails, amphitheaters, community gardens, water features, playgrounds, seating areas, pavilions, etc.
- 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 Units – 1 parking stall/unit
 - 2) One Bedroom Units – 1.5 parking stalls/unit
 - 3) Two Bedroom– 2 parking stalls/unit
 - 4) Three Bedroom or larger Units – 2.5 parking stalls/unit
- iii. Parking Reductions:
 - 1) Shared Parking: The city may allow for shared parking and time of use parking scenarios to count towards required parking stalls. Parking reduction and shared parking requests shall be accompanied by a parking analysis and parking proposal provided by the developer.
 - 2) Transit Based Parking Reductions: The number of parking stalls may be reduced by up to 10% based on the following. Reduction requests shall be accompanied by a parking analysis for the development and shall include information specific to the proposed uses in the development. The study shall include ridership information for the relevant transit stop including boarding and alighting data.
 1. 10% within 1/8 mile of transit stop.
 2. 5% within 1/4 mile of transit stop.
 3. Additional reduction up to 2 stalls for including bike racks, board, scooter, drone pads, or motorcycle stalls on site for use of residents and the public.

6. Curb Management:

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.

7. Connectivity:

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 pedestrian and bicycle.

8. Traffic Access and Management Analysis Study:

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.

9. Sidewalks:

Sidewalks shall be provided on both sides of each motorized street unless otherwise approved by the Public Works Department.

10. Alleys:

Alleys are allowed in any mixed use district in this chapter to minimize curb cuts and 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.

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 15% of the façade of a building are permitted. EMC signs are prohibited.

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 choices. 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 Ordinancess
3. The purpose of the MU Zone
4. Sound planning practices
5. Surrounding land-uses
6. All other City-approved studies and plans

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

1. ~~a~~ A site plan;
2. ~~a~~ A landscape plan
3. ~~An~~ and amenities plan
4. ~~, conceptual~~ Conceptual building elevations and design schemes
5. ~~, streetscape~~ Streetscape and building setback diagrams;
6. A traffic study as required by the Public Works Department
7. ~~and a~~ 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 or parking reductions are proposed.
8. The number, unit types, ~~and type of units and the~~ and general land use categories of building square footage proposed and uses to be established within a the mixed-use project ~~shall be specified and enumerated in the~~ site and concept plans and shall accompany design provided with the Development Agreement.

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. 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 allowable units.
 - ~~ii.~~ Offices.
 - ~~iii.~~ Retail sales and services, not including storage 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.
 - ~~iv.~~
 - ~~v.~~ Sale of liquor for consumption on the premises of a full-service restaurant, limited service restaurant, banquet or reception center.
 - ~~vi.~~ Amusement and entertainment facilities.

- ~~iii. Amusement arcades~~
- ~~vii. Motels or hotels.~~
- ~~iv. Where the R-M zone limits the number of dwellings to no more than 1 dwelling per 2,800 sq. ft. 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 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. Adequate commercial space within the project shall be provided. The final proportion of commercial square footage and residential square footage will be determined based on specific characteristics of the project site and shall be approved by the city council in a DA. Minimum guidelines for commercial space include:
 - ~~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 combined total of the square footage for all buildings in the project shall be commercial space.
 - iii. 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 ~~as~~ will determine the number of residential units allowed.
 - ii. Retail sales and services.

- iii. Offices.
- iv. Motels and hotels.
- v. Sale of beer for consumption on the premises of a full-service restaurant, limited-service restaurant, beer-only restaurant, banquet or reception center.
- vi. Sale of liquor for consumption on the premises of a full-service restaurant, limited-service restaurant, banquet or reception center.
- vii. Amusement and entertainment facilities
- ~~iii.viii.~~ Minor home occupations ~~subject to as specified in the provisions of KCC 17-26.~~
- ~~iii.ix.~~ Major Home Occupation 'C' ~~as specified in subject to the provisions of KCC 17-26.~~
- ~~iv.~~ ~~Two household pets per dwelling unit.~~
- ~~v.x.~~ Private swimming pools ~~as specified in subject to the provisions of KCC 17-31-9.~~
- ~~xi.~~ Accessory uses and accessory buildings customarily appurtenant to a permitted use ~~as specified in subject to the provisions of KCC 17-31-2.~~
- ~~vi.~~ Recreational vehicle parks as specified in KCC 17-31-24.
- xii.

~~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:~~

~~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; Adequate commercial space within the project shall be provided. The final proportion of commercial square footage and residential square footage will be determined based on the specific characteristics of the project site and shall be approved by the city council in a DA. Minimum guidelines for commercial space include:~~
 - ~~i. Ground floor commercial is required on buildings which front arterial and collector streets.~~
 - ~~ii. A minimum of 30% of the combined total of the square footage for all buildings in the project shall be commercial space.~~
 - ~~iii. Parking shall not be counted towards commercial space requirement.~~

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. Light industry/research uses as specified in KCC 17-23.
 - iii. Retail sales and services.
 - iv. Offices.
 - v. Amusement and entertainment facilities.
 - ~~ii-vi.~~ Minor home occupations as specified in subject to the provisions of KCC 17-26.
 - ~~iii-vii.~~ Major Home Occupation 'C' as specified in subject to the provisions of KCC 17-26.
 - ~~iv.~~ Two household pets per dwelling unit.
 - ~~v.~~ Private swimming pools as specified in subject to the provisions of KCC 17-31-9.
 - ~~viii.~~
 - ~~vi-ix.~~ Accessory uses and accessory buildings customarily appurtenant to a permitted use as specified in subject to the provisions of KCC 17-31-2.

~~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:~~

- ~~vii. Public utility substations.~~
- ~~b. 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. Adequate light industrial and/or commercial space within the project shall be provided. The final proportion of light industrial or commercial square footage and residential square footage will be determined based on the specific characteristics of the project site and shall be approved by the city council in a DA. Minimum guidelines for commercial space include:~~
 - ~~i. Ground floor commercial is required on buildings which front arterial and collector streets.~~
 - ~~ii. A minimum of 30% of the combined total of the square footage for all buildings in the project shall be for clean/light industrial space or commercial space.~~

iii. Parking shall not be counted towards commercial space requirement.

~~proportion~~

5. ~~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 not owned by the city 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 an arterial or collector 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:
 - a. Elements that meet exceptions found in KCC 17-25-2.
 - ~~b. Any portion of a building within 75 feet of a collector street shall not exceed forty feet (40') in height.~~
 - c. Any portion of a building within 50 feet (50') of a residential dwelling district 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. No accessory building shall exceed fifteen feet (15') in height, except as provided in KCC 17-25-2 and KCC 17-31-2.
 4. No main building shall be less than ~~ten~~ thirteen feet (~~10'~~ 13') in height
 5. ~~No, and no~~ accessory building shall be less than ~~six~~ ten feet (~~6'~~ 10') in height.
 - 4-6. Buildings which are exclusively used for commercial purposes shall not exceed four (4) stories and shall not exceed 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.
2. Commercial buildings shall have the setbacks set forth in the GC or CC zone.

~~1.3.~~ Industrial buildings shall have the setbacks required in the LI zone.

~~2.4.~~ 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 vision~~General Plan and any small area plans specific to ~~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.
 - 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 percent (50%) 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 Functional amount of~~ improved open space shall be provided within each development as required by the DA. Open space can include such things as plazas, paseos, walking trails, amphitheaters, community gardens, water features, playgrounds, seating areas, pavilions, etc. determined based on the underlying zone as follows:
 - ~~c. CC 0% of land area under consideration~~
 - ~~d. GC and LI 10% of land area under consideration~~
 - ~~e.b. R-M 20% of land area under consideration~~
 - f.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 Units – 1 parking stall/unit
 - ~~1)2)~~ One Bedroom Units – 1.5 parking stalls/unit
 - 3) Two Bedroom or larger Units – 2 parking stalls/unit
 - ~~2)4)~~ Three Bedroom or larger Units – 2.5 parking stalls/unit
 - iii. Parking Reductions:
 - ~~3)1)~~ Shared Parking: The city may allow for shared parking and time of use parking scenarios to count towards required parking stalls. Parking reduction and shared parking requests shall be accompanied by ~~upon review of~~ a parking analysis and parking proposal provided by the developer.
 - ~~4) On street parking located along the frontage of a lot may be credited toward meeting the parking requirements for that use.~~
 - 2) Transit Based Parking Reductions: 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 development. The study shall include ridership information for the relevant transit stop including boarding and alighting data.

~~1. Reduction:~~

- 1. 10% within 1/8 mile of transit stop.

- ~~1-2.~~ 105% within ~~1/4~~ 1/4 mile of transit stop.
- ~~2. 20% within 1/8 mile of transit stop.~~
3. Additional ~~5%~~ reduction up to 2 stalls for including bike racks, board, scooter, drone pads, or motorcycle ~~on~~ stalls on site for use of residents and the public.

6. Curb Management:

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.

~~6.~~ Connectivity:

7.

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 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.~~ Sidewalks:

9.

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:

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 2515% of the façade of a building are permitted. EMC signs are prohibited.

Commissioner Keetch asks staff to look into all the city signs that are along I-15 and Legacy Highway.

12- PUBLIC HEARING FOR A REZONE APPLICATION FOR A TEXT AMENDMENT FOR TITLE 17 CHAPTER 27 MIXED USE ZONING DISTRICT OVERLAY

Introduced by: Melinda Greenwood

Ms. Greenwood said she made all the changes recommended by Planning Commission at the previous meeting, and made a few additional edits to the Mixed-Use zone based on the discussion. Ms. Greenwood pulled up the changes so the Commissioners could see them again. Ms. Greenwood reviewed the edits and the few additional changes.

Commissioner Sundloff recommended editing the spelling out of numbers and the number then in parenthesis. Also making sure that they are both the consistent.

In section 17-27-7 section 4 Ms. Greenwood added in other types of open spaces that would be permitted such as plazas, paseos, walking trails, amphitheaters, community gardens, water features, playgrounds, seating areas, pavilions, etc.

Commissioner Sundloff liked the additional suggestions and the added “etc” of that paragraph. He also suggested adding “such things as” at the beginning of the paragraph.

Ms. Greenwood said that staff is recommending that the Planning Commission forward a favorable recommendation to the City Council for approval of the proposed text amendment for 17-27 Mixed Use Zoning Overlay.

Chair Barrus opened up the Public Hearing to the public.

Tavan Parker asked the Commissioners how 1.5 parking spaces practically look likes.

Ms. Greenwood responded and said with the math once all the spaces are added together you round up if you have a half parking space.

Amy Pringle asked the Commissioners for a clarification on what Mixed Use is.

Chair Barrus replied saying that it is residential and commercial in the same building.

Commissioner Sundloff said that you can look at the city’s General Plan and the Future Land Use Map and see where there is designation of Mixed Use would be permitted.

Chair Barrus closed the Public Hearing.

Commissioner Sommerkorn made a motion that they recommend on to the City Council the changes in the Mixed Use Zone Overlay and the motion was seconded by Commissioner Lyon.

The vote was unanimous in favor of the motion (6-0).

14- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

There were no other matters.

15- ADJOURNMENT

Commissioner Lyons motioned to adjourn the meeting at 10:04 pm.

5- PUBLIC HEARING FOR A REZONE APPLICATION FOR A TEXT AMENDMENT FOR TITLE 17 CHAPTER 27 MIXED USE ZONING DISTRICT OVERLAY

Introduced by: Melinda Greenwood

Ms. Greenwood shared with the Commissioners that mixed use is tricky to get right and site specific. She said that there is a caveat in the ordinance saying if the City Council sees fit and finds other standards preferable, they could essential adopt anything with a project.

She began by saying that what she wanted to do in the second section in the document is to delineate everything that a developer needs to bring forward to have a complete application, which would include:

- A site plan
- A landscape plan
- Conceptual building elevation and design schemes
- Streetscape and building setback diagrams
- A traffic study as required by the Public Works Department
- 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
- The number and type of units and the general land use categories to be established within the mixed-use project shall be specified and enumerated in the design provided with the Development Agreement

Ms. Greenwood shared that in keeping with the State and APA the city is trying to push away from conditional uses altogether, so all the conditional uses now listed as permitted uses. One of the uses not listed in the original text was motels and hotels so that was added. The mixed use zone gives a lot of flexibility between staff and the developer so they can mitigate any impacts through the process.

Commissioner Lyons asked about the 12 foot ceiling requirement, stating concerns about venting and HVAC. He asked if we could allow for extra height.

Ms. Greenwood stated that our minimum height requirement is 12 feet for commercial space. There is not anything in place that would prohibit them from doing a taller commercial space. Commissioner Lyon asks about signage, wondering if there is a bright sign could we regulate the time the sign is lit.

Ms. Greenwood said signage is not really covered in this chapter but would be by the regular sign code chapter. There is a provision in the sign code that allows any project that is over five acres we can do a conditional use permit for signage for the entire project.

Ms. Greenwood continued speaking to the provision about phasing of a project, which would be in place to make sure that the city is getting what it wants out of the project as well as being sensitive to unforeseeable circumstances in market conditions and supplies. A development agreement would allow the city and developer to be market specific with the development phasing.

Ms. Greenwood moved to the next section in the ordinance regarding height regulations on mixed use projects. She asked the Commissioners on their thoughts for the best way to calculate square footage for mixed use projects.

Commissioner Lyon said you need to rely on the individual properties since the properties are not the same.

Commissioner Sommerkorn stated that it is good to allow flexibility which will allow for a good project, however there needs to be something stating how much commercial square footage is required.

Commissioner Sundloff spoke to the ambiguity of ii with the phrase “subject to” and suggested using “shall apply” to all commercial square footage so it is clear all three requirements be included.

Commissioner Branch suggested using “a satisfactory proportion of the two requirements as determined by the City Council.”

Commissioner Sommerkorn suggested using language saying something like “we prefer or recommend a minimum of 30% be commercial but that is subject to review and negotiation” or something similar.

Staff and Commissioners shared examples of mixed use projects from Murray up to Ogden.

Commissioner Branch suggested taking out item ii and rely on what the ordinance states. He feels that this would be valuable for the City Council to determine what guidelines would be given and built into the process and set 30% as the minimum with some exception to whatever the City Council feels like is the right proportion.

Ms. Greenwood continued to the height requirements of commercial main floor buildings on the arterial or collector streets. By amending section height requirements in 17-27-5 it would allow for the opportunity of a hotel to come in that would need to have four stories but not allow for four stories of apartments. Commissioner Sundloff mentioned height to abutting dwelling and said he prefers the term district or zone in 17-27-5 where it says dwelling or district.

Ms. Greenwood suggested removing “50 feet of residential dwelling” and Commissioner Sundloff liked the suggestion.

Ms. Greenwood stated that she increased some of the minimum height requirements and also made clarifications in the area, lot coverage, and yard requirements making it so those requirements would be handled through the development agreement.

Commissioner Sundloff suggested that on the height of buildings it should say “shall not exceed four stories or a maximum of 50 feet in height” making it clear that it is not an either or situation.

Ms. Greenwood noted that the Commissioners intentions were to limit no more than 50 feet but also no more than 4 stories.

Ms. Greenwood asked the Commissioner what they think the “community’s vision” is in 17-27-7 2a. Commissioner Sundloff suggested replacing the word community’s to General Plan since community’s vision was so subjective.

The Commissioners agreed on leaving the fenestration percentage at a minimum of 50%.

Ms. Greenwood also amended the open space requirements and amenities so that there is 10% of land area under consideration in the Central Commercial zone. Ms. Greenwood asked the Commissioners if they wanted to amend the ordinance to have the percentage of land be based on the development agreement and not put a percentage in for a baseline. She also suggested using functionally usable open space that doesn’t include park strips. The Commissioners liked that suggestion.

Ms. Greenwood continued to the next section of the document which discusses the amount of parking required for each project. She suggested that there be a parking study done for each project so that there will be unbiased valid data used in determining the amount of parking required.

Ms. Greenwood asked the Commissioners if they would like to add a percentage of the total required or base the requirements on a parking analysis. The Commissioners agreed with using the parking analysis as the guide to determining the amount of required parking.

Ms. Greenwood amended the parking reduction percentage for a project if they came within 1/4 or 1/8 of a mile of a transit stop. There would be an additional reduction up to 2 stalls for including bike racks, board, scooter, drone pats, or motorcycle stalls on site for use of residents and public.

The Commissioners were comfortable with the numbers suggested for parking reduction if projects fall within a quarter mile of a transit stop.

Ms. Greenwood said she added in a curb management section to the ordinance requiring project to accommodate delivery vehicles, and trucks, ride share access, moving trucks, and postal services.

Commissioner Sommerkorn suggested staff make the changes discussed by the Commissioners and then bring it back to the next meeting on January 26th.

Chair Barrus feels that we save the public hearing for this item for the next meeting with the finalized text.

Commissioner Sommerkorn made a motion to table consideration of Chapter 27 until Planning Commission sees the changes as discussed. Seconded by Commissioner Lyon. The motion passed unanimously (5-0).

ORDINANCE 17-27-xx

**N ORDINANCE AMENDING TITLE 17, CHAPTER 27 – MIXED USE ZONING DISTRICT OVERLAY OF
THE KAYSVILLE MUNICIPAL CODE**

WHEREAS, Kaysville City desires to have Kaysville City Code Title 17 Chapter 27 Mixed Use Zoning Overlay District compatible for diverse development types; and

WHEREAS, Community Development staff have drafted amendments to Kaysville City Code Title 17 Chapter 27 Mixed Use Zoning Overlay District to improve compatibility and better facilitate successful mixed-use projects within the City; and

WHEREAS, the Kaysville City Planning Commission held a public hearing on the proposed ordinance amendments on January 26, 2023 and voted 6-0 to recommend to the City Council approve the proposed amendments; and

WHEREAS, the City Council of Kaysville City heard this item in a properly noticed public meeting, and

WHEREAS, The City Council of Kaysville City has determined this ordinance amendment is in the best interests of the Citizens of Kaysville City.

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

SECTION I: Enactment. Title 17, Chapter 27 of the Kaysville Municipal Code is hereby amended as attached.

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

SECTION III: Severability Clause. 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 IV: Effective Date. This Ordinance shall be in full force and effect immediately after passage by the Kaysville City Council.

PASSED AND ADOPTED BY THE KAYSVILLE CITY COUNCIL ON _____, 2023.

Tamara Tran

Mayor

ATTEST:

Annemarie Plaizier
City Recorder