



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

The Kaysville City Planning Commission will hold a regular meeting on January 12, 2023, at 7:00 p.m. in the Council Chambers of the Kaysville City Municipal Building located at 23 East Center Street. The public is encouraged to attend in person or may view the meeting online via www.Kaysvillelive.com.

1. Opening
2. Approval of the minutes from the January 12, 2023 Planning Commission meeting
3. Election of Vice Chair
4. Open and Public Meetings Act Training from Kaysville City Attorney, Nic Mills
5. Conditional Use Permit for a Major B Home Occupation for Badger Built Company, a custom woodworker, located at 482 Joshua Drive.
6. Conditional Use Permit for a Major B Home Occupation for Forseti, LLC, a home based firearms and sporting accessory retailer located at 71 North Gray Fox Circle
7. Conditional Use Permit for a Major B Home Occupation for Michelle Deppe Photography, a photo studio located at 421 South 800 East
8. Conditional Use Permit for a Major B Home Occupation for Operation Armed Citizen, LLC, home based firearms, gun smithing/manufacturing, located at 184 South 400 West
9. Preliminary Plat Subdivision for the MCW Kaysville Subdivision located at approximately 150 West 200 North
10. Preliminary Plat Subdivision for the Westgate Estates Commercial Subdivision located at approximately 2345 West 200 North
11. Public Hearing for a text amendment for a text amendment to [Title 17 Chapter 33 Sign Regulations](#)
12. Public Hearing for a rezone application for a text amendment for [Title 17 Chapter 27 Mixed Use Zoning District Overlay](#)

On Friday, January 20, 2023, a meeting notice was posted in accordance with Utah State Code Section 52-4-202 (3).

Mindi Edstrom
Community Development Department

13. Call to the Public

14. Other matters that properly come before the Planning Commission:

- a. Reports
- b. Correspondence
- c. Calendar

15. Adjournment

On Friday, January 20, 2023, a meeting notice was posted in accordance with Utah State Code Section 52-4-202 (3).

Mindi Edstrom
Community Development Department

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Mindi Edstrom, Business License Officer
Date: January 19, 2023

Agenda Item # 5: Conditional Use Permit for a Major B Home Occupation for Badger Built Company for Dillion Badger located at 482 Joshua Drive

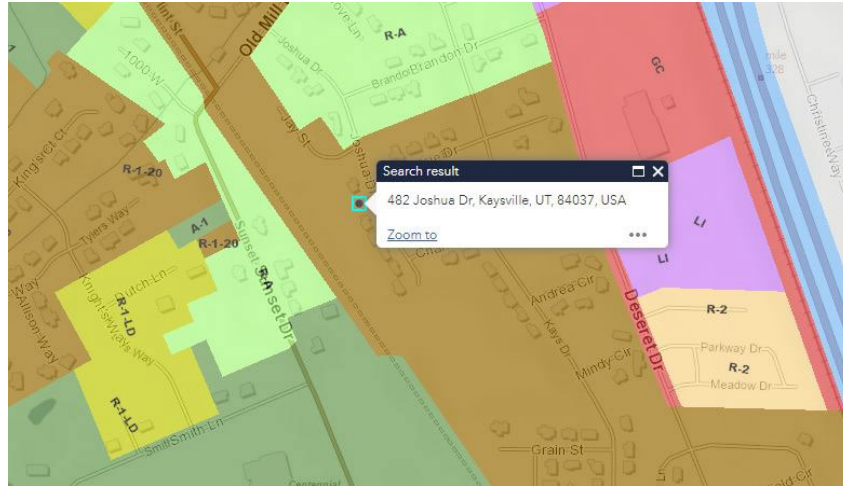
Meeting Date	January 26, 2023
Application Type	Conditional Use Permit
Applicant Owner	Dillion Badger
Address Parcel ID Number	482 Joshua Dr. 082520052
Lot Size	0.69 acres 30,056.4 ft ²
Current Use	Single Family Dwelling
Conditional Use	Major B Home Occupation

- 1. BACKGROUND:** Dillion Badger applied for a Major B Home Occupation business license for his business Badger Built Company, LLC. Mr. Badger does custom woodwork from his home. He will not have any employees or customers visiting the house. Most of his work is over email or the phone and occasionally he goes to the client's home.



2. ZONING

This property is zoned R-1-20. [KCC 17-26-4](#) Major Home Occupations B allows for and regulates business such as woodworking, like the one Mr. Badger is applying for.



3. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on January 20, 2023.

4. RECOMMENDATION

Staff is recommending approval of this application with any conditions the Planning Commission feel are appropriate.

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Mindi Edstrom, Business License Officer
Date: January 19, 2023

Agenda Item #6: Conditional Use Permit for a Major B Home Occupation for Forseti, LLC for Jonathan Bolton located at 71 North Gray Fox Circle

Meeting Date	January 26, 2023
Application Type	Conditional Use Permit
Applicant Owner	Jonathan Bolton
Address Parcel ID Number	71 North Gray Fox Cir. 11-862-0218
Lot Size	0.3 acres 13,068 ft ²
Current Use	Single Family Dwelling
Conditional Use	Major B Home Occupation

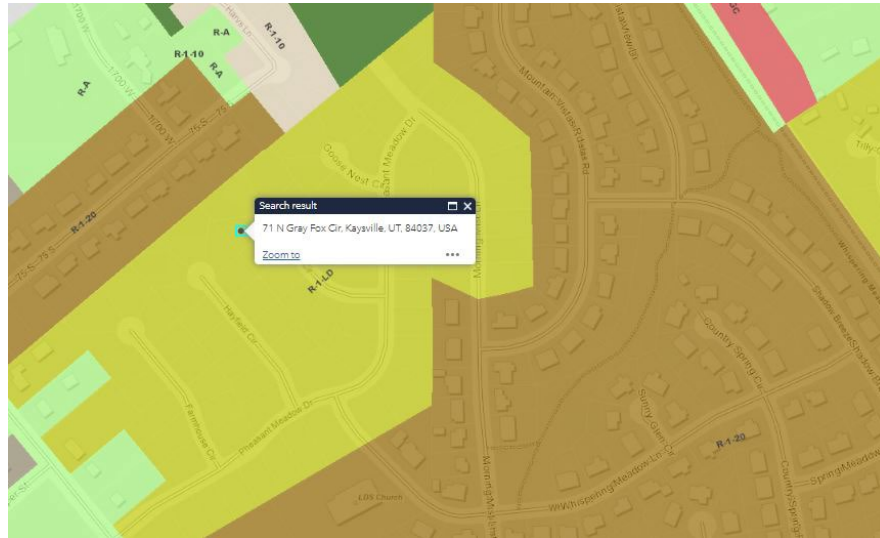
- 1. BACKGROUND:** Jonathan Bolton applied for a Major B Home Occupation business license for his company Forseti, LLC. Forseti is a home based firearms and sporting accessory retailer. They meet customers by appointment only and work with them to identify the parts and accessories they may want or need. They then special order those items and schedule pickup.

Jonathan Bolton is a certified Concealed Firearm Instructor with the Utah Department of Public Safety, and will be the instructor teaching the on-site firearm safety courses. Forseti no longer has a FFL since they went longer than a year without a firearm sale, however, it is not required for instruction. They DO NOT sell/transfer firearms. They are NOT certified as gunsmiths so no smithing is done to the firearms.



2. ZONING

The property is zoned R-1-LD. [KCC 17-26-4 Major Home Occupations B](#) allows for and regulates business such as this.



3. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on January 20, 2023.

4. RECOMMENDATION

Staff is recommending approval of this application based on regulations in KCC 17-26-4.

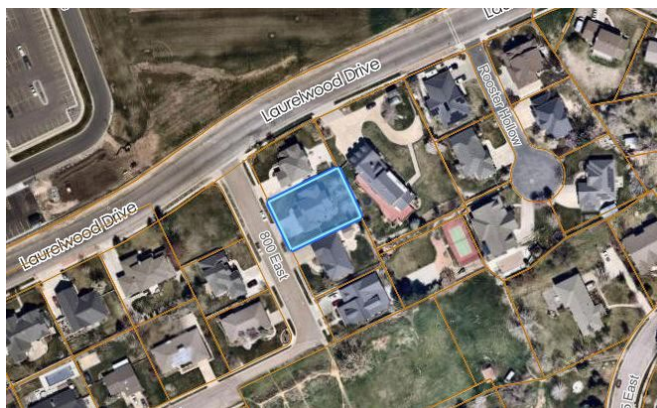
PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Mindi Edstrom, Business License Officer
Date: January 19, 2023

Agenda Item #7: Conditional Use Permit for a Major B Home Occupation for Michelle Deppe Photography located at 421 South 800 East

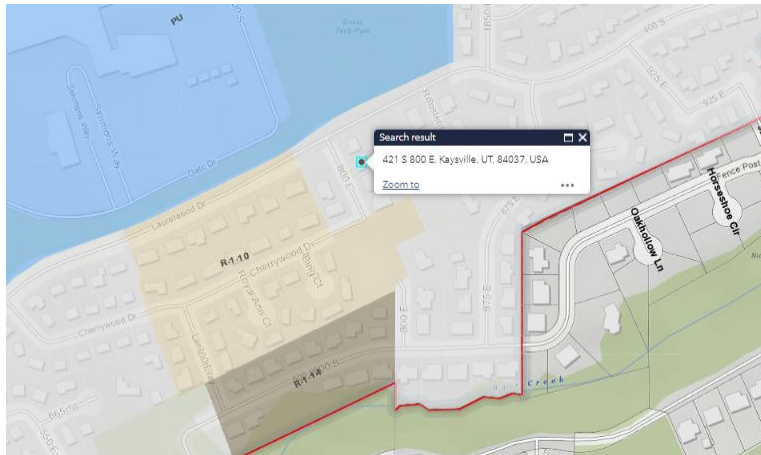
Meeting Date	January 26, 2023
Application Type	Conditional Use Permit
Applicant Owner	Michelle Deppe
Address Parcel ID Number	421 South 800 East 07-239-0008
Lot Size	0.21 acres 9,147.6 ft ²
Current Use	Single Family Dwelling
Conditional Use	Major B Home Occupation

- 1. BACKGROUND:** Michelle Deppe is a photographer and will be doing photography mostly outside of the home and will have occasional appointments at her home in her studio. She does not have employees working with her. Appointments will be made to come to the home. The home has plenty of parking for the customer to park.



2. ZONING

The property is zoned R-1-8. [KCC 17-26-4 Major Home Occupations B](#) allows for and regulates business such as this.



3. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on January 20, 2023.

4. RECOMMENDATION

Staff is recommending approval of this application.

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Mindi Edstrom, Business License Officer
Date: January 19, 2023

Agenda Item #8: Conditional Use Permit for a Major B Home Occupation Operation Armed Citizen, LLC, for Derick Leota located at 184 South 400 West

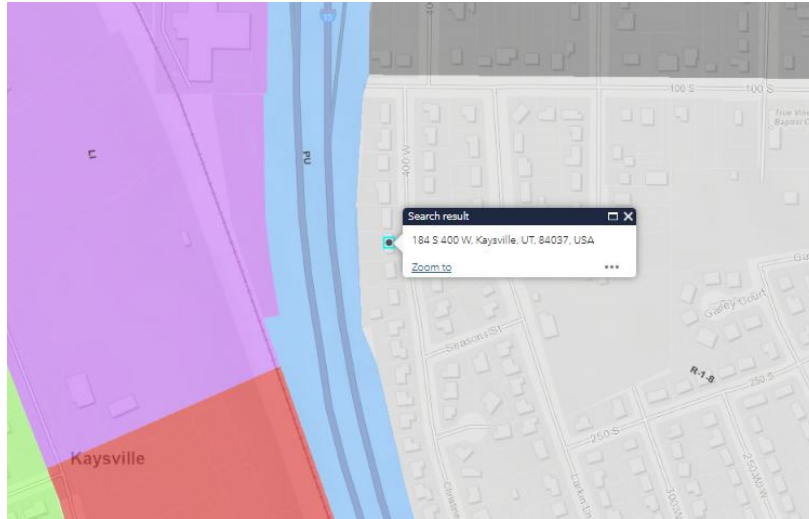
Meeting Date	January 26, 2023
Application Type	Conditional Use Permit
Applicant Owner	Derick Leota
Address Parcel ID Number	184 South 400 West 11-131-0018
Lot Size	0.3 acres 13,068 ft ²
Current Use	Single Family Dwelling
Conditional Use	Major B Home Occupation

- 1. BACKGROUND:** Derick Leota is the owner of the business Operation Armed Citizen, LLC. Mr. Leota will mostly be doing engraving and repairing customer's guns. He will also be making and selling firearms online at Utah Gun Exchange. His customer's will come to the home by appointment only. Mr. Leota has a current FFL license and the Kaysville Police Department has reviewed and approved his application.



2. ZONING

The property is zoned R-1-8. [KCC 17-26-4 Major Home Occupations B](#) allows for and regulates business such as this.



3. PUBLIC NOTICING AND PUBLIC COMMENT

A sign was placed on the property on January 20, 2023.

4. RECOMMENDATION

Staff is recommending approval of this application.

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Dan Jessop, Zoning Administrator
Date: January 18, 2023

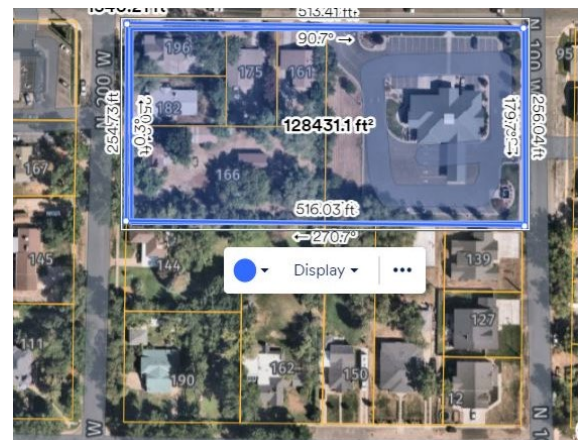
Agenda Item #9: Preliminary Plat Subdivision for the MCW Kaysville Subdivision located at approximately 175 West 200 North

Meeting Date	January 26, 2023
Application Type	Preliminary Plat for Subdivision
Applicant Owner	Tera Form Companies, LLC (Elliot Smith) 317 Capital Group
Address Parcel ID Number	75 West 200 North 11-103-0019
Zoning	GC
Lot Size	3.056 acres (133,119 ft ²)
Current Use	Commercial businesses and vacant residences
Number of Lots	4
Lot Sizes	15,441 ft ² to 56,887 ft ²

1. BACKGROUND

Elliot Smith of Terra Form Companies has submitted a preliminary plat application configuring a 3.056 acre parcel into a four lot subdivision. Lot 1 will contain the existing Golden West Credit Union, Lot 2 is anticipating a car wash facing 200 North Street, and lot 3 and 4 anticipating some other commercial space, with a mixed use rezone overlay application in the near future.

Mr. Smith's preliminary plat application gives details regarding the anticipated subdivision of the property which is 3.056 acres in the General Commercial Zone.



2. SUMMARY

The subdivision consists of four total lots on the south side 200 North between 100 and 200 West. Lot 1 would be a 56,887 square foot lot containing the existing Golden West Credit Union. Lot 2 would be a 43,136 square foot parcel for the construction of an anticipated Mister Car Wash. Lots 1 and 2 would front 200 North and UDOT has required they share the same ingress and egress.

Lot 3 is an 18,067 square foot parcel on the southeast corner of 200 North and 200 West. Lot 4 is 12,897 square feet. It is anticipated that an application for a Mixed Use Overlay over Lot 3 and 4 will soon come before the Planning Commission. Lots 3 and 4 would be accessed from 200 West.

A sign was placed on the property on January 20, 2023.

3. RECOMMENDATION

The proposed subdivision is consistent with the anticipated development of the GC zone. It is in compliance with applicable zoning districts, and proposes a new desirable building lot for commercial projects.

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

Attachments:

1. Preliminary Plat documents

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Dan Jessop, Zoning Administrator
Date: January 18, 2023

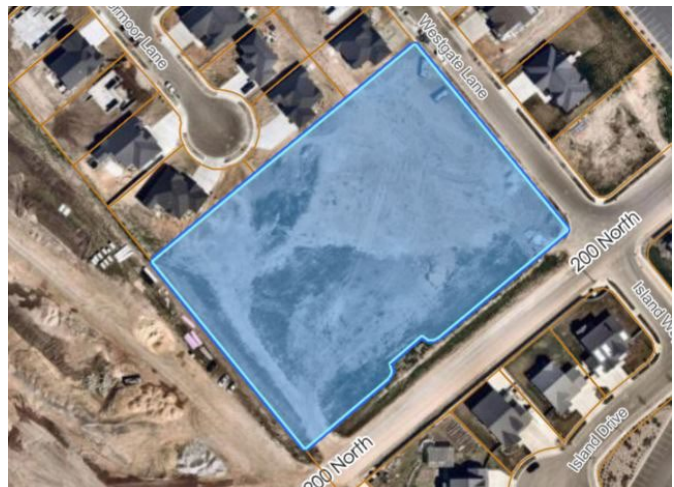
Agenda Item #10: Preliminary Plat Subdivision for the Westgate Estates Commercial Subdivision located at 2356 West 200 North and 2368 West 200 North

Meeting Date	January 26, 2023
Application Type	Preliminary Plat for Subdivision
Applicant Owner	Kum & Go Perry Land Investments, LLC
Address Parcel ID Number	2368 West 200 North 11-090-0056
Zoning	GC
Lot Size	3.00 acres 130,680 ft ²
Current Use	Vacant/undeveloped
Number of Lots	2
Lot Sizes	46,656 ft ² and 83,911 ft ²

1. BACKGROUND

Ryan Halder has submitted a Preliminary plat configuring a 3.00 parcel into a two lot subdivision. Lot 1 will contain 46,656 square feet of General Commercial building space determined in the future, Lot 2 anticipating a Kum & Go gas and convenience store facing 200 North Street.

Mr. Halders preliminary plat and application gives details regarding the anticipated subdivision of the 3 acre property in the General Commercial zone.



2. SUMMARY

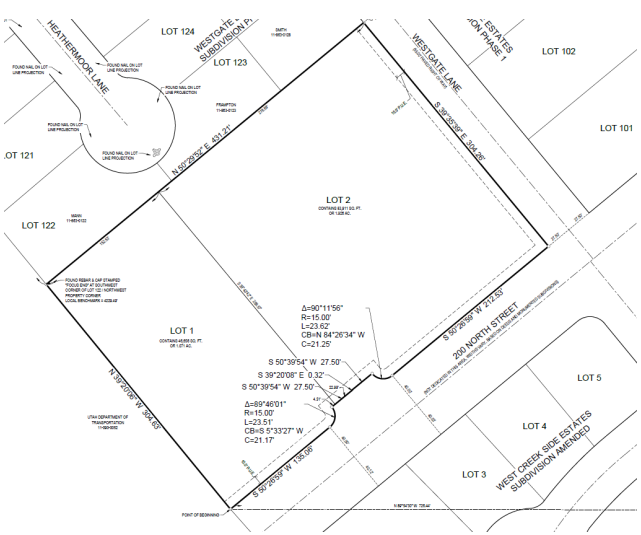
The subdivision consists of two total lots facing the public street on approximately 2356 West 200 North Street. Lot 1 would be a 46,656 square foot lot containing a determined in the future

commercial building lot. Lot 2 would be an 83,911 square foot parcel for the construction of an anticipated Kum & Go gas and convenience store.

A sign was placed on the property on January 20, 2023.

3. RECOMMENDATION

The proposed subdivision is consistent with the anticipated development of the GC zone. It is in compliance with applicable zoning districts, and proposes a two new desirable building lots for commercial projects.



Staff is recommending that the Planning Commission forward a favorable recommendation to the City Council for approval of the proposed preliminary plat for the Westgate Estates Commercial Subdivision.

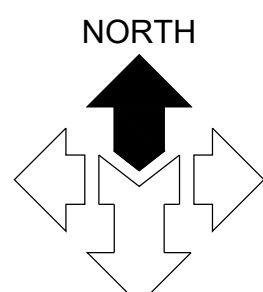
Attachments:

- 1. Preliminary Plat documents

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 31,
TOWNSHIP 4 NORTH, RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN
KAYSVILLE, UTAH



	SUBDIVISION BOUNDARY
	SECTION LINE
	EASEMENT LINE
	MONUMENT LINE/CENTER LINE OF ROAD
	LOT LINE
	ADJOINING LOT LINE
	RIGHT OF WAY LINE
	SUBDIVISION BOUNDARY CORNER, COPPER PLUG OR REBAR & CAP OR NAIL & WASHER STAMPED "MAGNELL ENGR"
	EXISTING FIRE HYDRANT
	CROSS ACCESS EASEMENT IN FAVOR OF LOT 1
	PUBLIC UTILITY EASEMENT



SCALE: 1" = 40'

NOTES

1. CROSS ACCESS AGREEMENT WITHIN LOT 2 FOR ACCESS TO LOT 1 WILL BE RECORDED BY SEPARATE INSTRUMENT.

SURVEYOR'S CERTIFICATE

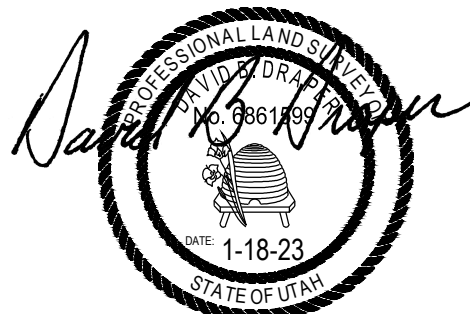
DAVID B DRAPER, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NO. 6861599 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS PLAT; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF LAND PROPERLY; HEREAFTER KNOWN AS

WESTGATE ESTATES COMMERCIAL SUBDIVISION

SUBDIVISION DESCRIPTION

[illegible]

CONTAINS: 130,566 SQUARE FEET OR 2.997 ACRES (2 LOTS)



DAVID B. DRAPER
L.S. LICENSE NO. 6861599

OWNER'S DEDICATION

KNOWN ALL MEN BY THESE PRESENT THAT THE UNDERSIGNED ARE THE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS, PARCELS, AND STREETS, TOGETHER WITH EASEMENTS AS SET FORTH THE BE HEREAFTER KNOWN AS:

WESTGATE ESTATES COMMERCIAL SUBDIVISION

AND DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL ROADS AND OTHER AREAS SHOWN ON THIS PLAN AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAN, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF UTILITY LINES AND FACILITIES. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON.

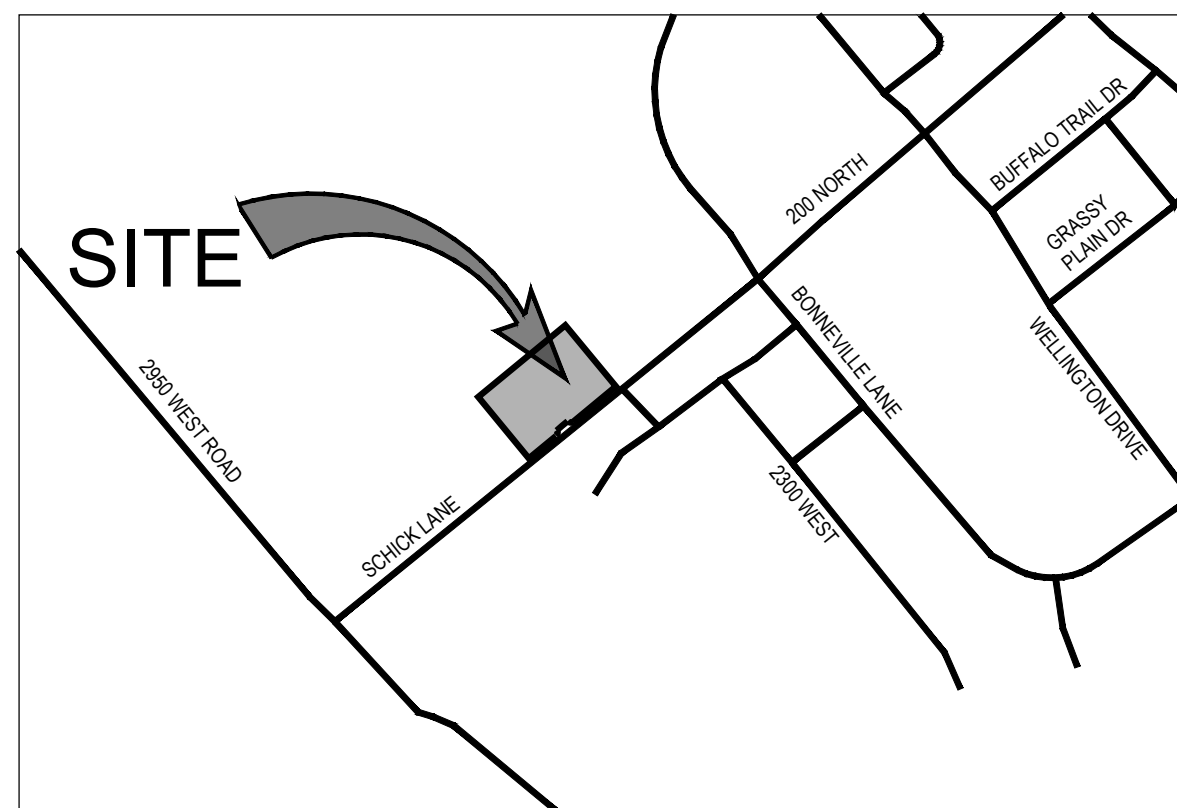
IN WITNESS WHEREOF I (WE) HAVE HEREUNTO SET OUR HAND(S) THIS _____ DAY OF _____ A.D., 20____

ENTITY NAME

BY: _____
(PRINT NAME)

ITS: _____
(TITLE)

BY: _____
(SIGNATURE)



VICINITY MAP

SCALE: N.T.S.

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH }
COUNTY OF DAVIS } S.S.

ON THE _____ DAY OF _____, A.D. 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF DAVIS IN SAID STATE OF UTAH, _____, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT _____ SIGNED THE OWNERS DECLARATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED AND THAT SAID CORPORATION EXERCISED THE SAME.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC
RESIDING IN DAVIS COUNTY

WESTGATE ESTATES COMMERCIAL SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 31,
TOWNSHIP 4 NORTH, RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN
KAYSVILLE, UTAH

DAVIS COUNTY RECORDER

RECORD NO. _____.

STATE OF UTAH, COUNTY OF DAVIS, RECORDED AND FILED AT THE REQUEST OF _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE \$ _____

DAVIS COUNTY RECORDER

S:\ZUZFiles\Z24U1\Survey\Prod Umq\Z24U1 SP.dwg Jan 18, 2025 - 1:36pm

PREPARED BY:

 **McNEIL ENGINEERING**
Economic and Sustainable Designs, Professionals You Know and Trust

8610 South Sandy Parkway, Suite 200 Sandy, Utah 84070 801.255.7700 mcneilengineering.com

Civil Engineering • Consulting & Landscape Architecture
Structural Engineering • Land Surveying & HDS

CITY ENGINEER	
APPROVED AS TO FORM THIS _____ DAY OF _____ A.D.	
20____	
KAYSVILLE CITY ENGINEER	

PLANNING COMMISSION

APPROVED THIS _____ DAY OF _____ A.D., 20____,

BY THE KAYSVILLE CITY PLANNING COMMISSION.

CHAIRMAN, PLANNING COMMISSION

CITY ATTORNEY

APPROVED AS TO FORM THIS _____ DAY OF _____ A.D., 20____

KAYSVILLE CITY ATTORNEY

CITY COUNCIL

PRESENTED TO THE KAYSVILLE CITY MAYOR THIS _____ DAY OF _____ A.D.,
20____, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

ATTEST: CITY RECORDER _____ CITY MAYOR _____

DAVIS COUNTY RECORDER			
RECORD NO. _____			
STATE OF UTAH, COUNTY OF DAVIS, RECORDED AND FILED AT THE REQUEST OF _____			
DATE: _____	TIME: _____	BOOK: _____	PAGE: _____
FEE \$ _____		DAVIS COUNTY RECORDER	



PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

From: Melinda Greenwood, Community Development Director

Date: January 19, 2023

Agenda Item #11: Public Hearing for a text amendment for a text amendment to [Title 17 Chapter 33 Sign Regulations](#)

Meeting Date	January 26, 2023
Application Type	Text Amendment
Applicant	Kaysville City
Chapter Title Section	17-33 Sign Regulations

1. BACKGROUND

This item was discussed at the January 12, 2023 meeting, when the question a scenic byway designation for the West Davis Corridor was raised. The West Davis Corridor will be a designated scenic byway extending from the Legacy Highway connection north to the Antelope Drive exit. Staff has confirmed that UDOT will not regulate any signage outside of their right of way. Due to the scenic byway designation, billboards would not be allowed, but the regulations of signage on West Davis Corridor should not impact anything on a privately owned property.

As mentioned in the memo for the previous Planning Commission meeting, the commercially zoned property located at 200 North and Westgate Lane is planning for a fueling station and convenience store. The current sign code would only allow for an 8' monument sign, but the West Davis Corridor will be about 25' above the grade of 200 North with parapet walks extending another 3-5 feet. Having signage that would be visible from the West Davis Corridor would be beneficial for their project.

Staff is proposing the sign height be amended to allow for the same sign heights allowed in proximity to I-15, which is up to 45 feet. There are a few grammar corrections and some minor modifications proposed, including reduce the amount of conditional use permits required for signs.

2. PUBLIC NOTICING AND PUBLIC COMMENT

A Public Hearing Notice was posted on December 28, 2022 and again on January 17, 2023. No comments have been received as of the date of this memo. The Planning Commission did not hold a public hearing at the January 12, 2023 meeting, so one will need to be held on January 26, 2023.

3. RECOMMENDATION

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

ATTACHMENTS:

1. Redlined proposed text amendment KCC 13-33 Sign Regulations

Chapter 33 Sign Regulations

17-33-1 Purpose

17-33-2 Interpretation

17-33-3 Scope And Application

17-33-4 Definitions

17-33-5 Permit Required

17-33-6 Abatement Of Dangerous Signs

17-33-7 General Sign Provisions

17-33-8 Prohibited Signs

17-33-9 Signs Permitted By Zone

17-33-1 Purpose

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

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

17-33-2 Interpretation

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

17-33-3 Scope And Application

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

17-33-4 Definitions

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

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

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

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

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

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

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

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

Sign, Advertising - An off-premise sign.

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

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

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

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

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

Sign, Billboard - An off-premise sign.

Sign, Business - An on-premise sign.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17-33-5 Permit Required

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

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

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

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

HISTORY

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

17-33-6 Abatement Of Dangerous Signs

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

17-33-7 General Sign Provisions

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

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

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

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

17-33-8 Prohibited Signs

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

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

17-33-9 Signs Permitted By Zone

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

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

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

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

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

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

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

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

HISTORY

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

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



PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission

From: Melinda Greenwood, Community Development Director

Date: January 20, 2023

Agenda Item #12: Public Hearing for a rezone application for a text amendment for [Title 17 Chapter 27 Mixed Use Zoning District Overlay](#)

Meeting Date	January 26, 2023
Application Type	Text Amendment
Applicant	Kaysville City
Chapter Title Section	17-27 Mixed Use Zoning District Overlay

1. BACKGROUND

The Planning Commission discussed proposed ordinance revisions at the January 12, 2023 Planning Commission meeting. Based on that discussion, additional edits to the Mixed-Use zone have been made and are brought back to the Commission for consideration.

2. PUBLIC NOTICING AND PUBLIC COMMENT

A Public Hearing Notice was posted on December 28, 2022 but the Planning Commission did not open the public hearing at that meeting and opted to postpone it. Staff posted another public hearing notice on January 17, 2023 so the Commission may hold its public hearing on the 26th.

3. RECOMMENDATION

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

ATTACHMENTS:

1. Redlined proposed text amendment 17-27 Mixed Use Zoning District Overlay
2. Clean Copy proposed text amendment 17-27 Mixed Use Zoning District Overlay

Chapter 27 Mixed Use Zoning District Overlay

17-27-1 Purpose

17-27-2 Project Evaluation / Review Process

17-27-3 Allowed Uses

17-27-4 Prohibited Uses

17-27-5 Height Regulation

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

17-27-7 Development Standards

HISTORY

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

17-27-1 Purpose

The purpose of the Mixed-Use (MU) zoning district is to facilitate the integration of diverse but compatible uses into a single development, with the goal of creating a community with more diverse development types providing a broader range in residential and commercial 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 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
- ~~ii.~~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 major street ~~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:
 1. Elements that meet exceptions found in KCC 17-25-2.
 2. ~~Any portion of a building within 75 feet of a collector street shall not exceed forty feet (40') in height.~~
 3. 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 feet (10') in height, and no accessory building less than six feet (6') in height.
 5. 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 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.

~~5.~~ 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.

~~6.8.~~ 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.

~~6.~~ 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.~~

~~7.10.~~ 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.

~~8.11.~~ 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.

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 f 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 also 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:
 1. Elements that meet exceptions found in KCC 17-25-2.
 2. 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 ten feet (13') in height, and no accessory building less than six feet (10') in height.
 5. 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 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.



**Kaysville City Planning Commission Meeting Minutes
January 12, 2023**

The Planning Commission meeting was held on January 12, 2023 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Barrus, Commissioners Lyon, Branch, Sundloff, and Sommerkorn

Staff Present: Mindi Edstrom and Melinda Greenwood

Public Attendees: Brian Carling and City Councilmember Abbigail Hunt

1-OPENING

Chair Barrus opened the meeting by welcoming all in attendance to the January 12, 2023 Planning Commission meeting.

2- APPROVAL OF THE MINUTES FROM THE DECEMBER 8, 2022 PLANNING COMMISSION MEETING

Commissioner Lyon made a motion to approve the minutes from the December 8, 2022 meeting and Commissioner Branch seconded the motion. All voted in favor of approving the minutes (5-0).

3- PRELIMINARY PLAT SUBDIVISION APPROVAL FOR THE CARLING SUBDIVISION LOCATED AT 97 EAST CRESTWOOD ROAD

Introduced by: Melinda Greenwood

Ms. Greenwood introduced the subdivision by sharing information about the property at 97 East Crestwood Road. She said the property had been rezoned from R-1-8 to R-1-6 in December 2022. She showed images of the property from an aerial view and the preliminary plat that was submitted. She stated that engineering has reviewed the plat and it meets code requirements. She informed them that staff recommends the Planning Commission forward and approval recommendation to the City Council with the following condition: The detached garage be modified to meet setback requirement before the final plat is recorded.

Commissioner Sommerkorn asked how much the detached garage needs to be modified.

Applicant Brian Carling approached the Commissioners and said it will either need to be modified by removing two or four feet of the structure.

Commissioner Lyons made a motion to approve the preliminary plat with the conditions that the detached garage be modified to meet setback requirements before final plat is recorded and the motion was seconded by Commissioner Sommerkorn. The motion was approved unanimously (5-0).

4- PUBLIC HEARING FOR A TEXT AMENDMENT FOR A TEXT AMENDMENT TO TITLE 17 CHAPTER 33 SIGN REGULATIONS

Introduced by: Melinda Greenwood

Ms. Greenwood began by sharing that the city is working with a project that will be adjacent to the West Davis Corridor and 200 North where there is three acres of General Commercial zoned property. The project on the property will be 28-30 feet above the grade of 200 North. By amending Title 17 Chapter 33 it would increase the sign height allowance up to 45 feet which is similar to allowances along I-15. She shared other changes to be amended, including:

- Changing of the name Zoning Administrator to Community Development Department.
- No Planning Commission Public Hearing for lighted sign violations.
- Sign permit Conditional Use Permits won't come to Planning Commission.
- Changing conditional uses to permitted.

Staff is recommending that sign height allowances match what is allowed near the I-15.

Commissioner Lyon asked if there anyone in the county working on scenic byway designation or extending the scenic byway out off of Legacy Highway on the West Davis Corridor, because you can't have that kind of signage off a scenic byway.

Ms. Greenwood replied that she did not know about a scenic byway designation.

Commissioner Sommerkorn stated that Legacy Highway was put in as a scenic corridor to help with environmental preservation.

Commissioner Lyon said that Legacy was made a scenic corridor because of the lighting for birds and lighting on signs are not conducive to bird migration. Commissioner Lyon asked if there should be a scenic byway designated.

Commissioner Sommerkorn said that there was talk about putting that area into the scenic byway.

Ms. Greenwood said she would reach out to the City Engineer as well as the Public Works Director to see if they know since they have been involved from the beginning.

Ms. Greenwood mentioned the signage could be in the eastern most boundary of the property, which is about 450 feet east of the West Davis Corridor, so changing it to a scenic byway could change their signage plans on the project. She asked the Commissioners if they want to put a hold on the Public Hearing until there is an answer to their question or do a conditional recommendation.

Commissioner Branch said he would prefer to table the item and Commissioner Barrus said he would entertain a motion and made a motion to table this item until there is more information regarding the question posed by Commissioner Lyon. The motion was seconded by Commissioner Sundloff.

Ms. Greenwood suggested keeping the hearing open until the 26th of January or hold the Public Hearing at the next meeting.

Commissioner Sommerkorn suggested that staff advertise the Public Hearing again for the January 26th meeting.

Chair Barrus said that the Public Hearing would be postponed to the January 26th Planning Commission meeting and started the voting for the motion. The vote was unanimous in favor of the applicant. (5-0)

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 13 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)

6- CALL TO THE PUBLIC

No public comments were made.

7-OTHER MATTERS THAT PROPERLY COME BEFORE PLANNING COMMISSION

Ms. Greenwood thanked the Commissioner for their work on the Flint Street Mixed Use project that went to city council and informed them it was approved with a 5-0 vote.

She also told the Commissioners that Kaysville City Manager, Shayne Scott took a job as Summit County Manager and expressed our sadness in seeing him move on.

8-ADJOURNMENT

Commissioner Lyon motioned to adjourn the meeting at 8:49 pm.



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1. Opening



2. Approval of the minutes from the December 8, 2022 meeting



3. Preliminary Plat Subdivision for the Carling Subdivision located at 97 E Crestwood Road



Application Type: Preliminary Plat for Subdivision

Applicant: Brian Carling

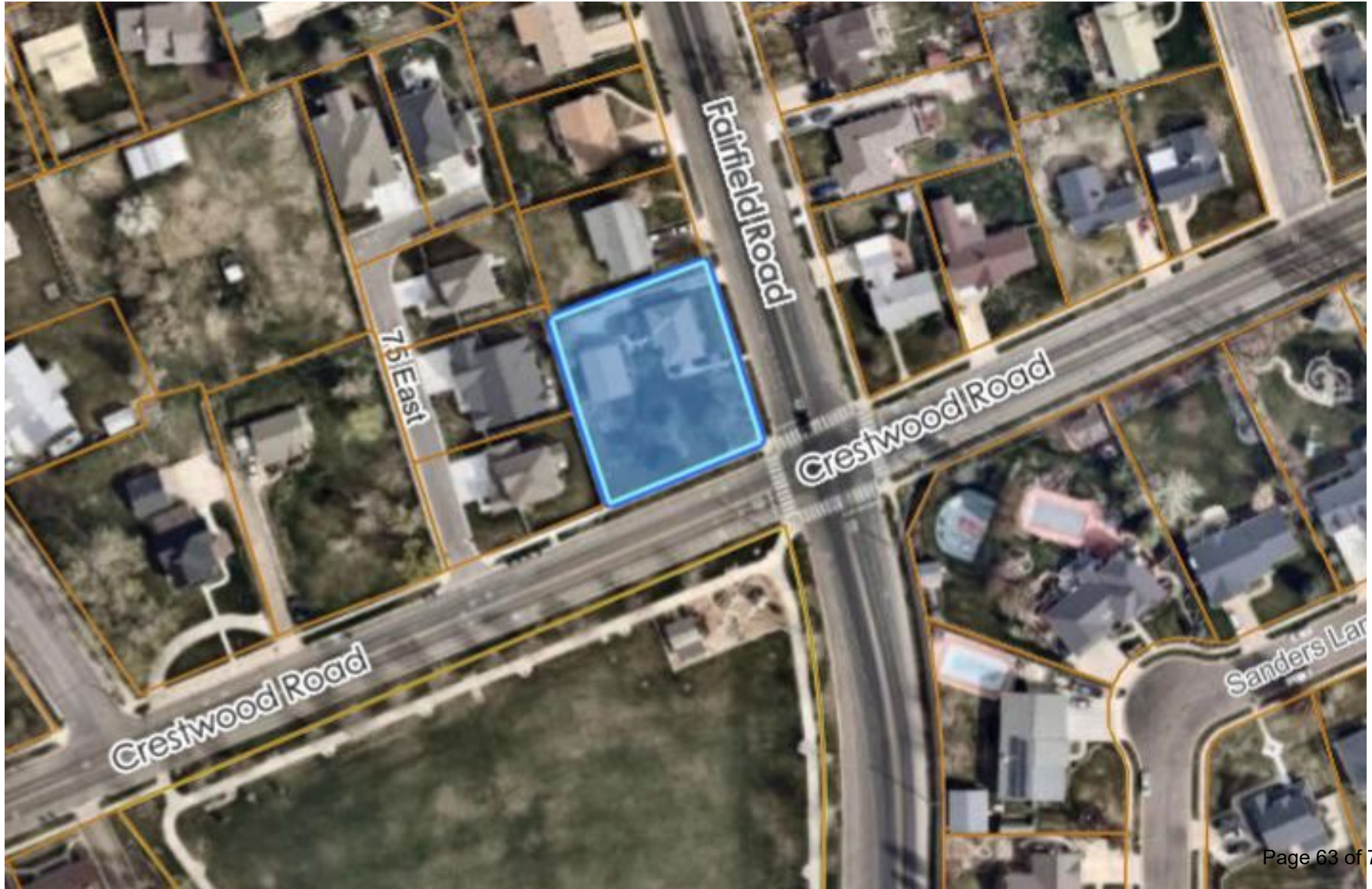
Address: 97 East Crestwood Road | 11-101-0007

Zoning: Single family R-1-8

Lot Size: .34 Acres | 14,819 ft²

Current Use: One single family dwelling

97 East Crestwood Road



Carling Subdivision

CARLING SUBDIVISION
 LOCATED IN THE NORTHEAST QUARTER
 OF SECTION 34
 TOWNSHIP 4 NORTH RANGE 1 WEST
 SALT LAKE BASE & MERIDIAN
 KAYSVILLE, DAVIS COUNTY, UTAH
 JANUARY 2020

SURVEYOR'S CERTIFICATE

I, THOMAS J. LAM, do hereby certify that I am a Licensed Land Surveyor, and that I have examined the records of the Survey of the Carling Subdivision, and have found that the same are correct and true, and that the same have been lawfully surveyed and placed on the ground as shown on the plat. I further certify that the best knowledge of me, and the requirements of the applicable laws and rules.

BOUNDARY DESCRIPTION

A parcel of land, situated in the Northeast Quarter of Section 34, Township 4 North, Range 1 West, Salt Lake Base and Meridian, and parcel also situated in Kaysville City, Davis County, Utah, being more particularly described as follows:

Beginning at the Southeast corner of Lot 1, Crestwood Acres Subdivision, and going North 89°15'52" East 774.88 feet along the section line North 89°40'10" East 1021.90 feet to the Center Corner of said Section 34, and running South 10°45'42" West 113.00 feet along the Section line of Crestwood Acres Subdivision to the Southeast corner of Lot 1, Crestwood Acres Subdivision;

Then South 89°40'10" East 113.00 feet along the Section line of Crestwood Acres Subdivision to the West right-of-way line of Fairfield Road;

Then South 10°45'42" East 113.00 feet along the West right-of-way line of Fairfield Road to the intersection of the right-of-way line of Fairfield Road and Crestwood Drive;

Then South 89°20'06" West 112.30 feet to the Point of Beginning.

Containing 17.750 square feet or 0.238 acres.

LEGEND

- SECTION CORNER
- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT
- SET 80' SETBACK WITH YELLOW PLASTIC CAP, OR
- NO. 10 STAKES FOR MONUMENTS, 4" AND 1/2" DIA.
- PUNCH-PUBLIC UTILITY & EGRESS SIGNATURE
- MONUMENTS

DEVELOPER
 BRYAN CARLING
 1823 HAIGHT CREEK DRIVE
 KAYSVILLE, UTAH 84037
 801-415-4824

DATE _____

OWNER'S DEDICATION

We, the undersigned owners of the above described tract of land, do hereby set apart and dedicate the same into and across the public easement right-of-way to be shown, named and hereinafter described:

CARLING SUBDIVISION

Dedicate to public use all those parts or portions of said tract designated as streets, the same to be used as public thoroughfares.

Grant and dedicate a perpetual right and easement here, upon and under the lands designated herein as public utility and drainage easements with no buildings or structures being erected within said easements.

In witness whereof We, the undersigned, do hereby certify this _____ day of _____ A.D. 20____

BY _____

BY _____

UNITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH _____

County of _____

On this _____ day of _____ A.D. 20____

personally appeared before me, the undersigned Notary Public, in and for the County of _____, in the State of Utah, who after reading duly sworn, acknowledged to me that he/she is the _____ of _____ a Limited Liability Company and that he/she is/are the Owner's Declaration they are individually for and in behalf of said Limited Liability Company for the purposes therein mentioned and acknowledged to me that said company executed the same.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC _____

SURVEY RECORDING DATA

DATE _____

DRAWING NO. _____

CITY ATTORNEY'S APPROVAL

APPROVED THIS _____ DAY OF _____ A.D. 20____

AT THE CITY OF KAYSVILLE, UTAH

KAYSVILLE CITY ATTORNEY

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____ A.D. 20____

AT THE CITY OF KAYSVILLE, UTAH

KAYSVILLE CITY PLANNING COMMISSION

CITY ENGINEER'S APPROVAL

APPROVED THIS _____ DAY OF _____ A.D. 20____

AT THE CITY OF KAYSVILLE, UTAH

KAYSVILLE CITY ENGINEER

CITY COUNCIL APPROVAL

APPROVED THIS _____ DAY OF _____ A.D. 20____

AT THE CITY OF KAYSVILLE, UTAH

CITY RECORDER _____

CITY MAYOR _____

DAVIS COUNTY RECORDER

ENTRY NO. _____

FILED _____

RECORDED THIS _____ DAY OF _____ A.D. 20____

AT _____ IN BOOK _____ OF OFFICIAL RECORDS

DAVIS COUNTY RECORDER

BY _____

DEPUTY RECORDER

SHEET 1 OF 1

PROJECT NUMBER: 11504

MANAGER: TWE (JMS)

DRAWN BY: JMS

CHECKED BY: TWE (JMS)

DATE: 1/15/20



Recommendation:

Staff recommends the Planning Commission forward an approval recommendation to the City Council with the following condition:

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



4. Public Hearing for a text amendment for a text amendment to Title 17 Chapter 33 Sign Regulation

17-33 Sign Regulations

- ◆ Changing Zoning Administrator to CD Department
- ◆ No PC PH for lighted sign violations
- ◆ Sign permit CUPs won't come to PC
- ◆ Changing conditional uses to permitted

17-33 Sign Regulations

PU, GC, CC, LI	On-Premise, Ground	1.5 sq. ft. per foot of frontage, up to 300 sq. ft. maximum within 300 feet of I-15 <u>or West Davis Corridor</u>; 1.5 sq. ft. foot of frontage, up to 200 sq. ft. maximum within 3,000 feet of I-15, <u>West Davis Corridor</u> or within 1,320 feet of another Principal Arterial Street; 1.5 sq. ft. per foot of frontage, up to 120 sq. ft. maximum at other locations.	45 ft. maximum within 300 feet of I-15 <u>or West Davis Corridor</u>; 30 ft. maximum within 3,000 feet of I-15, <u>West Davis Corridor</u> or within 1,320 feet of another Principal Arterial Street, 8 feet maximum at other locations.	1 sign per frontage on private property.	Up to 40 sq. ft. may be promotional sign. Illumination may be built into or attached to signs. more <u>More</u> than one sign on one parcel shall be separated by 100 ft. The base and structure of all on-premise ground signs beyond 300 ft. of I-15 <u>or West Davis Corridor</u> shall be the same method of construction, style and design of the materials used in the construction of the building(s). The sign element shall be an integral part of the architecture and design of the site. The colors shall be subdued and unobtrusive. Signs with exposed metal supports or metal masking shall not be permitted.
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5. Public Hearing for a text amendment for Title 17 Chapter 27 Mixed Use Zoning District Overlay



6. Call to the Public



7. Other matters that properly come before the Planning Commission:

- Reports
- Correspondence
- Calendar



8. Adjournment



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