



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

The Kaysville City Planning Commission will hold a regular meeting on December 12, 2024, at 7:00 PM 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. Welcome and Meeting Order
2. Declaration of Conflicts of Interest
3. Consideration of Amending Title 17-2 Definitions, 17-19-4 General Commercial Conditional Uses, 17-20-4 Central Commercial Conditional Uses, 17-21-4 Light Industrial Conditional Uses, and 17-22-4 Public Uses Conditional Uses
4. Consideration of a Text Amendment for Title 17-33 Sign Regulations
5. Consideration of Enacting Title 17-37 Moderate Income Housing Overlay
6. Public Hearing for Enacting Title 17-36 Master Planned Community
7. Approval of the minutes from the November 14, 2024 Planning Commission Meeting
8. Other matters that properly come before the Planning Commission
 - a. Reports
 - b. Correspondence
 - c. Calendar
9. Adjournment

On a Notice of Meeting 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: Anne McNamara, Senior Planner
Date: December 4, 2024

Agenda Item #3: Consideration of a text amendment to Title 17 Chapter 2 Definitions, Chapter 17-19-4 General Commercial Conditional Uses, 17-20-4 Central Commercial Conditional Uses, 17-21-4 Light Industrial Conditional Uses, 17-21-4 Public Use Conditional Uses

Meeting Date	December 12, 2024
Application Type	Ordinance Text Amendment
Applicant	Kaysville City
Title Chapter Section	17-2 Definitions 17-19-4 General Commercial Conditional Uses 17-20-4 Central Commercial Conditional Uses 17-21-4 Light Industrial Conditional Uses 17-22-4 Public Uses Conditional Uses

1. BACKGROUND

Following a lack of clarity in processing a religious use conditional use application in the Light Industrial zone for a local church, staff has put together a text amendment that would allow for religious uses in nonresidential zones. This will enable the city to be in compliance with the Religious Land Use and Institutionalized Persons Act (RLUIPA), allow religious uses without undue procedural barriers, and will simplify the process for future applicants.

2. PUBLIC NOTICING AND PUBLIC COMMENT

A Public Hearing Notice was posted on November 27, 2024. At the date of the writing of this memo, no comments have been received.

3. GENERAL PLAN

The general plan does not speak in favor or against the proposed allowance of religious uses or the application of RLUIPA, and is therefore considered neutral on this matter.

4. RECOMMENDATION

Staff recommends the Planning Commission send a recommendation of approval of the text amendment for the relevant conditional use sections of the code to allow religious uses in non-residential zones

5. ATTACHMENTS

Draft redline ordinance changes.

KAYSVILLE CITY
ORDINANCE XX-XX-XX

AN ORDINANCE AMENDING VARIOUS CHAPTERS WITHIN TITLE 17 OF THE KAYSVILLE CITY CODE TO ACCOMMODATE THE UNITED STATES RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT; HEREINAFTER FULLY DESCRIBED; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of Kaysville City, State of Utah, has determined in an open public meeting to amend certain sections of Kaysville City Code Title 17 to accommodate the United States Religious Land Use and Institutionalized Persons Act; and

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

WHEREAS, on December 12, 2024, the Kaysville City Planning Commission held a public hearing and with a vote of X-X made a recommendation of approval/denial to the City Council; and

WHEREAS, the City Council, after due consideration of said amendment, has concluded that it is in the best interest of the City and the inhabitants thereof that the following sections of the Kaysville City Land Use Code be amended;

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

SECTION 1: AMENDMENT “17-2-2 Definitions” of the Kaysville City Code is hereby amended as follows:

A M E N D M E N T

17-2-2 Definitions

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

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

Agriculture - The tilling of the soil, the raising of crops, horticulture and gardening, but not including the keeping or raising of farm animals and fowl, except household pets, and not

including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals, greenhouses, or similar uses.

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

Amusement Arcade - A building or part of a building in which four (4) or more mechanical or electronic amusement devices are offered for use.

Animal Hospital - A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

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

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

Apartment House - See Dwelling, Multiple.

Assisted Living Facility

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

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

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

Automobile Repair, Minor - Upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1 1/2) tons capacity, but not including other

operations, named under Automobile Repair Major, or similar thereto as determined by the Building Inspector.

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

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

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

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

Bioswale – A landscape feature that is usually an elongated depression in the land surface that is seasonally wet, is usually vegetated, and is normally without flowing water. Swales direct stormwater flows into drainage channels and allows stormwater to percolate into the ground.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hardscape - Durable landscape materials such as brick or concrete pavers, benches, artificial turf, walls, decorative rocks, mulch, curbing, planters, concrete, asphalt, or other like materials that are not of a vegetative nature. Hardscape does not include building or structure footprints, driveways, and sidewalks.

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

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

Hotel - See Motor Hotel.

Junk Yard - The use of any lot, portion of lot, or tract of land for the long-term storage, keeping, or abandonment of automobiles, other vehicles, or machinery or parts thereof; provided, that

this definition shall not be deemed to include such uses that are clearly accessory and incidental to any agricultural use permitted in the district.

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

Landscape - A combination of living vegetation and hardscape and may be a combination of turf, plant cover and xeriscape.

Landscaped Area - Improved areas of the property that make up landscape and may include hardscape. The landscaped area does not include non-irrigated natural areas that are intentionally left undeveloped.

Liquor - Any liquid defined as liquor in Utah Code Section 32B-1-102.

Lodging House - See Boarding or Lodging House.

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

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

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

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

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

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

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

Mulch - Any material such as rock, bark, or wood chips that is left loose and applied to the soil.

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

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

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

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

Office, Professional - A place intended for the conduct of a recognized learned profession in most cases requiring a license, such as physician, dentist, chiropractor, lawyer, engineer, architect, accountant.

Office, Business - A place intended for the conduct of the administrative function of a business enterprise and in which no goods or merchandise are stored or sold.

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

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

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

Parking Space - A permanently-surfaced area of not less than one hundred eighty (180) square feet in area, either within a structure or in the open, excluding paved areas necessary for access

under the provisions of this title, for the parking of a motor vehicle. (See KCC 17-32, Off-Street Parking.)

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

Public or Quasi-Public Use - ~~An educational, recreational, religious, cultural, service, utility, or similar use primarily serving the public.~~ A use operated exclusively by a public body, or quasi-public body, for the purpose of serving the public health, safety or general welfare, and including uses such as a public school, park, playground or other recreational facility, administrative or service facility, or public utility. Or a use operated by a private nonprofit educational, religious, recreational, cultural, charitable or philanthropic institution, such use having the purpose primarily of serving the general public, such as a church, private school or university, or similar uses.

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

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

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

Recreation, Public - Publicly owned or operated recreation facilities.

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

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

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

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

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

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

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

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

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

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

Stable - A detached building for the keeping of horses.

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

- a. Story, Half-A partial story under a gable, hip, or gambrel, roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story used for one (1) or more dwelling units shall be deemed a full story.
- b. Story, First - The lowest story or the ground story of any building, the floor of which is not more than twelve (12) inches below the finished grade level at the exterior walls of the building, except that any basement or cellar used for residential purposes shall be deemed the first story.
- c. Street - Public rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements and other ways.

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

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

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

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

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

Telecommunications Service - The providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser,

microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

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

Turf - A surface layer of earth containing grass species with full root structures that are maintained as mowed grass. Grass and lawn are considered turf.

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

Xeriscape - A style of landscape design requiring little or no irrigation or other maintenance using plants that can survive on low or minimal water usage.

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

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

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

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

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

Yard, Side, Width - The shortest distance, measured horizontally, between any part of a building, other than parts herein excepted, and the nearest side lot line. Such width shall be

measured from the nearest side lot line and, in the case where the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of such street as adopted by Kaysville City in the Major Street Plan differs from that of the existing street, then the required side yard width shall be measured from the right-of-way of such street as adopted, or said building shall comply with any applicable official setback lines.

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

SECTION 2: AMENDMENT “17-19-4 Conditional Uses” of the Kaysville City General Commercial Code is hereby *amended* as follows:

A M E N D M E N T

17-19-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to KCC 17-30.

1. Single family dwellings which are an integral part of a commercial use and serves as housing for the proprietor or an employee.
2. Light industry/research uses subject to the provisions of KCC 17-23.
3. Buildings of height greater than thirty-five feet (35').
4. Recreational vehicle parks subject to the provisions of KCC 17-31-24.
5. Public utility substations.
6. Sale of beer for consumption on the premises of a full-service restaurant, limited service restaurant, beer-only restaurant, banquet or reception center.
7. Sale of liquor for consumption on the premises of a full-service restaurant, limited service restaurant, banquet or reception center.
8. Public or quasi-public buildings of the religious type; not including public or quasi-public buildings of the educational, recreational, cultural, or public service type or storage or repair yards, warehouses, and similar uses.

SECTION 3: AMENDMENT “17-20-4 Conditional Uses” of the Kaysville City Central Commercial Code is hereby *amended* as follows:

A M E N D M E N T

17-20-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to KCC 17-30.

1. Theaters.
2. Motels or hotels.
3. Light industry/research uses subject to the provisions of KCC 17-23.
4. Social halls, lodges, fraternal organizations.
5. Amusement arcades.
6. Public utility substations.
7. Sale of beer for consumption on the premises of a full-service restaurant, limited-service restaurant, beer-only restaurant, banquet or reception center.
8. Sale of liquor for consumption on the premises of a full-service restaurant, limited-service restaurant, banquet or reception center.
9. Public or quasi-public buildings of the religious type; not including public or quasi-public buildings of the educational, recreational, cultural, or public service type or storage or repair yards, warehouses, and similar uses.

SECTION 4: AMENDMENT “17-21-4 Conditional Uses” of the Kaysville City Light Industrial Code is hereby *amended* as follows:

A M E N D M E N T

17-21-4 Conditional Uses

Compliance with standards shall be determined by the Planning Commission by reference to KCC 17-30.

1. Food and kindred product manufacturing or processing.
2. Textile products manufacturing.
3. Furniture and fixtures manufacturing.
4. Stone, clay and glass products manufacturing.
5. Fabricated metal products industries (not to include primary metal industries).
6. Contract construction services.
7. Buildings of height greater than thirty-five feet (35') or less than ten feet (10').
8. Sale of beer for consumption on the premises of a full-service restaurant, limited-service restaurant, beer-only restaurant, banquet or reception center.

9. Sale of liquor for consumption on the premises of a full-service restaurant, limited-service restaurant, banquet or reception center.
10. Public or quasi-public buildings of the religious type; not including public or quasi-public buildings of the educational, recreational, cultural, or public service type or storage or repair yards, warehouses, and similar uses.

SECTION 5: AMENDMENT “17-22-4 Conditional Uses” of the Kaysville City Public Use Code is hereby *amended* as follows:

AMENDMENT

17-22-4 Conditional Uses

~~There are no conditional uses.~~ Compliance with standards shall be determined by the Planning Commission by reference to KCC 17-30.

1. Public or quasi-public buildings of the religious type; not including public or quasi-public buildings of the educational, recreational, cultural, or public service type or storage or repair yards, warehouses, and similar uses.

SECTION 6: Repealer. If any provisions of the City’s Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION 7: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION 8: This Ordinance shall take effect upon execution of the ordinance.

PASSED AND ADOPTED by the City Council of Kaysville City, Utah, this January 2, 2025.

Mayor Tamara Tran

ATTEST:

Annemarie Plaizier
City Recorder

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Anne McNamara, Senior Planner
Date: December 4, 2024

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

Meeting Date	December 12, 2024
Application Type	Ordinance Text Amendment
Applicant	Kaysville City
Title Chapter Section	17-33-4 Definitions 17-33-9 Signs Permitted by Zone

1. BACKGROUND

In response to a series of business owner inquiries about the application of sign code provisions relating to Electronic Message Center (EMC) and feather signs, staff has prepared a series of code amendments to address existing gaps in the city ordinance. After research into what regulations are typical in municipalities for signs of this type, staff recommends the adoption of two text amendments. The first amendment modifies Table 17-33-9 which stipulates what signs are allowed in each zone, to allow for EMC signs to be placed in Public Use (PU) zones. This will bring existing EMC signs located in a PU zone into compliance, and fix existing non conformities.

Additionally, staff has added a definition for feather signs to accommodate existing business signs, and included regulations for their size and location in Table 17-33-9.

2. PUBLIC NOTICING AND PUBLIC COMMENT

A public hearing notice was posted on November 27, and at the date of the writing of this memo, no comments have been received.

3. GENERAL PLAN

The general plan does not speak in favor or against the proposed regulations of signs, and is therefore considered neutral on this matter.

4. RECOMMENDATION

Staff recommends the Planning Commission send a recommendation of approval of the text amendment for 17-33-2 and 17-33-9.

5. ATTACHMENTS

Draft redline ordinance changes.

**KAYSVILLE CITY
ORDINANCE 24-XX-XX**

**AN ORDINANCE AMENDING TITLE 17, CHAPTER 33 SIGN REGULATIONS;
SECTION 9 SIGNS PERMITTED BY ZONE; PROVIDING FOR REPEALER;
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
DATE**

WHEREAS, Kaysville City desires to encourage a diverse and healthy business profile

WHEREAS, the Planning Commission held a public hearing on the ordinance and issued a recommendation of approval of proposed changes at the December 12, 2024 meeting with a vote of X-X

WHEREAS, the Kaysville City Council finds it to be in the best interest of its citizens to amend the ordinance as outlined below.

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

SECTION 1: **AMENDMENT** “17-33-4 Definitions” of the Kaysville City Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

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.

AFTER AMENDMENT

17-33-4 Definitions

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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').

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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, Feather - A freestanding sign, typically consisting of a flexible single pole or shaft, usually of plastic or metal, stuck in the ground or otherwise fastened at the base, with an attached pennant along or at the top of the shaft, consisting of fabric or some other flexible material that is usually vertically elongated, and may be in the shape of a feather, tear drop or some other configuration.

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.

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including monument signs.

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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.

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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.

SECTION 2: **AMENDMENT** “17-33-9 Signs Permitted By Zone” of the Kaysville City Code is hereby *amended* as follows:

BEFORE AMENDMENT

17-33-9 Signs Permitted By Zone

Sign(s) paid for by applicant and installed only by Kaysville City subject to comply 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.

days.

ZONE	SIGN	SIZE	HEIGHT	LOCATION	OTHER
	Construc tion	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30 ft. to a maximum of 96 sq. ft. per developme nt	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.
	Direction al			In City right-of-way	
	Develop ment	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30 ft. to a maximum of 96 sq. ft. per developme nt	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

All					occupied.
	Govern mental				By government entity only
	Identifica tion	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. Permitted use in agricultural and residential zones. May be lighted.
	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	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 line.	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	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

Health Care (HC)		maximum of 64 sq. ft.			may extend beyond the 5 ft. height maximum 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,	1.5 sq. ft. per foot of frontage, up to 300 sq. ft. maximum within 300 feet of I-15; 1.5 sq. ft. foot of frontage, up to 200 sq. ft. maximum within 3,000 feet of I-15, or	45 ft. maximum within 300 feet of I-15; 30 ft. maximum within 3,000 feet of I-15 or within 1,320 feet of another Principal	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 than one sign on one parcel shall be separated by at least 100 ft. The base and structure of all on-premise ground signs beyond 300 ft. of I-15 shall be the same method of construction, style and design of the

	Ground	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.	Arterial Street, including the east side of West Davis Corridor (SR 177) 8 feet maximum at other locations.		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 designated Land Use Authority may consider hours of operation, sign height, sign size, and/or setbacks from

					property lines.
GC, CC, LI	Animate d				
	Awning	% of wall area maximum		Attached to a building	May be lighted, but not within 50 feet of a dwelling
	Balloon			On private property	Temporary and only allowed for less30 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.	
	Projectin g	32 sq. ft. maximum	Not higher than building it is on	Attached to a building	

AFTER AMENDMENT

17-33-9 Signs Permitted By Zone

Sign(s) paid for by applicant and installed only by Kaysville City subject to comply 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.

days.

ZONE	SIGN	SIZE	HEIGHT	LOCATION	OTHER
	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				

All	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. Permitted use in agricultural and residential zones. May be lighted.
	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	6 sq. ft. maximum — residential		Shall be removed	

	(Real Estate)	zones; 32 sq. ft. maximum — other zones	On private property	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), Health Care (HC)	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 by as much as 2 ft. and a horizontal distance of 2 ft. of the sign cabinet.
		Limited to the difference			

PU, GC, CC, LI	Banner	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; 1.5 sq. ft. foot of frontage, up to 200 sq. ft. maximum within 3,000 feet of I-15, or within 1,320 feet of another Principal Arterial Street; 1.5 sq. ft. per foot of frontage, up to 120 sq. ft. maximum	45 ft. maximum within 300 feet of I-15; 30 ft. maximum within 3,000 feet of I-15 or within 1,320 feet of another Principal Arterial Street, including the east side of West Davis Corridor (SR 177) 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 than one sign on one parcel shall be separated by at least 100 ft. The base and structure of all on-premise ground signs beyond 300 ft. of I-15 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

		at other locations.			masking shall not be permitted.
PB, GC, CC, LI, <u>PU</u>	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 designated Land Use Authority may consider hours of operation, sign height, sign size, and/or setbacks from property lines.
	Animated				
	Awning	% of wall area maximum		Attached to a building	May be lighted, but not within 50 feet of a dwelling
	Balloon			On private property	Temporary and only allowed for less 30 permitted
	Canopy		Structure limit in zone	Attached to a building	Must have building permit

GC, CC, LI	Feather	<u>Feather material is limited to a maximum width of three feet (3') and a maximum height of eight feet (8').</u>	<u>The maximum height of the flag shall not exceed ten feet (10') from the ground.</u>	<u>Feather signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian walkway, and shall not be located in a clear vision triangle.</u>	<u>Spacing: 1 sign permitted per 200 feet of street frontage, with signs no closer than 100 feet apart.</u>
	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	

PASSED AND ADOPTED BY THE KAYSVILLE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Council Member Adams	_____	_____	_____	_____
Council Member Blackham	_____	_____	_____	_____
Council Member Hunt	_____	_____	_____	_____
Council Member Jackson	_____	_____	_____	_____
Council Member Oaks	_____	_____	_____	_____

Presiding Officer

Attest

Tamara Tran, Mayor, Kaysville City

Annemarie Plaizier, City Recorder,
Kaysville City

PLANNING COMMISSION STAFF REPORT

To: Kaysville City Planning Commission
From: Melinda Greenwood, Community Development Director
Date: December 7, 2024

Agenda Item #5: Consideration of enacting a new title of Kaysville City Code 17-37 Moderate Income Housing Overlay

Meeting Date	December 12, 2024
Application Type	Ordinance Text Amendment
Applicant	Kaysville City
Title Chapter Section	Title 17-37 Moderate Income Housing Overlay

1. BACKGROUND

The 2022 General Plan identifies the goal of adding zoning incentives to encourage moderate income priced units in new developments. This particular goal is part of the annual reporting the City must submit to the state. Staff has drafted an ordinance which would create a new chapter in our land use code, chapter 17-37 Moderate Income Housing Overlay zone. The Moderate Income Housing Overlay would allow for flexibility with new housing developments and ensure the provision of more diverse housing within our city.

If adopted, the Moderate Income Housing Overlay could be applied to any of the residential zones. The Moderate Income Housing Overlay will allow an applicant to propose a project that can provide more affordable housing units by allowing increased number of dwelling units in a project, as well as reducing setbacks, lot size or frontage requirements.

The intent of the new zone is to eliminate typical zoning regulations and encourage diversification of housing not only in the City as a whole, but create a diversity of products and pricing within a certain neighborhood. Because of this, the proposed zoning code is simple and doesn't have set regulations, but requires those typical regulations are adopted on a case by case scenario through the use of a development agreement.

Objective 1.5: (J) Implement zoning incentives for moderate income units in new developments.

Timeline

In 2023, research best practices for zoning incentives and density bonuses in preparation for presenting appropriate text amendments to the Planning Commission and City Council in 2024.

Implementation Measures

- Conduct research regarding best practices on zoning incentives in relation to moderate income and affordable housing.
- Solicit feedback from the local development community on feasible and desirable incentives and incorporate feedback into text amendments as appropriate.
- Draft applicable text amendments for residential and mixed use zones to incentivize and allow for the construction of moderate income housing.

2. GENERAL PLAN

As denoted in the picture to the right, the 2022 General Plan supports the creation of this zone, and specifically requires

the City to adopt zoning incentives which will facilitate housing priced for moderate incomes.

3. PUBLIC NOTICING AND PUBLIC COMMENT

A public hearing notice was posted on November 27, and at the date of the writing of this memo, no comments have been received.

4. RECOMMENDATION

Based on support from the 2022 General Plan, staff recommends the Planning Commission send a recommendation of approval to the City Council for the enactment of 17-37 Moderate Income Housing Overlay.

5. ATTACHMENTS

Title 17-37 Moderate Income Housing Overlay draft ordinance.

17-37 Moderate Income Housing Overlay

17-37-1 Purpose

The Moderate Income Housing Overlay zone will create flexibility in zoning regulations and provide for diversity in housing opportunities, and therefore opportunities for home ownership and building of equity. The Moderate Income Housing Overlay (MIHO) will provide housing opportunities for individuals meeting the moderate income housing criteria outlined in Utah State Code. The overlay zone is intended to create unique and affordable housing opportunities in all areas of the City, and is appropriate for large developments as well as smaller infill development projects. The Moderate Income Housing Overlay will be governed by a development agreement which will define development parameters, including lot sizes and housing types and other development standards.

17-37-2 Eligible Zones

The MIHO may be applied to any of the following zones:

1. R-1 Single Family Residential
2. R-2 One To Two Family Residential District
3. R-4 One To Four Family Residential District
4. R-M Multiple Family Residential
5. R-T Old Kaysville Townsite Residential District
6. R-D Diverse Residential District
7. Master Planned Community
8. Mixed Use Overlay

17-37-3 Development Agreement Required

The MIHO zone requires a development agreement (DA) which will establish regulations traditionally included in zoning code including frontage requirements, lot sizes, setbacks, parking, open space, etc. The DA shall be recorded on all properties included in the project and shall run with the land.

17-37-4 Application Materials Required

The MIHO rezone application shall be accompanied by concept level plans, including:

- a. A statement addressing:
 - i. The overall concept and general details of the proposed project including acreage of the project, the number and type of housing units and other information the application may feel is relevant.
 - ii. How the proposed project aligns with the City's current general plan.
 - iii. How the project will contribute to moderate income housing.
- b. A site plan.
- c. An amenities plan including open space, trails, park areas, buildings, etc.
- d. Landscape plan, which shall include waterwise landscaping and limit the inclusion of turf in areas which are not associated with active recreation.
- e. Proposed building sizes including square footage and height.
- f. Proposed setbacks.
- g. The location of streets, alley's, access points, etc.
- h. Renderings and elevations of proposed buildings.
- i. They kinds and types of materials to be used on the exterior of all buildings.

2. A traffic impact analysis may be required as determined by the Public Works Department.

17-37-5 Moderate Income Housing Guarantee

The MIHO requires the production of dwellings which meet moderate income housing guidelines established by the State. The DA for the MIHO shall require implementation of various tools which will ensure the production of moderate income priced housing. Conventional tools to be considered include:

1. Implementation of an income qualification processes, which shall be the responsibility of the developer to establish and maintain.
2. Deed restrictions to require housing is occupied by owners who meet income requirements, the length of time ownership is require or other restrictions as established by the DA.
3. Creation of a Homeowner's Association accompanied by Conditions, Covenants and Restrictions that will regulate ownership, rental of properties, etc.
4. Limits on HOA fees for moderate income housing may be required.
5. Land conservation trusts.
6. Other tools as approved in the DA which will assist in housing products being priced for moderate income individuals.

17-37-5 Building Material Requirements

To ensure the moderate income housing produced will be a quality and lasting product, requirements for building materials may be included in the DA. Requirements may include, but are not limited to, architectural controls, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council.

17-37-6 Zoning Incentives and Regulations

The number of housing units allowed shall be determined by the base zoning, and additional units may be granted based on the provision of moderate income housing units. A minimum of 10% of the project's housing must meet moderate income housing pricing. Attached units, like twin homes or townhomes will be considered for approval in the MIHO regardless of what the base zone permits.

Additional units above the base density may be allowed in exchange for flexibility on lot size, frontage requirements, setbacks, height or parking.

Regulations on lot size, frontage requirements, setbacks, height or parking are established through the approval of the DA.

17-37-7 Other Considerations

The applicant may bring any concept, plan, or concession forward for consideration which may not be included in this chapter but will contribute to the production of moderate income housing. These requests will be considered on an individual basis and may or may not be approved by the City Council.

Other considerations include, but are not limited to, a request for a reduction of impact fees, an adjustment to city infrastructure standards, a waiver or reimbursement of application fees, etc. These requests shall be accompanied with information or data that will describe the intended impact and how that will contribute to the production of moderate income housing.

Kaysville City Planning Commission Meeting Minutes November 14, 2024

The Planning Commission meeting was held on Thursday, November 14, 2024 at 7:00 pm in the Kaysville City Hall located at 23 East Center Street.

Planning Commission Members in Attendance: Chair Mike Packer, Commissioners Katie Ellis, Wilf Sommerkorn, and Rachel Lott

Planning Commissioners Absent: Commissioners Erin Young, Megan Sevy, and Paul Allred

Staff Present: Melinda Greenwood and Mindi Edstrom

Public Attendees: Jennifer Borup, Lauri Cragun, Megan Snell, Laurene Starkey, Tyler Tholen, Cooper Rich, Elle Braun, Tyler Nelson, John Peden, Russ Condie, Brad Gobbs, Cannon Neslen, Damon Day, Brandon Strebel, Braydon Perkins, Kelsey McFarland, Jill Dredge, and Jessica Carlisle

1- WELCOME AND MEETING ORDER

Chair Packer welcomed all in attendance to the Kaysville City Planning Commission meeting.

2- DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest from the Commissioners.

3- CONDITIONAL USE PERMIT FOR ANIMALS AT 1892 LAKE RIDGE DRIVE

Melinda Greenwood introduced the Conditional Use Permit application for keeping farm animals at a residential property located at 1892 Lake Ridge Drive. Ms. Greenwood explained that under Utah State law, conditional uses are considered permitted uses but may require conditions to mitigate impacts on surrounding neighborhoods. The city's zoning code governs these conditions, with limits on what can be applied. In practice, additional conditions are rarely necessary as most requirements are already outlined in the zoning code.

Ms. Greenwood said that the applicant, Kyle Orison, was unavailable, but his wife, Angie Orison, was in attendance at the meeting to represent the application. The property is a single-family dwelling situated on a lot that is slightly over half an acre in size. The proposal involves keeping farm animals, specifically horses, on the property on an occasional basis. The lot size would permit no more than two horses. The Orisons own a ranch in southern Utah and intend to bring horses to the residence as needed while traveling.

Ms. Greenwood recommended approval of the Conditional Use Permit based on the provisions of the city's zoning code, particularly Chapter 17-24, which governs farm animals. The code includes measures to mitigate potential negative impacts on neighbors, such as requiring that structures for animals be kept at least 50 feet from any neighboring residential building and mandating controls for noise, dust, and odor. A condition of approval was noted: the property

must be fully fenced before any farm animals are allowed. While the property is partially fenced, gates or additional fencing would need to be installed to meet this requirement.

Ms. Greenwood indicated that the applicant had communicated the intent to have horses with their neighbors and had not encountered any objections. Staff confirmed they had not received concerns from the public regarding this application.

Commissioner Sommerkorn asked if the permit is primarily for horses and if there were plans to enclose them.

Ms. Greenwood said that the applicant did submit a drawing that showed an area in the backyard to keep the horses. It was her assumption that is where they plan to keep the horses.

Commissioner Sommerkorn asked if that would be 50 feet away from any adjacent structures and thought by looking at the layout from the houses on the adjacent lots, they look to be 50 feet away making it a pretty small area.

Chair Packer sought clarification on the distinction between "structures" and "enclosed areas" as defined in the city code.

Commissioner Sommerkorn said that the code mandates that structures for the care of animals must be at least 50 feet away from neighboring buildings predominantly used for residential purposes. However, it also allows animals to be kept within an "enclosed area," which is not subject to the same 50-foot requirement.

Ms. Greenwood confirmed that an enclosed area, such as an open-air corral or fenced area, does not qualify as a "structure" under the code's definition. Structures are defined as anything constructed at a fixed location with an impervious material, typically requiring a building permit.

Commissioners debated potential impacts on neighboring properties if animals were housed close to property lines, including concerns about odor, dust, and noise.

Chair Packer invited Angie Orison to approach the Commissioners for any questions they might have.

Ms. Orison said that they intend to keep only one horse on the property, though possibly two on rare occasions. They explained that the horse would primarily stay at a ranch in southern Utah or at a friend's property in Morgan, with the property in Kaysville serving as a temporary location for occasional use rather than year-round housing.

The applicant emphasized that no structure would be built for the horse, and they were already planning to finish fencing the property to comply with city requirements. This clarification

addressed concerns about the potential impacts on neighbors and reinforced that the use of the property would be infrequent and temporary.

Commissioner Sommerkon made a motion to approve the Conditional Use Permit Kyle Orison located at 1892 Lake Ridge Drive subject to the provisions that are noted in the staff report. The motion was seconded by Commissioner Ellis and the vote was unanimous in favor of the motion (4-0).

Commissioner Allred - Yay
Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Lott - Yay

4- CONDITIONAL USE PERMIT FOR A MAJOR B HOME OCCUPATION FOR ROCKSTAR CONCRETE AND CONSTRUCTION LOCATED AT 245 CHRISTINE WAY FOR CHRISTINE ALLUIS

Mindi Edstrom introduced the Conditional Use Permit noting the business's compliance with state licensing through DOPL and the Department of Commerce for construction, excavation, and demolition. She continued saying that there would be no business equipment or materials stored at the residence, except for a truck. They have an enclosed trailer used for recreational vehicles which will be stored behind a fence on the property. All other equipment, including an excavator, will be stored off-site at storage units in Kaysville and Farmington and that the business complies with the city's home occupation regulations, including ensuring no more than 5% of the lot area is used for the business (approximately 675 square feet).

Ms. Edstrom emphasized that there should be no exterior storage of material or supplies, off-street parking must be provided for any vehicles or trailers associated with the business and only one vehicle or trailer exceeding 22 feet in length is permitted.

Ms. Edstrom said that home occupations are designed to operate without a noticeable impact on the residential appearance of the neighborhood. She said that staff received two calls expressing concerns from neighbors regarding the potential and existing equipment overflow and the use of street parking.

Ms. Edstrom said staff recommended approval of the Conditional Use Permit, subject to compliance with the conditions outlined in city code and invited the Commissioners to suggest additional conditions as necessary and that the applicant was present and available for questions from the Commissioners.

Commissioner Sommerkorn asked if staff if there was equipment at the home already.

Ms. Edstrom said the application for a Conditional Use Permit arose from a code enforcement issue. Initially, the property had equipment and items, including a tractor and an excavator, stored on-site in violation of city code.

City staff have worked with the homeowners to address these code enforcement violations, ensuring the property will be brought into compliance. The effort aimed to resolve the outstanding issues and establish clear guidelines for the operation of the business as a home occupation.

The Conditional Use Permit process provides an avenue to ensure compliance while addressing neighborhood concerns and maintaining the residential character of the area. The applicant has made adjustments to align with city regulations, including relocating equipment off-site.

Commissioner Sommerkorn asked if the property was now compliant.

Ms. Greenwood said that staff is working collaboratively with the applicants to address these concerns and bring the property into compliance. Progress has been made since the initial violations were identified in September, with significant improvements noted after discussions with the applicants in October. Efforts include the rental of a storage unit to relocate business-related items and the commitment to resolve remaining issues.

Ms. Greenwood said the sidewalk adjacent to the property requires replacement. However, given the approaching winter and the time required to secure a contractor and permits, staff recommended deferring this repair until spring, pending confirmation from public works.

Ms. Greenwood said that the Conditional Use Permit is recommended for approval, staff clarified that any future violations, such as unauthorized equipment storage or parking issues, would be addressed through standard code enforcement procedures. Additionally, the Conditional Use Permit could be revoked, if necessary, which would also result in the revocation of the associated business license.

Ms. Greenwood commended the applicants' cooperative approach and noted confidence in their continued progress toward full compliance. The recommendation to approve the Conditional Use Permit aligns with city policy while allowing the applicants to operate their business legally from their property.

Ms. Christine Alluis, the applicant, clarified that items previously on their property, which could be assumed to be related to their business, were connected to personal projects, including the installation of an underground pool and other backyard renovations. This contributed to the presence of materials and equipment on-site. To address these concerns and ensure compliance with city regulations, the applicants have rented three storage units to relocate all business-related items off the property and taken steps to separate personal and business activities, ensuring the property remains in compliance with home occupation standards.

Commissioner Lott made a motion to approve the Conditional Use Permit located at 245 Christine Way for Rock Star Concrete and Construction for Christine Alluis. Commissioner Sommerkorn seconded the motion and the vote was unanimous in favor of the motion (4-0).

Commissioner Allred - Yay
Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Lott – Yay

5- CONDITIONAL USE PERMIT FOR A MAJOR B HOME OCCUPATION FOR CRUNCH TIME CONSTRUCTION, LOCATED AT 1398 NORTH MOUNTAIN ROAD FOR JONATHEN PEDEN

Mindi Edstrom introduced the Conditional Use Permit for Johnathen Peden, located at 1398 North Mountain Road. Mr. Peden is the owner of Crunch Time Construction, a new business in Kaysville. Ms. Edstrom said that the only equipment stored at the home will be his truck and 16-foot trailer, all other equipment and supplies will be taken directly to construction sites, there will be no employees or customers at the residence and that Mr. Peden is a licensed General Contractor verified with DOPL. Ms. Edstrom recommended approval of the Conditional Use Permit for Mr. Peden and Crunch Time Construction with any conditions Planning Commission may find necessary.

Chair Packer opened the meeting up to questions from the Commissioners, and there were no questions for the applicant.

Commissioner Ellis made the motion to approve the Conditional Use Permit for the property at 1398 North Mountain Road for Crunch Time Construction based on the findings from staff. Commissioner Lott seconded the motion and the vote was unanimous in favor of the motion (4-0).

Commissioner Allred - Yay
Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Lott - Yay

6- CONDITIONAL USE PERMIT FOR THE SALE OF BEER AT THE BOONDOCKS FULL- SERVICE RESTAURANT LOCATED AT 525 SOUTH SUNSET DRIVE

Melinda Greenwood introduced the next two items on the agenda which are for Boondocks located at 525 South Sunset Drive in a General Commercial zone. The applicant is requesting two Conditional Use Permits, one for beer consumption on premises and one for liquor consumption. Both uses are allowed as conditional uses under the city's zoning code. She said that while the city issues the Conditional Use Permits, the State regulates the sale and consumption of alcohol. The applicant meets state requirements for these permits, including checking proximity to community locations like schools and churches.

Ms. Greenwood continued saying that the role of the Planning Commission is not to approve or deny the sale of alcohol but to ensure the Conditional Use Permit meets zoning requirements and address any reasonable conditions to mitigate negative impacts.

Ms. Greenwood said staff recommends approval with no additional conditions, as there are no

substantial negative impacts identified.

Commissioner Sommerkorn emphasized that conditional uses in the city's zoning code are generally treated as permitted uses by state law and court rulings. The city does not have much discretion in approving these uses once they are outlined in the code. The only situation in which the city could deny a conditional use permit is if there are significant, detrimental impacts on the community or neighborhood that cannot be mitigated. However, "mitigating" these impacts does not mean eliminating them completely; it means reducing or addressing them as much as possible. Therefore, the Planning Commission's role is limited to reviewing the proposed use against the city's code and ensuring any potential impacts are appropriately addressed, possibly by adding reasonable conditions, but the general approval is expected unless substantial issues arise.

Ms. Greenwood explained that any conditions placed on a conditional use permit must be codified within the city's zoning code. Ms. Greenwood noted that the city already has adequate infrastructure in place, such as access for public safety, services, and water supply, and that these won't change. The traffic flow for vehicles and pedestrians has been in place for the past 11 years, and the site already has established drive approaches. Given this, staff did not feel that there were any additional conditions necessary for this specific use.

Chair Packer clarified that the discussion is about a Conditional Use Permit for the sale of beer, which is a permitted use at this site. He emphasized that this is not a liquor license, which is regulated by the state. The Planning Commission's role is limited to approving or denying the Conditional Use Permit, but they do not have the authority to approve a liquor license. The process for obtaining a liquor license is separate and controlled by state regulations, not by the Planning Commission.

Ms. Greenwood provided further context, explaining the complexities of land use regulations, which involve various layers of law, including federal, state, and local codes. She clarified that the City Council previously approved the sale of on-premise beer and alcohol as a conditional use in certain zones, such as a General Commercial zone.

She also highlighted that the Conditional Use Permit approval process is administrative, meaning that once the use is allowed under zoning, the Commission's role is to apply conditions if necessary, but the decision to approve or deny the use is already established in the zoning code. She stressed that the business license for alcohol consumption is a separate process regulated by the state, which conducts its own checks for proximity to sensitive locations like churches or schools. The state would ensure compliance with its distance requirements, and there are no proximity issues in this case.

Thus, the Planning Commission is only involved in approving the Conditional Use Permit for the site, while the state handles the liquor license.

Damon Day, one of the founders of Boondocks, shared the history and context of the company during his presentation. He explained that Boondocks started as a construction company in 1989, building attractions like go-cart tracks and bumper boat ponds across the country. In 1993, they built their first family entertainment center, incorporating both outdoor and indoor attractions, such as arcade games, miniature golf, go-karts, and bumper boats. By 2008, Boondocks introduced bowling to their facilities, becoming the first family entertainment center in the U.S. to integrate bowling, as recognized by Brunswick Bowling.

Mr. Day discussed the evolution of the family entertainment industry, noting the competitive landscape with businesses like Fat Cats and Top Golf, and even Lagoon, which all offer different types of entertainment experiences. He emphasized that Boondocks focuses on creating social, family-oriented experiences rather than individual thrill rides.

After operating for over 35 years, Mr. Day shared that the business has adapted to meet consumer demands for high-quality experiences, including better food offerings and facility upgrades. He said Boondocks will be doing a \$6 million renovation of their Kaysville location, which will include improvements to the bowling center, an XD Dark Ride Theater, and an elevated food experience.

Mr. Day said the request to add alcohol to the offerings is not to promote excessive drinking but to complement the variety of activities Boondocks already provides. He explained that alcohol sales would help maintain a synergistic offering, similar to other family-friendly restaurants like Applebee's or Red Robin. He reassured the commission that after similar expansions at their Colorado locations, and after implementing alcohol at their Draper location, the concerns about negatively impacting the family-friendly environment had been alleviated. Mr. Day mentioned that their active environment (focused on activities like bowling and arcade games) naturally reduces concerns about intoxication or disruptive behavior.

Mr. Day reiterated that 90% of Boondocks' customers in Kaysville come from outside the city, and the business values its relationship with the local community. He introduced Brandon Struble, the Director of Food and Beverage Operations, to address any specific questions related to the alcohol application.

Commissioner Sommerkorn asked Brandon Struble how big the restaurant would be that they are putting in.

Mr. Struble said that they are renovating and updating currently to have about 140 seats.

Ms. Greenwood pulled up the slides from Boondocks and Mr. Day explained that the slides are from their Draper facility showing what the remodel will look like in Kaysville City.

Chair Packer opened up the meeting for those in attendance to make a comment.

Russell Condi sought clarification about the alcohol license being requested. He asked if the license was for a full-service restaurant, which would require Boondocks to maintain a ratio of 70% food sales to 30% alcohol sales. Mr. Condi wanted to confirm that patrons would not be allowed to consume alcohol without also purchasing food, which is typical for a full-service restaurant license.

Jennifer Borup, a Kaysville resident living near Boondocks, shared concerns regarding unresolved agreements from when Boondocks first opened. She mentioned that during the original petition process, two agreements were made to address neighborhood concerns. The first was that the parking lot was supposed to be gated after hours to prevent late-night disturbances. However, the gates deteriorated and were not replaced, leading to ongoing issues. The second was the lighting on the side of the building facing her neighborhood was supposed to be turned off after 1 AM. However, the lights remain on, shining into bedroom windows.

Ms. Borup highlighted ongoing issues, particularly noise disturbances from parties in the parking lot after hours, especially on weekends. Despite calls to the Police, response times have been inadequate, with County Sheriff often called in due to limited Kaysville Police coverage.

She expressed disappointment that the city had not documented these previous agreements or held Boondocks accountable, and she believes Boondocks has not been a good neighbor, particularly in failing to reinstate the gates. Ms. Borup also voiced opposition to the alcohol proposal, feeling the facility should not be compared to an Applebee's restaurant, due to the nature of activities at Boondocks, such as driving vehicles, boats, and go-karts. She felt that the neighborhood's concerns were being ignored, and wished to have her grievances formally recorded.

Commissioner Sommerkorn asked Ms. Borup if she was able to research meeting minutes and see if anything had been documented.

Ms. Borup clarified that there was misinformation regarding the timeline of Boondocks' construction. She corrected the claim that it was built in 2013, explaining that construction actually started in 2008 and that meetings with the neighborhood took place before Boondocks opened in November 2009. These meetings, she noted, were not part of the public record because they were held privately — at the Boondocks building and in a neighborhood home.

Ms. Bora also emphasized the difference between Boondock's patrons and churchgoers, citing a recent conversation with the Kaysville City Manager about gating requirements. She pointed out that while churches aren't required to gate their properties, the nature of Boondocks' patrons is different — people staying in the parking lot after hours and partying until 1:00 AM as opposed to the earlier breakups of church activities. She again expressed frustration that these parties persist after employees leave and urged the city to require Boondocks to reinstate the gates as originally agreed. She stated that this was a reasonable request and reiterated how exhausting the situation has become for her neighborhood.

Ms. Greenwood stated that no public meeting ever took place where the discussions about gating and other agreements were documented. After researching records, she confirmed that the Conditional Use Permit for Boondocks was issued before the neighborhood meetings occurred, and notes from those private meetings were not part of any official public record or city regulatory authority.

She also explained that, according to the city's regulations, it would not have been legal for the city to impose a gate condition because such a requirement wasn't part of the standard conditions listed in their code, and there was no provision for that in the 12 conditions associated with the permit. She acknowledged that while the city may have been present during the discussions between Boondocks and the neighbors, the agreement on gates was more of a private agreement between Boondocks and the residents, rather than something officially mandated by the city. Therefore, the city could not force Boondocks to reinstall the gates.

Tyler Thorne expressed concern about Boondocks offering alcohol, suggesting it might change the family-friendly atmosphere that makes the business unique. He questioned whether adding alcohol would attract the intended crowd and suggested that maintaining the focus on activities like go-carts, mini-golf, and arcade games would keep it special. Tyler also voiced worries about the potential consequences of introducing alcohol, particularly the impact on the work environment for younger employees. He urged Boondocks to remain family-oriented and avoid losing what makes the business stand out in the community.

Laurene Starkey raised a concern about a homeless shelter, referred to as a "Code Blue" center, being located near Boondocks. She noted that it was recently voted on by the county and would be in close proximity to the business. Ms. Starkey mentioned the timing of this development alongside Boondocks' proposal to serve alcohol, questioning if the presence of the homeless shelter would create additional challenges.

Commissioner Sommerkorn responded, clarifying that homeless individuals would need to go inside Boondocks to acquire alcohol, and suggested that the issues of alcohol sales and the shelter were separate.

Chair Packer closed the public comments.

Commissioner Sommerkorn raised a question about the Conditional Use Permit standards, specifically referring to section 17-30, which addresses whether a facility or service contributes positively to the community without causing detrimental effects on health, safety, or general welfare. He suggested that, although public hearings are not always required for Conditional Use Permits, they can be valuable because they provide insight into potential concerns, such as the issue of patrons lingering after hours. Commissioner Sommerkorn proposed that requiring a gate to be installed might address the issue of late-night gatherings, questioning whether this could be considered an appropriate condition.

Commissioner Lott acknowledged that while suggesting the installation of gates might show good faith to the neighbors, it's not something the city can enforce. She explained that the gates were originally installed but deteriorated due to frequent impacts, leading to their abandonment. Ms. Lott mentioned that no other businesses were required to have gates, and the issue seemed to stem from maintenance challenges.

Commissioner Sommerkorn also discussed how the parking lot size had been addressed, with the intention of preventing street parking. While the gates' installation would be beneficial for neighborhood safety, Commissioner Lott suggested that it be a recommendation rather than an enforceable condition.

Brad Gibbs expressed his concerns about the noise and dangerous behavior happening near Boondocks every Friday and Saturday night. He lives just 500 steps from the facility, and reported seeing tire screeches and skid marks on Desert Drive, often caused by people doing donuts. He highlighted the risk posed by the area being close to a gymnastics center, dance studio, daycare, and a residential neighborhood, unlike other businesses like Applebee's or Wingers, which are in commercial areas. Gibbs emphasized that even without alcohol being served, the area already has traffic and safety issues that need to be addressed.

Commissioner Ellis expressed hesitation about implementing the suggestion of adding gates or other measures at Boondocks based solely on a few public comments. While she acknowledged the concerns, she was unsure if there was enough evidence to justify such an action, and questioned whether it would be within the city's authority to enforce such a condition. She emphasized the need for more substantial evidence to address the potential impact on the neighborhood.

Ms. Greenwood acknowledged the concerns raised by the neighbors but expressed uncertainty about the city's ability to impose the suggestion of adding gates, citing the lack of clear legal grounds in the current standards. She mentioned that, legally, the city might not have the authority to enforce such a condition, and recommended consulting with legal counsel for further guidance. She also suggested that the issue could be revisited at a future meeting if necessary.

Mary Paul is expressing concerns about Boondocks' changing target market. She pointed out that when Boondocks first came to the community, they marketed themselves as a family-friendly destination, but now, with the proposal to serve alcohol, it seems like they are shifting their focus to attract a much older demographic. She's questioning whether Boondocks has conducted a market analysis to show that this change in their target market is intentional and supported by data. Ms. Paul is concerned that this shift could undermine the family-friendly atmosphere that was initially promised to the neighborhood.

Mr. Damon Day responded to concerns about Boondocks' target market and the potential impact of serving alcohol. He acknowledged that while the addition of alcohol might appeal to an older crowd, it wouldn't fundamentally change the business's character. He explained that

businesses evolve over time to cater to various demographics, and businesses that only target children aren't financially successful. He emphasized that Boondocks strives to create a safe environment for families, children, and adults alike, noting that their alcohol sales would be minimal, far below the percentage typical of bars. He reassured that the focus remains on providing a family-friendly experience, even with the introduction of alcohol.

Ms. Greenwood stepped out to call the City Attorney to inquire the options of requiring Boondocks to have gates at the entrance. Chair Packer suggested moving to agenda item 8 while waiting for a response from the City Attorney. During that time that Commissioner Sommerkorn said that he is in favor of moving ahead without including gates in the motion.

Chair Packer said that he would be uncomfortable applying any condition and that gating and public disturbances are a separate issue.

Ms. Greenwood returned to the meeting and said the City Attorney doesn't believe adding a condition for a gate would be legally defensible.

Commissioner Ellis made a motion to approve the Conditional Use Permit for the sale of beer at Boondocks full-service restaurant located at 535 South Deseret Drive based on the findings of staff. Commissioner Sommerkorn seconded the motion and the vote was unanimous in favor of the motion (4-0).

Commissioner Allred - Yay
Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Lott – Yay

7- CONDITIONAL USE PERMIT FOR THE SALE OF LIQUOR AT THE BOONDOCKS FULL- SERVICE RESTAURANT LOCATED AT 525 SOUTH SUNSET DRIVE

Chair Packer asked Ms. Greenwood if staff and Commissioners need to go through item 7 separately.

Ms. Greenwood said the previous discussion was adequate, if the Planning Commission feels comfortable, then she is good to have a motion and a vote.

Commissioner Ellis made a motion to approve the Conditional Use Permit for the sale of liquor at Boondocks full-service restaurant located at 535 South Deseret Drive based on the findings of staff. Commissioner Sommerkorn seconded the motion and the vote was unanimous in favor of the motion (4-0).

Commissioner Allred - Yay
Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Lott - Yay

8- APPROVAL OF THE MINUTES FROM THE OCTOBER 10, 2024 PLANNING COMMISSION MEETING

Commissioner Sommerkorn made a motion to approve the minutes from the October 14, 2024 Planning Commission meeting and Commissioner Ellis seconded the motion. The vote was unanimous in favor of the motion (4-0).

Commissioner Allred - Yay
Chair Packer - Yay
Commissioner Sommerkorn - Yay
Commissioner Lott - Yay

9- OTHER MATTERS THAT PROPERLY COME BEFORE THE PLANNING COMMISSION

Ms. Greenwood provided updates to the Planning Commission on various initiatives.

Wasatch Front RFP for the Small Area Plan is ready to launch, potentially as early as tomorrow. Nine consulting firms, pre-vetted by Wasatch Front and interested in the project, will be invited to submit proposals. The proposals are expected to be received shortly after Thanksgiving, and the selection process will be jointly handled by the city and Wasatch Front.

The Community Reinvestment Area was presented to the county commissioners during a Tuesday work session. A key concern regarding the use of third-quarter transportation funds has been addressed in the draft interlocal agreement. The agreement now stipulates that any transportation funds received will proportionally reduce the project's funding cap. Pending approval at the next county meeting, Ms. Greenwood is optimistic about its progress.

No Planning Commission meeting will be held on Thanksgiving. The next meeting is scheduled for December 12.

The Planning Commissioner Alternate Interviews are in process, with six interviews that have been conducted and three more planned. Ms. Greenwood emphasized the importance of having a diverse representation on the planning commission, noting the broad range of perspectives among applicants. She concluded by expressing enthusiasm for the quality and scope of the applicants and projects underway.

10- ADJOURNMENT

Commissioner Lott motioned to adjourn the meeting at 8:46 pm.