



MEETING NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Council will hold a regular council meeting on Thursday, July 15, 2021, starting at 7:00 P.M. in the **Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT**. The meeting will be streamed on YouTube, and the link to the meeting will be posted on www.KaysvilleLive.com. For those wishing to direct comments to the City Council can do so in-person, or email comments to publiccomment@kaysvillecity.com. Emailed comments will NOT be read out-loud at the meeting. Members wishing to speak during an Action Items or during Call to the Public must sign-up in person before the meeting to speak.

CITY COUNCIL Q&A – 6:30 P.M.

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

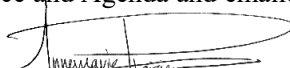
CITY COUNCIL MEETING – 7:00 P.M.

The agenda shall be as follows:

1. OPENING
 - a. Provided by Council Member Michelle Barber.
2. PRESENTATIONS AND AWARDS
 - a. Swearing-in of new Kaysville City Police Officers Ricardo Lozano and Travis Collings.
 - b. Patriotic Employer Award Presentation.
3. DECLARATION OF ANY CONFLICTS OF INTEREST
4. CONSENT ITEMS
 - a. Approval of Minutes of June 17, 2021.
 - b. Approval of Minutes of July 1, 2021.
 - c. An Ordinance updating the Kaysville Municipal Code to remove masculine-gendered pronouns describing city officials.
5. ACTION ITEMS
 - a. A Resolution authorizing the City Manager to trade property interest at the Davis County Animal Shelter for a portion of the County's real property to complete the Angel Street portion of the Connector Road.
 - b. Request to rezone 1.1 acres of property at approximately 600 North and Main Street from GC (General Commercial) to the R-M (Residential Multi-Family) to include the PRUD (Planned Residential Unit Development) overlay zone – Destination Homes.
 - c. Preliminary Plat for the Mutton Hollow Townhomes Subdivision at approximately 600 North and Main Street – Destination Homes.
6. WORK ITEMS
 - a. Discussion on a Criminal Battery Ordinance for Kaysville City.
 - b. Discussion on a Mixed Use (MU) Zoning Ordinance.
7. CALL TO THE PUBLIC (3 MINUTE LIMIT, MUST SIGN UP IN PERSON)
8. COUNCIL MEMBER REPORTS
9. CITY MANAGER REPORT
10. ADJOURNMENT

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

I hereby certify that I posted a copy of the foregoing Notice and Agenda and emailed copies to media representatives on July 9, 2021.



Annemarie Plaizier, City Recorder

KAYSVILLE CITY COUNCIL

June 17, 2021

Minutes of a regular Kaysville City Council meeting held on June 17, 2021 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT. Budget hearings were held before the meeting beginning at 6:30 P.M. Kaysville City Redevelopment Agency and Kaysville City Municipal Authority Board meetings were held following the Council meeting.

Council Members present: Mayor Katie Witt, Council Member John Swan Adams, Council Member Michelle Barber, Council Member Mike Blackham, Council Member Andre Lortz, and Council Member Tamara Tran

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, Finance Director Dean Storey, City Recorder Annemarie Plaizier, Assistant Finance Director Levi Ball, Information Technology Assistant Jordan Hansen, Public Works Superintendent Josh Belnap, Fire Chief Paul Erickson, Sgt. Jeremy Owens, Legal Intern Josh Martineau, Dick Bourne, David Moore, Keith Russell

6:30 P.M. – REDEVELOPMENT AGENCY BUDGET HEARING

Finance Director Dean Storey explained that tonight there are a series of Public Hearings scheduled regarding the FY 2022 budgets. This first budget hearing pertains to amendments to the city's Redevelopment Agency Budget for FY 2021 and consideration of the Redevelopment Agency Budget for FY 2022.

Mayor Witt opened the Public Hearing for this item.

There were no comments or questions from the public. Mayor Witt closed the Public Hearing.

Council Member Blackham made a motion to close the Public Hearing for the Redevelopment Agency Budget Hearing at 6:32 p.m., seconded by Council Member Adams. The motion passed with a unanimous vote.

6:35 P.M. – MUNICIPAL BUILDING AUTHORITY BUDGET HEARING

Finance Director Dean Storey explained that the Municipal Building Authority was created as an entity to assist in municipal building projects. It accounts for the funds related to these projects as well as the debts associated with them. The first item for consideration are amendments to the Kaysville City Building Authority Budget FY 2021 for expenditures not accounted for in the renovation of the city building. The second item is in regards to consideration of the FY 2022 for the Municipal Building Authority, which includes payment for debt service towards the police station as well as the city hall renovation.

Mayor Witt opened the Public Hearing for this item.

There were no comments or questions from the public. Mayor Witt closed the Public Hearing.

Council Member Lortz made a motion to close the Public Hearing for the Municipal Building Authority Budget Hearing at 6:37 p.m., seconded by Council Member Tran. The motion passed with a unanimous vote.

6:40 P.M. – KAYSVILLE CITY BUDGET HEARING FISCAL YEAR 2022 – ENTERPRISE FUNDS INTER-FUND SERVICES AND TRANSFERS

Finance Director Dean Storey explained that the state requires that a separate budget hearing be held in relation to the city's enterprise fund activity. This accounts for any activity between the enterprise funds and the general fund.

Mayor Witt opened the Public Hearing for this item.

There were no comments or questions from the public. Mayor Witt closed the Public Hearing.

Council Member Tran made a motion to close the Public Hearing for the Kaysville City Budget Hearing Fiscal Year 2022 for Enterprise Funds Inter-Fund Services and Transfers at 6:43 p.m., seconded by Council Member Lortz. The motion passed with a unanimous vote.

6:45 P.M. – KAYSVILLE CITY COUNCIL BUDGET HEARING FISCAL YEAR 2022

Finance Director Dean Storey explained that this budget hearing pertains to the proposed operating city council budget for the city. This includes amendments to the City Fiscal Year 2021 budgets and consideration of the City Fiscal Year 2022 budgets.

Mayor Witt opened the Public Hearing for this item.

There were no comments or questions from the public. Mayor Witt closed the Public Hearing.

Council Member Lortz made a motion to close the Public Hearing for the Kaysville City Budget Hearing Fiscal Year 2022 at 6:50 p.m., seconded by Council Member Tran. The motion passed with a unanimous vote.

7:00 P.M. – CITY COUNCIL MEETING

OPENING

Council Member Tran asked Fire Chief Erickson to speak about fire safety.

Fire Chief Paul Erickson commented that a news release was published yesterday pertaining to high hazard areas in Kaysville and Fruit Heights where fires and fireworks are being restricted. We are asking residents in those high hazard areas to not use fire pits or fireworks at this time. We are also asking all of our residents to be more aware when using fireworks or when having a recreational fire by making sure that fires are completely extinguished and to always have water nearby. The state has announced more fire restrictions that will remain in effect until September 30th. It has been a very dry year and the risk of fires is very serious.

PRESENTATIONS AND AWARDS

OPEN MEETINGS ACT TRAINING/LEGAL DEPARTMENT PRESENTATION

City Attorney Nic Mills explained that his department consists of himself, a full-time paralegal and a grant-funded part-time domestic violence prosecutor, Samantha Smith. Samantha Smith has years of experience as an attorney and prosecutor in primarily municipal work. Her work has really benefitted the city and she is a great asset. Over the last year, we had a slight downturn in cases that were tried because the courts went into lockdown during the pandemic. We saw 22 trials in 2019 and only 4 in 2020. This year we have already had 17 trials. Through the pandemic, we still prosecuted about 2,100 cases, which is still a little lower than normal. We prosecute our cases through the Davis County Justice Court and feel very fortunate to be able to work with them. At the beginning of 2020, we had three civil cases, one of which was a land use issue on Angel Street that was resolved in January. We have resolved all outstanding civil cases that we have had at this point, which is great news because civil cases take up much of staff's time and creates more stress on employees. Mr. Mills presented an Open Meetings Act training and explained that as a public body, the council must conduct business in public, but that doesn't necessarily mean that the public is required to make comments at those meetings. The council is doing business on behalf of the public and therefore the public should be able to be present in most cases. Only those authorized to call a meeting can convene a meeting, and there are certain noticing requirements depending on if the meeting is going to be where the council will be discussing, receiving public comment or acting upon a matter they have authority to act upon.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Council Member Lortz made a motion to accept the following consent items:

- a. Approval of Minutes of May 6, 2021.

The motion was seconded by Council Member Blackham.

The vote on the motion was as follows:

Council Member Blackham, yea
Council Member Adams, yea
Council Member Tran, yea
Council Member Lortz, yea
Council Member Barber, yea

The motion passed unanimously.

ACTION ITEMS

Mayor Witt announced that Action Item's 5i and 5j would be considered before the other action items.

REQUEST TO REZONE 0.57 ACRES OF PROPERTY AT 1599 WEST 200 NORTH FROM THE R-1-20 (RESIDENTIAL SINGLE FAMILY 20,000 SQUARE FEET) TO R-1-14 (SINGLE FAMILY RESIDENTIAL 14,000 SQUARE FEET) ZONING DISTRICT – KEITH RUSSELL

Lyle Gibson explained that Keith Russell, the applicant, is requesting a rezone of the property at 1599 West 200 North in order to accommodate a proposed lot line adjustment. The property is currently zoned R-1-20 to accommodate a single-family dwelling with a minimum 20,000 square foot lot. Mr. Russell would like to sell a large portion of his rear yard to the neighbor southeast of him at 181 North Mountain Vistas Road. The lot now measures at 24,994 square feet and the zone would allow him to keep a minimum of 14,000 square feet and sell off the remainder of the lot. The Planning Commission voted unanimously to recommend approval of the rezone as requested.

Council Member Barber made a motion to approve the request to rezone 0.57 acres of property at 1599 West 200 North from R-1-20 (Residential Single Family 20,000 square feet) to R-1-14 (Single Family Residential 14,000 square feet) zoning district for Keith Russell. The motion was seconded by Council member Lortz.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Tran, yea
Council Member Lortz, yea
Council Member Barber, yea
Council Member Blackham, yea

The motion passed unanimously.

REQUEST TO REZONE 0.22 ACRES OF PROPERTY AT 327 EAST 200 NORTH FROM THE R-1-8 (RESIDENTIAL SINGLE FAMILY 8,000 SQUARE FEET) TO R-2 (ONE OR TWO FAMILY RESIDENTIAL) ZONING DISTRICT – DICK BOURNE

Lyle Gibson explained that Dick Bourne owns the property located at 327 East 200 North and is requesting a rezone in order to accommodate a proposed duplex or twin home on the property. The property is currently zoned to accommodate a single-family dwelling on an 8,000 square foot lot. While the R-1 zoning district has some provisions to allow for two-family dwellings, there are multiple within close proximity in the R-D zoning district to the south that requires the consideration of a different zone if a two-family dwelling is desired. During the public hearing with the Planning Commission, the applicant shared a concept of a single story structure in which they hope to build. The Planning Commission voted 5-1 to recommend a favorable vote to the city council for the requested rezone. The descending vote expressed concern for the rezone because it seems to go against the intention of the existing zoning district which seeks to spread out duplexes and twin homes. During the public hearing one of the neighbors spoke about some concerns with the structure not being higher than single-story.

Dick Bourne commented that he is proposing to build a single-story structure with a basement. This is a good location for this type of development. Mr. Bourne said that he had spoken with the surrounding neighbors who were in favor of it. The one neighbor who spoke against the rezone lives further down from here and won't be impacted by this.

Council Member Blackham asked that a hammerhead or pull-through driveway be required since this property takes access off 200 North.

Dick Bourne responded that the lot is wide enough that there will be a driveway of either side of the unit and parking in the back.

Council Member Barber made a motion to approve the request to rezone of 0.22 acres of property at 327 East 200 North from R-1-8 (Residential Single Family 8,000 square feet) to R-2 (One or Two Family Residential) zoning district for Dick Bourne with the condition that the structure be single-level with a basement and that the units have pull-forward driveways. The motion was seconded by Council Member Adams.

The vote on the motion was as follows:

Council Member Tran, yea
Council Member Lortz, yea
Council Member Barber, yea
Council Member Blackham, yea
Council Member Adams, yea

The motion passed unanimously.

Council Member Barber commented that the city might consider adding language to our city ordinances requiring pull-forward driveways on any new development along major roads.

The City Council took a ten-minute recess and reconvened at 7:44 p.m.

AN ORDINANCE TO SELL VARIOUS PROPERTIES TO UDOT

Josh Belnap explained that recently UDOT had a third party appraise three parcels along the Highway 89 frontage roads, which are owned by the city. Portions of these parcels are needed for the frontage roads, but the remainder of the affected parcels will remain intact and usable by the city. The first property is on Green Road in Fruit Heights, the second in front of the 'Lower Pasture Tank' entrance, and the third is where the now demolished 'West Crestwood Water Tank' used to sit. The West Crestwood Water Tank was replaced in the Orchard Ridge Subdivision. In total, the three parcels make up 1.62 acres, and UDOT's appraisals of the portions needed total \$520,100.

Council Member Blackham made a motion to approve an Ordinance to sell various properties to UDOT, seconded by Council Member Lortz.

The vote on the motion was as follows:

Council Member Lortz, yea
Council Member Barber, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Tran, yea

The motion passed unanimously.

A RESOLUTION AMENDING THE KAYSVILLE CITY BUDGETS FOR FISCAL YEAR 2021

Dean Storey explained that, if approved, this resolution would amend the FY 2021 General Fund and Capital Projects Fund Budgets as necessary.

Council Member Lortz made a motion to approve a Resolution amending the Kaysville City Budgets for Fiscal Year 2021, seconded by Council Member Barber.

The vote on the motion was as follows:

Council Member Barber, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Tran, yea
Council Member Lortz, yea

The motion passed unanimously.

A RESOLUTION AMENDING THE KAYSVILLE CITY BUDGET FOR FISCAL YEAR 2021 FOR THE PURPOSE OF TRANSFERRING FUND BALANCE FOR THE USE OF FUTURE CAPITAL PROJECTS

Dean Storey explained that during the FY 2020 audit the city's financial auditors found that, as of June 30, 2020, the city's unassigned General Fund balance totaled 29.9% of total revenues. The Utah State Compliance Guide requires that the unassigned fund balance not exceed 25% of total revenues. Staff has identified several capital projects as part of the city's Capital Facilities Plan and is therefore recommending that this resolution be approved to allow the transfer of the unassigned General Fund balance to the Capital Projects Fund. The amount that would be transferred would total \$850,000.

Council Member Adams made a motion to approve a Resolution amending the Kaysville City Budget for Fiscal Year 2021 for the purpose of transferring fund balance for the use of future capital projects, seconded by Council Member Lortz.

The vote on the motion was as follows:

Council Member Blackham, yea
Council Member Adams, yea
Council Member Tran, yea
Council Member Lortz, yea
Council Member Barber, yea

The motion passed unanimously.

A RESOLUTION ADOPTING A SCHEDULE OF FISCAL YEAR 2022 COUNCIL APPROVED POSITIONS; COMPENSATION SCHEDULES FOR CITY OFFICIALS AND EMPLOYEES AND A COMPENSATION PROGRESSION PLAN

Dean Storey explained that this item is related to the approval of the FY 2022 budget, and needs to be adopted separately for clarification. This resolution would adopt the schedule of the FY 2022 Council Approved Positions, a Compensation Schedule for City Officials and Employees, and a Compensation Progression Plan with an effective date of July 1, 2021.

Council Member Adams made a motion to approve a Resolution adopting a schedule of Fiscal Year 2022 Council Approved Positions, Compensation Schedules for City Officials and Employees, and a Compensation Progression Plan. The motion was seconded by Council Member Barber.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Tran, yea
Council Member Lortz, yea
Council Member Barber, yea
Council Member Blackham, yea

The motion passed unanimously.

A RESOLUTION ADOPTING THE CONSOLIDATED FEE SCHEDULE FOR FISCAL YEAR 2022

Dean Storey explained that this Resolution would adopt a Consolidated Fee Schedule for Fiscal Year 2022 as part of said budget.

Council Member Blackham commented that the Plan Check Fee under the section “Building Permit Fees” needs to read: “Same as 10% of Permit Fee.

Council Member Adams made a motion to approve a Resolution adopting the Consolidated Fee Schedule for Fiscal Year 2022 with the aforementioned amendment. The motion was seconded by Council Member Blackham.

The vote on the motion was as follows:

Council Member Tran, yea
Council Member Lortz, yea
Council Member Barber, yea
Council Member Blackham, yea
Council Member Adams, yea

The motion passed unanimously.

A RESOLUTION ADOPTING ADDENDUM #1 TO THE KAYSVILLE CITY TENTATIVE BUDGETS FOR FISCAL YEAR 2022 RELATED TO THE PROVIDING OF PARAMEDIC SERVICES

Dean Storey explained that there would be further discussion in relation to this addendum regarding the providing of paramedic services during the council's Truth and Taxation. This is only approving a proposed amount to be sent to the county and included in a mailer to residents.

Shayne Scott added that earlier this year while reviewing the FY 2022 budget the council directed staff to remove certain personnel requests that had been included in the tentative budget in order to help with some deficit amounts shown at that time. Since then, the city has received updated numbers for property tax revenue, which leaves a different of about \$150k of additional revenue, if the city were to keep the certified tax rate level as we originally planned for. The council could choose to use that money to allow for a police officer position and city engineer, two police officer positions, use the extra funds towards paramedic services, or could decrease the tax rate.

Council Member Blackham commented that he believed that the council would only be discussing this addendum in regards to providing paramedic services and would be discussing the personnel requests for FY 2022 later.

Council Member Tran asked if the city would be receiving any additional funds from Fruit Heights to fund the paramedic program.

Shayne Scott responded that the city has not entered into any negotiations with Fruit Heights for paramedic services.

Mayor Witt added that the council is still reviewing the tentative budget and will still need to hold the truth in taxation before adopting the final budget in August.

Shayne Scott responded that the county sends a postcard out to all residents with information about the truth in taxation and the proposed tax increase rate. The council needs to decide what they want that rate to be. That doesn't mean that the council can't change that after holding the truth in taxation, but the council can't propose a rate higher than what was disclosed to the residents.

Council Member Blackham commented that the city decided it didn't need a city engineer a couple of years ago and wonders why we feel we need one now when it costs the city less to use a consultant for our engineering needs.

Council Member Adams said that there has been some confusion on the timing of when the council would review the proposed personnel. However, he sees a need for a city engineer, and would also like to see the city work with the DTC to get an officer on site there as well. Council Member Adams asked when the county needed to know what tax rate the city would like to propose.

Dean Storey responded that they would need an answer by the end of the week.

Council Member Barber commented that obtaining money towards the paramedic program has been prioritized and is something that the city needs. This is something that we can't negotiate. The paramedic program and the tax rate needed for that is independent from our other needs. The

\$150k that was not accounted for in the first draft of the tentative budget gives us an opportunity to hire a city engineer and police officer. The needs of the city are continually increasing as our city is growing.

Council Member Lortz commented that if the city were to hold our tax rate steady we would be looking at raising property taxes by \$300k, with the additional increase to include paramedic services of \$690k. That would create a proposed property tax increase of a million dollars this year. However, if we keep our certified tax rate level and apply the \$150k of excess funds towards the funds needed for the paramedic program, we are then looking at only raising taxes \$850k this year. The proposed personnel positions would be put on hold until we could find additional revenue elsewhere.

Council Member Tran said that when the city decided to eliminate the city engineer position the city was different and demands for it was different. We have seen a lot of growth in the last couple of years and there is now a need for a city engineer. We have great employees trying to do multiple jobs, but they can only do so much. It might be best to wait to see if there are other ways to fund the position besides through a tax increase.

Council Member Barber asked about what specifics the county needed at this time.

Dean Storey said that the certified tax rate is a revenue driven rate and the county is asking for the amount of revenue that Kaysville is asking for above what the certified tax rate gives the city. There would be two components to it. First would be holding the rate steady, which would be at about \$400k and then the additional \$690k for paramedic services. We would go back to the county with the numbers we want to see and schedule the Truth and Taxation for a specific date.

Council Member Barber said that she agrees that there are personnel needs and would like to see the council find some way to get them funded.

Council Member Lortz added that this doesn't include the amount that the county will be giving back to the city for what they are currently getting for paramedic services. The proposed tax rate we decide to announce for the truth in taxation will be the worst-case scenario number and we can approve a lesser tax rate.

Council Member Lortz made a motion to approve a Resolution adopting Addendum #1 to the Kaysville City Tentative Budgets for Fiscal Year 2022, with the removal of the excess \$150k in the proposed tax rate to fund additional personnel. The motion was seconded by Council Member Blackham.

Council Member Barber asked Council Member Lortz what he would like to see happen with the proposed personnel positions.

Council Member Lortz responded that the council should continue to review the budget and see about finding other ways to fund those personnel positions.

Council Member Adams commented that there is already \$200k of the proposed tax rate accounted for to cover current city services. The \$150k is in excess of that amount, as is the amount needed for paramedic services. The \$150k would be a chance to be able to fund a city engineer position.

Council Member Adams made a substitute motion to approve a Resolution adopting Addendum #1 to the Kaysville City Tentative Budgets for Fiscal Year 2022, with the stipulation that the proposed tax rate take a portion of the excess \$150k to fund a city engineer position.

Mayor Witt commented that she feels there is a need for a city engineer and it is important that we find a way to fund the position.

Council Member Barber seconded Council Member Adams' motion.

The vote on the motion was as follows:

Council Member Lortz, yea
Council Member Barber, yea
Council Member Blackham, nay
Council Member Adams, yea
Council Member Tran, nay

The motion passed with a vote of three to two.

Dean Storey clarified that council is proposing additional revenue of \$970k to the county.

Council Member Adams commented that he would like residents to know that proposing a tax increase is a hard decision for the council to make. It is important that the city have a city engineer and the proposed tax rate number is a worst-case scenario number. A different decision can be made in August and we will do our best to find a way to lower that number before making a final decision.

Council Member Tan commented that the council does not want to have to raise taxes but paramedic services are an essential service and we have to do what needs to be done to provide this essential service. Our city has grown and changed so much and we continue to have more demand on the services that the city provides.

Mayor Witt added that our council members feel passionately about taking care of the city both financially, as well as taking care of our staffing needs. They are aware about the impact this will make on our residents.

Council Member Blackham said that he had intended to vote in favor of this item tonight because it supports the paramedic services, but voted the way he did because he was unaware of this additional money and information until tonight.

A RESOLUTION AUTHORIZING THE SPENDING OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

Shayne Scott explained that the purpose of this item is to ask the council to ratify staff recommendations as presented at the previous council meeting regarding the American Recovery Plan funds. Staff met together as all of the department heads previously and came up with a consensus on recommendations when it comes to spending American Recovery Plan funds as part

of a federal legislation. We have also looked at Treasury guidance when making these decisions. The funds used by the fire department would support public health response. Funds for the water department would invest in water, sewer and broadband infrastructure. Funds directed towards fiber projects in the city would benefit the city with connectivity to city facilities and will open up opportunities for increased connectivity, including investments in broadband made in areas that are currently underserved, while being encouraged to prioritize projects that achieve last-mile connections to households and businesses. The vast majority of spending directly benefits water and sewer related infrastructure. We will be doing our best to utilize our existing infrastructure and contractors currently working in the city to maximize the dollars allocated. The final area where money would be allocated would be towards our police department in supporting the public health response. This proposal includes the hiring of a full-time mental health professional. The idea behind this would be to fund this program for 4 years to respond to both staff and residents from a mental health perspective. So many times our police officers and first responders are asked to intervene in a mental health crisis when they often do not have the training to do so. We should be receiving the first half of the ARP funds soon and the second half should come in a year. We will have until 2026 to spend these funds.

Council Member Tran made a motion to approve a Resolution authorizing the spending of American Rescue Plan Act (ARPA) Funds, seconded by Council Member Lortz.

The vote on the motion was as follows:

Council Member Barber, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Tran, yea
Council Member Lortz, yea

The motion passed unanimously.

A RESOLUTION EXTENDING FIRE SERVICES TO FRUIT HEIGHTS AND ACCEPTING THE AMOUNTS FRUIT HEIGHTS CITY HAS OFFERED FOR CONTINUING SERVICE

Mayor Witt said that the council discussed this item at the previous council meeting and since that time, the Fruit Heights City Council adopted a resolution outlying the understanding between the two communities for both Fiscal Year 2021 and Fiscal Year 2022. Further discussion and negotiation will need to continue in regards to what will happen in the future with continuing fire services.

Council Member Lortz made a motion to approve a Resolution extending fire services to Fruit Heights and accepting the amount Fruit Heights has offered for continuing service, seconded by Council Member Barber.

Council Member Adams commented that he is disappointed that Fruit Heights had proposed an arbitrary amount to us to continue to provide fire services, when we gave them legitimate numbers of the cost. Our city council has also shown our willingness to hold a truth in taxation in order to find a way to fund professional fire services for our residents. Fruit Heights seems unwilling to do the same for their residents.

Council Member Lortz said that our numbers have been considered arbitrary for several years until now. While he understands some of the concerns that were raised by Fruit Heights around what they felt were past disadvantages with the agreement between the two cities, both cities have agreed to these current resolutions as to what might be acceptable for now. Neither city is happy with this outcome, but both have compromised. Both cities will need to discuss paramedic services for Fiscal Year 2023. Fruit Heights has been given notice as to what that will look like for them if Kaysville should provide those services to their residents. Both cities have expressed the desire to explore creating a fire district, which would create a separate entity from both cities.

The vote on the motion was as follows:

Council Member Blackham, nay
Council Member Adams, nay
Council Member Tran, yea
Council Member Lortz, yea
Council Member Barber, yea

The motion passed with a vote of three to two.

CALL TO THE PUBLIC

Nothing was brought under this item.

COUNCIL MEMBER REPORTS

Council Member Barber commented that the city has some great events planned for Independence Day and encouraged everyone to attend them.

Mayor Witt commented that Utah is in a serious drought this year and there is a chance that we may run out of secondary water by August. The city is conserving water where we can and it is important that everyone be conscientious of his or her water usage. Mayor Witt encouraged everyone to conserve as much as possible.

CITY MANAGER REPORT

Shayne Scott thanked the council for their support with the paramedic program and Chief Erickson is already working towards obtaining a paramedic license. It is the right thing to do to raise taxes so that we will have the funds necessary to support the paramedic program.

ADJOURNMENT

Council Member Tran made a motion to adjourn the City Council meeting at 9:07 p.m., seconded by Council Member Lortz and passed unanimously.

KAYSVILLE CITY
REDEVELOPMENT AGENCY BOARD MEETING
June 17, 2021

Minutes of a Kaysville City Redevelopment Agency Board Meeting held on June 17, 2021 at 9:07 p.m. in the City Council Chambers of the Kaysville City Municipal Center at 23 East Center Street, Kaysville, UT.

Board Members present: Chairperson Katie Witt, John Swan Adams, Michelle Barber, Mike Blackham, Andre Lortz and Tamara Tran.

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, Finance Director Dean Storey, City Recorder Annemarie Plaizier, Assistant Finance Director Levi Ball, Information Technology Assistant Jordan Hansen, Public Works Superintendent Josh Belnap, Fire Chief Paul Erickson, Sgt. Jeremy Owens, Legal Intern Josh Martineau

OPENING

Chairperson Witt opened the meeting by welcoming those present.

**A RESOLUTION ADOPTING A BUDGET FOR THE KAYSVILLE CITY
REDEVELOPMENT AGENCY FOR FISCAL YEAR 2022**

Finance Director Dean Storey explained that this resolution is to adopt the budget for the Kaysville City Redevelopment Agency for Fiscal Year 2022.

Board Member Lortz made a motion to approve a Resolution adopting a budget for the Kaysville City Redevelopment Agency for Fiscal Year 2022, seconded by Board Member Barber.

A vote on the motion was as follows:

Board Member Blackham, yea
Board Member Adams, yea
Board Member Tran, yea
Board Member Lortz, yea
Board Member Barber, yea

The motion passed unanimously.

ADJOURNMENT

Board Member Lortz made a motion to adjourn the Kaysville City Redevelopment Agency Board Meeting at 9:08 p.m., seconded by Board Member Tran and passed unanimously.

KAYSVILLE CITY
MUNICIPAL BUILDING AUTHORITY BOARD MEETING
June 17, 2021

Minutes of a Kaysville City Municipal Building Authority Board Meeting held on June 17, 2021 at 9:08 p.m. in the City Council Chambers of the Kaysville City Municipal Center at 23 East Center Street, Kaysville, UT.

Board Members present: Chairperson Katie Witt, John Swan Adams, Michelle Barber, Mike Blackham, Andre Lortz and Tamara Tran.

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, Finance Director Dean Storey, City Recorder Annemarie Plaizier, Assistant Finance Director Levi Ball, Information Technology Assistant Jordan Hansen, Public Works Superintendent Josh Belnap, Fire Chief Paul Erickson, Sgt. Jeremy Owens, Legal Intern Josh Martineau

OPENING

Chairperson Witt opened the meeting by welcoming those present.

A RESOLUTION AMENDING THE BUDGET FOR THE KAYSVILLE CITY MUNICIPAL BUILDING AUTHORITY FOR FISCAL YEAR 2021

Finance Director Dean Storey explained that the Municipal Building Authority for Kaysville City adopted the Fiscal Year 2021 budget for the purpose of accounting for expenditures related to the Municipal Building Authority. This proposed resolution is to amend the Fiscal Year 2021 budget for the purpose of accounting for expenditures pertaining to the City Hall remodel project.

Board Member Barber made a motion to approve a Resolution amending the Budget for the Kaysville City Municipal Building Authority for Fiscal Year 2021, seconded by Board Member Lortz.

The vote on the motion was as follows:

Board Member Adams, yea
Board Member Tran, yea
Board Member Lortz, yea
Board Member Barber, yea
Board Member Blackham, yea

The motion passed unanimously.

A RESOLUTION ADOPTING A BUDGET FOR THE KAYSVILLE CITY MUNICIPAL BUILDING AUTHORITY FOR FISCAL YEAR 2022

Dean Storey explained that the proposed resolution is to adopt the budget for the Kaysville City Municipal Building Authority for Fiscal Year 2022. It includes the debt service payments for the police station and the city hall project.

Board Member Lortz made a motion to approve a Resolution adopting a budget for the Kaysville City Municipal Building Authority for Fiscal Year 2022, seconded by Board Member Tran.

The vote on the motion was as follows:

Board Member Tran, yea
Board Member Lortz, yea
Board Member Barber, yea
Board Member Blackham, yea
Board Member Adams, yea

The motion passed unanimously.

ADJOURNMENT

Board Member Adams made a motion to adjourn the Kaysville City Municipal Building Authority Board Meeting at 9:10 p.m., seconded by Board Member Lortz and passed unanimously.

KAYSVILLE CITY COUNCIL
July 1, 2021

Minutes of a regular Kaysville City Council meeting held on July 1, 2021 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Katie Witt, Council Member John Swan Adams, Council Member Michelle Barber, Council Member Mike Blackham, Council Member Andre Lortz, and Council Member Tamara Tran

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Assistant Finance Director Levi Ball, Information Systems Manager Ryan Judd, Fire Chief Paul Erickson, Sgt. Preston Benoit, Parks and Recreation Superintendent Cole Stephens, Abbigayle Hunt, Jay Welk, Matt Hill, Jason Gagner, Nate Jackson, David Moore, Perry Oaks, Lijun Webb, Matt Howes, Paul Feser, Jeff Hansen, John Mayer, Jill Mayer

OPENING

Mayor Katie Witt opened the meeting and led the audience in the pledge of allegiance.

PRESENTATIONS AND AWARDS

A PROCLAMATION DECLARING JULY 2021 AS PARKS AND RECREATION MONTH

Mayor Witt read a proclamation declaring July 2021 as Parks and Recreation Month and invited citizens to visit our community parks and participate in recreation resources. Mayor Witt commented that our community loves our parks and recreation and we are very appreciative of what they do.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Council Member Blackham commented that in the minutes of June 3, 2021 on page 3 under his comment about the RAMP tax, the wording needed to be changed to “non-food items”.

Council Member Barber made a motion to accept the following consent items:

- a. Approval of Minutes of May 20, 2021.
- b. Approval of Minutes of June 3, 2021, with the aforementioned change.
- c. Contract Amendment with Horrocks Engineering for additional work as requested by Farmington and Kaysville.

The motion was seconded by Council Member Tran.

The vote on the motion was as follows:

Council Member Barber, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Tran, yea
Council Member Lortz, yea

The motion passed unanimously.

D. AN ORDINANCE AMENDING 7-4-7 AND RENUMBERING THE CURRENT 7-4-7 OF THE KAYSVILLE MUNICIPAL CODE REGARDING FIREWORK RESTRICTIONS

Chief Paul Erickson explained that in 2016, the city adopted the proposed language of this ordinance but the codebook was never updated to reflect this amendment. Subsequent code amendments have made adding this section to the codebook now unclear. Staff felt the simplest solution would be to readopt the previously adopted section and renumber the code so that this section rests in the appropriate section of the code.

Council Member Barber pointed out a typo in the proposed ordinance. Council Member Barber asked Chief Erickson for an update on fireworks restrictions.

Chief Paul Erickson responded that because of the fire danger this year the fire department has been trying to let our residents know about the importance of fireworks safety. We are asking people to use common sense and be more careful when using fireworks. The high hazard area as outlined in this ordinance has prohibited the use of any fireworks.

Council Member Blackham made a motion to approve an Ordinance amending 7-4-7 and renumbering the current 7-4-7 of the Kaysville Municipal Code regarding firework restrictions with the change to fix the aforementioned typo, seconded by Council Member Lortz.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Tran, yea
Council Member Lortz, yea
Council Member Barber, yea
Council Member Blackham, yea

The motion passed unanimously.

ACTION ITEMS

AN ORDINANCE DEFINING ALARM SYSTEMS AND ESTABLISHING SANCTIONS FOR REPEATED FALSE ALARMS

Nic Mills explained that this ordinance has been discussed previously by the council. The ordinance would enact a new section of the City Code addressing repeated false alarms. Several months ago, Chief Paul Erickson discussed with the council the difficulties associated with

repeatedly responding to false fire alarms. This ordinance is designed to address this issue. The ordinance, in conjunction with some proposed fees in the consolidated fee schedule, would create sanctions for a third, or more, false alarms per quarter. The ordinance also defines alarm systems and provides some procedural guidance for enforcement.

Council Member Lortz made a motion to approve an Ordinance defining alarm systems and establishing sanctions for repeated false alarms, seconded by Council Member Tran.

The vote on the motion was as follows:

Council Member Tran, yea
Council Member Lortz, yea
Council Member Barber, yea
Council Member Blackham, yea
Council Member Adams, yea

The motion passed unanimously.

WORK ITEMS

PROPERTY EXCHANGE BETWEEN KAYSVILLE AND DAVIS COUNTY

Shayne Scott explained that Kaysville City and Davis County have been negotiating for a few months on a potential property exchange that would benefit both parties. Davis County owns a parcel of land that Kaysville City needs for the Angel Street portion of the Connector Road project. Kaysville City has a 1/3 interest in the property upon which sits the Davis County Animal Control building. Davis County did a value assessment of both parcels and found that the parcel Kaysville needs has slightly more value than the interest Kaysville would give up in the Animal Shelter parcel. The county therefore is proposing to only exchange that portion of their property that Kaysville City needs for the road right-of-way. The proposal is to swap these parcels straight across and not exchange any funds. City Staff has reviewed this proposal and believes the parcels in question are worth the same amount of money, and that the exchange would be beneficial for both organizations.

Council Member Tran made a motion to move the consideration of a property exchange between Kaysville City and Davis County to an action item, seconded by Council Member Lortz.

The vote on the motion was as follows:

Council Member Lortz, yea
Council Member Barber, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Tran, yea

The motion passed unanimously.

DISCUSSION REGARDING THE AMENDMENT OF SUNSET EQUESTRIAN ESTATES DEVELOPMENT AGREEMENT

Nic Mills explained that a number of years ago the City entered into a development agreement that required that the Sunset Equestrian Estates Homeowners Association maintain an equestrian center in the development. Subsequently the City amended that agreement which allowed that the equestrian center be operated by a private party. That private party has approached the City and would like to remove that requirement from the development agreement because they claim that the equestrian center is, or soon will be, financially unfeasible. Of note, this property is still zoned A-5. City staff supports this amendment for two reasons. First, it seems unlikely that the city would force the property owner to continue operating an unprofitable business. Second, due to the current zoning, any development of this property beyond approximately four permitted homes currently allowed would require a rezone application. The legislative rezone authority grants the City broad discretion to determine the appropriate land use for this property. For these reasons, the City believes that this amendment is largely benign and thus Staff supports the amendment. City Staff does not anticipate any costs to the city based on the passage of this resolution. Passage of this resolution may avoid litigation costs. By approving the removal of this from the development agreement, the council would not be saying we would approve a rezone of the property later on.

Jeff Hansen, the owner of the equestrian center, commented that the reason they are proposing the amendment of the development agreement is so that they would be allowed more liberties to do what they want with their property. The development agreement is being held against them and they are uncertain as to the reason why. Mr. Hansen stated that the requirements within the development agreement was never passed on to him and he does not feel that legally he should have to pick up the requirement of the development agreement. When the Sewer District was interested in purchasing the property, the requirement that it remain an equestrian center didn't seem to be an issue. A lot have changes have been made since this subdivision development was first proposed and the plans have been altered significantly. There were equestrian trails that were supposed to be created but don't exist and were abandoned at some point. Mr. Hansen asked how long the equestrian center would be held to the development agreement. In what circumstances and under whose ownership? Mr. Hansen said that they have some safety concerns as the West Davis Corridor and connector road are planned to be built mere feet from where they operate the equestrian center. It is possible that some of their outdoor arena areas will become unusable. Some of the road plans show them using property that the equestrian center is currently using. Mr. Hansen said it would be of their own expense to relocate the structures on the property. They are already in a battle with UDOT and it has become an untenable situation. They have already lost at least 20 boarders since the beginning of the year because they feel uneasy about the roads being installed here and the uncertainty of the situation.

Council Member Tran asked if when the property was purchased by Mr. Hansen if the development agreement was part of the recorded documentation.

Nic Mills responded the believed so.

Council Member Barber commented that she has a lot of sympathy for all involved in this situation. Circumstances have changed since this development was first proposed. Many of the residents in this neighborhood have expressed concern because the equestrian center has always been part of

the neighborhood. Now we face a difficult and unideal situation for all parties. There are legalities with development agreements, and there are things that the council likely does not understand about it and what the city can do in regards to enforcement of the document. The Council is likely not the best ones to determine those things. Things change with time and the city has amended development agreements before because of them. There is a mechanism to change a development agreement and that can be within the bounds of a rezone. If a rezone were being proposed with this amendment then the council would have an idea of what the plans are for the property and would be able to have more discretion in making a decision. At this point, we would be amending the agreement with no knowledge of future plans. Council Member Barber commented that she would like to see the equestrian center work with the neighborhood to try to find a way to create something that would benefit everyone.

Council Member Lortz commented that he would feel more comfortable approving an amendment to the development agreement if we knew that Symphony Homes, who is the other signer of the development agreement, was ok with it. This proposal almost seems premature without knowing what the plans for the property are. Having a proposed plan gives the council a better reason to amend the agreement.

Council Member Tran said that it seems that amending this development agreement would change the intention of the agreement that this property remain an equestrian center to be enjoyed by the neighborhood.

Council Member Blackham commented that the equestrian center is zoned A-5, but is surrounded by properties zoned R-A. Many of the homes in the Sunset Equestrian Estates Subdivision do not meet the minimum lot size for the zone because they use the open space areas to make up the difference. If the equestrian center is removed from the development agreement and potentially developed into smaller lots, would that make other lots in the Sunset Equestrian Estates Subdivision non-compliant? Also in the A-5 and R-A zoning districts farm animals are considered a permitted use. The city has committed this space through the development agreement to be used for the neighborhood, but maybe at some point we could come to a consensus of kind of usable open space it could be.

Council Member Adams responded that he had spoken with Lyle Gibson, the Community Development Director, and was told that there would be enough open space remaining for the subdivision to remain in compliance, should this property be removed from the agreement. Council Member Adams commented that he lives in this area and is grateful for Mr. Hansen and what he has done with the equestrian center. He took an unfinished rudimentary building and turned it into an amazing equestrian space. It has always been Mr. Hansen's intent to create a beautiful entrance to the equestrian center. People come for miles around to board their horses here because of how great of a place it is. When the Hansens bought this property they had a dream for it and they've made it into a wonderful space that so many enjoy.

Council Member Blackham said that if Mr. Hansen were to try to develop even a portion of his property, he could not count any of the open space in the Sunset Equestrian Estates Subdivision toward creating a PRUD subdivision with smaller lots.

Council Member Adams said that this property was harder to purchase and will likely be harder to sell because of the restrictions on the property and in being tied to the development agreement.

Council Member Adams added that he would like to see Mr. Hansen reach out to the community, and Staff reach out to Symphony Homes, and try to come to an agreement. Symphony Homes is almost done with the subdivision and the development agreement should revert to the Homeowners Association when the subdivision is complete. Symphony Homes will likely not be interested in being a part of the subdivision at that point. There are likely neighbors who have purchased properties in this subdivision under the guise that there would be an equestrian center here or open space for the neighborhood to utilize. Council Member Adams said that he would like to see the Homeowners Association work with Mr. Hansen and see if there is anything they would be okay being built there.

Nic Mills said that the council could table this item until more information could be gathered.

Council Member Barber said that she would like to see a proposal of what the plans are for the property before considering an alteration to the development agreement.

Council Member Barber made a motion to not move forward with the proposed amendment to the Sunset Equestrian Estates Development Agreement, seconded by Council Member Tran.

The vote on the motion was as follows:

Council Member Barber, yea
Council Member Blackham, yea
Council Member Adams, yea
Council Member Tran, yea
Council Member Lortz, yea

The motion passed unanimously.

CALL TO THE PUBLIC

Matt Howes commented that he appreciated the discussion the City Council had regarding the amendment of the Sunset Equestrian Estates development agreement. He had come tonight expecting a less than favorable reaction from the council. Mr. Howes said that he was concerned with Mr. Hansen's request and feels that the intent behind the amendment was to rezone the property. Many want to know what Mr. Hansen's intentions are for the property. If the Hansen's feel they cannot operate in an economically feasible way, they are not being forced to operate here and can sell to another buyer.

John Mayer said that he appreciates the council's vote in regards to the Sunset Equestrian Estates item. Many of the neighbors are here tonight because we are concerned about what could potentially become of the property if it were removed from the development agreement. There is a lot of uncertainty and unknowns. Mr. Mayer said that they bought into this subdivision with the expectation that the property be used for an equestrian center. At one point they had inquired about boarding their horses at the center but was told it was full. Mr. Mayer said that while he is uncertain of the equestrian center's finances, there has been no sign that their business is on the verge of failure. There may be ways to help address safety concerns with the West Davis Corridor coming in. If there is a change to the use of the property, it could change the character of the area.

COUNCIL MEMBER REPORTS

Council Member Barber commented that a lot of work has gone into the City's Independence Day Celebration and there are many great events planned. Council Member Barber thanked everyone who helped to plan and contribute to the July 4th events.

CITY MANAGER REPORT

Shayne Scott said that a Candidate Orientation meeting was held before the city council meeting tonight and most of the candidates attended. We appreciate those who came and are excited for the upcoming election.

ADJOURNMENT

Council Member Adams made a motion to adjourn the City Council meeting at 7:53 p.m., seconded by Council Member Barber and passed unanimously.

CITY COUNCIL STAFF REPORT



COUNCIL MEETING DATE: July 15, 2021

TYPE OF ITEM: CONSENT

PRESENTED BY: Nic Mills

SUBJECT/AGENDA TITLE: An Ordinance Updating the Kaysville Municipal Code to Remove Masculine-Gendered Pronouns Describing City Officials

EXECUTIVE SUMMARY:

City staff has reviewed the Kaysville City Code and found that many sections refer to important City officials as men, using masculine pronouns. For example, KMC 6-1-3 begins, "The Chief of Police and *his* assistants shall..." Staff recommends that the Kaysville City Code be updated by genericizing these masculine pronouns to reflect that these positions are open to all people.

Council Options: 1) Approve the ordinance; 2) Approve the Ordinance with any modifications that the Council deems appropriate; 3) Decline to adopt the Ordinance and remand to staff with further direction.

Recommended Options: Staff recommends that the City Council approve the Ordinance updating the Kaysville City Code.

Fiscal impact & Fund Source for Recommended Action: City Staff does not anticipate any costs to the City based on the passage of this Ordinance.

Attachments: Appendix to Gendered Pronoun Ordinance

ORDINANCE 21-~~XX-XX~~

**AMENDMENTS TO SECTIONS OF THE KAYSVILLE MUNICIPAL CODE TO
REMOVE MASCULINE-GENDERED PRONOUNS DESCRIBING CITY
OFFICIALS**

WHEREAS, Kaysville City has the power to update the language of the Municipal Code to reflect the highest ideals of its Citizens; and

WHEREAS, the current Kaysville Municipal Code refers to some high positions of public service using masculine pronouns; and

WHEREAS, positions of public service in Kaysville are open to all people who qualify by their experience, attributes, and qualifications; and

WHEREAS, the City Council of Kaysville City finds this Ordinance to be in the best interests of the Citizens of Kaysville City and the health, safety, and welfare of the City.

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

SECTION I: Enactment. The following Sections of the Kaysville Municipal Code are hereby amended to remove gendered pronouns, which amendments are included specifically in an appendix.

1-4-2, 2-2-2, 2-4-9, 4-2-1, 4-3-4, 4-3-6, 6-1-3, 6-2b-4, 6-6-2, 6-7-2, 9-2-2, 9-2-4, 9-2-9, 9-2-10, 9-3a-2, 9-4-2, 9-4-8, 9-4-12, 9-4-13, 9-4-15, 9-4-16, 9-5-1, 9-5-7, 9-6-2, 9-6-12, 10-1-3, 10-2-5, 10-2-10, 11-8-7, 11-8-9, 11-8-10, 15-4-10, 16-1-4, 16-1-7, 16-1-17, 16-1-19, 16-10-1, 16-10-5, 17-3-7, 17-26-8, 17-33-5, 18-1-1, 18-1-2, 18-4-4, 18-4-10, 19-1-7.

SECTION II: 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 III: Effective Date. This Ordinance shall become effective 20 days after publication or posting or 30 days after final passage by the governing body, whichever is closer to the date of final passage.

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

Katie Witt, Mayor

ATTEST:

Annemarie Plaizier, City Recorder

Appendix to Gendered Pronoun Ordinance

1-4-2 Definitions

Negligent - The word "negligent" as well as "neglect", "negligence", and "negligently" imports a want of such attention to the nature or probable consequences of the act or omission as a prudent ~~man~~-person ordinarily bestows in acting in ~~his~~-their own concern.

2-2-2 Compelling Attendance

Should any member of the Council be absent and should his or her attendance be necessary to constitute a quorum, the Council Members present may compel the attendance of such absent member, and if deemed necessary, may direct the Police Chief or one of ~~his~~-the Police Officers to forthwith bring in such member or members under arrest. Should any member of the Council, when notified by the Police Chief or other proper officer that his or her attendance is necessary to form a quorum refuse or neglect to attend such meeting or should any member leave a Council meeting without the consent of the other members of the Council, when such leaving would break a quorum, he or she may, unless satisfactory excuse is given at the next regular meeting, be fined in any sum not exceeding fifty dollars (\$50.00) (10-3-505 Utah Code).

2-4-9 Position of Mayor Not Delegated

The legislative and judicial powers of the Mayor, ~~his~~-the Mayoral position as chairman of the governing body and any ex officio position the Mayor shall hold shall not be delegated to the manager.

4-2-1 Application For Utility Services Required

No culinary water service, electric service, sewer service, sewer treatment service, garbage collecting service, yard light service, or other utility service for which payment of a fee to the City is required, including surcharge where applicable, shall be furnished to any house, tenement, apartment, building, place, premises, or lot, unless an application for such utility service shall be made in writing and signed by the owner of legal record or ~~his~~-duly authorized agent.

4-3-4 Definitions

As used in this Chapter, the following definitions shall be applicable:

Act - shall refer to the Government Records Access and Management Act §§63-2-101, et seq., Utah Code Annotated, 1953, as amended.

Computer software program - means the series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system, and any associated documentation, manuals, or other source materials explaining how to operate the software program. "Software" does not include the original data or record which is manipulated by the software.

Controlled - records shall be those defined as controlled under provisions of the Act.

Data - shall refer to individual entries (for example, birth date, address, etc.) in records.

Appendix to Gendered Pronoun Ordinance

Dispose - means to destroy, or render irretrievable or illegible, a record or the information contained in it by any physical, electronic, or other means, including unauthorized deletion or erasure of electronically recorded audio, visual, non-written formats, data processing, or other records.

Non-public - records shall refer to those records defined as private, controlled, or protected under the provisions of the Act.

Private - records shall refer to those records classified as private under the provisions of the Act.

Protected - records shall refer to those records classified as protected under the provisions of the Act.

Public - records shall refer to those records which have not been classified as non-public in accordance with the provisions of the Act.

Record - means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received, or retained by the City where all the information in the original is reproducible by some mechanical, electronic, photographic or other means. Record does not mean:

- a. Temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of a person for whom ~~he~~ the originator is working;
- b. Materials that are legally owned by an individual in ~~his~~ a private capacity;
- c. Materials to which access is limited by the laws of copyright or patent;
- d. Junk mail or commercial publications received by the City or by an officer or employee of the City;
- e. Personal notes or daily calendars prepared by any City employee for personal use or the personal use of a supervisor or such notes, calendars or internal memoranda prepared for the use of an officer or agency acting in a quasijudicial or deliberative process or pursuant to matters discussed in a meeting closed pursuant to Utah Open Meetings Act; or
- f. Proprietary computer software programs as defined in Subsection c, above that are developed or purchased by or for the City for its own use.

4-3-6 Public, Private, Controlled And Protected Records

1. Public records shall be all those City records that are not private, controlled, or protected and that are not exempt from disclosure as provided in Subsection 63-2-201(3)(b) of the Act. Public records shall be made available to any person. All City records are considered public unless they are (A) expressly designated, classified, or defined otherwise by the City in accordance with policies and procedures established by this Chapter, (B) are so designated, classified or defined by the Act, or (C) are made non-public by other applicable law.
2. Private records shall be those City records classified as "private," as defined in the Act §63-2-302 (U.C.A., 1953, as amended) and as designated, classified, or defined in procedures established pursuant to this Chapter. Private records shall be made available to the following persons: The subject of the record, the parent or legal guardian of a minor who is the subject of the record, the legal guardian of an incapacitated individual who is the subject of the record, any person who has a power of attorney or a notarized release from the subject of the record or ~~his~~ the legal

representative of the subject of the record, or any person possessed of and serving a legislative subpoena or a court order issued by a court of competent jurisdiction.

3. Controlled records shall be those City records classified as "controlled," as defined in the Act, §63-2-303 (U.C.A., 1953, as amended) and as designated, classified, or defined in procedures established in this Chapter. Controlled records shall be made available to a physician, psychologist, or licensed social worker who submits a notarized release from the subject of the record or any person presenting a legislative subpoena or a court order issued by a court of competent jurisdiction.
4. Protected records shall be those City records classified as "protected" as defined in the Act, §63-2-304 (U.C.A., 1953, as amended) and as designated, classified or defined in procedures established in this Chapter. Protected records shall be made available to the person who submitted the information in the record, to a person who has power of attorney or notarized release from any persons or governmental entities whose interests are protected by the classification of the record, or to any person presenting a legislative subpoena or a court order regarding the release of the information and issued by a court of competent jurisdiction.

6-1-3 Powers And Duties

The Chief of Police and his the Chief's assistants shall have all of the powers, rights and duties respectively conferred on such officers by law to be exercised in accordance with law and the Police Department Manual. (10-3-913 through 10-3-915 of the Utah Code, and others.)

6-2b-4 Unlawful Parking

1. At Curb. No motor vehicle, except authorized emergency vehicles, shall be parked with the left side of the vehicle next to the curb, except on One Way streets. It shall be a civil violation to stand or park any motor vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle, except authorized emergency vehicles, within 12 inches of the regularly established curb line except on those streets which have been marked for angle parking; then vehicles shall be parked at the angle to the curb indicated by such marks.
2. Vehicles for Sale. It shall be a civil violation to park any vehicle on any public street for the primary purpose of displaying it for sale, or to park any vehicle on a public street from which merchandise is peddled. It shall be prima facie evidence of parking a vehicle principally for the purpose of offering it for sale if:
 1. the vehicle is left unattended for four hours or more,
 2. there are signs in, on or near the vehicle offering it for sale, and
 3. the vehicle is not parked on a street adjacent to property where the owner resides. Nothing in this subsection shall preclude or prevent the owner of a vehicle from legally parking a vehicle for sale in front of the property where the owner resides.
3. Loading Zones. When so posted, it shall be a civil violation for the driver of a passenger vehicle, except authorized emergency vehicles, to stand or park such vehicle for a period of time longer than is permitted by the posted sign for the loading or unloading of passengers, or for the driver to stand or park any freight carrying motor vehicle, except authorized emergency vehicles, for a period of time longer than is necessary to load, unload and deliver materials in any place designated as a Loading Zone and marked as such.
4. Posted Restrictions. It shall be a civil violation for any person to park any motor vehicle, except authorized emergency vehicles, on any street in violation of the posted restrictions. It shall be a civil violation to park any vehicle, except authorized emergency vehicles, or otherwise cause any

- obstruction to any fire station or other place where fire apparatus is stored, or within fifteen feet (15') of any fire hydrant or cistern.
5. Alleys. No person shall park a motor vehicle, except authorized emergency vehicles, within an alley in such manner or under such conditions as to leave less than ten feet of the width of the roadway available for the free movement of vehicular traffic. No person shall stop, stand, or park a vehicle, except authorized emergency vehicles, within an alley in such a position as to block the driveway entrance to any abutting property.
 6. Cab Stands - Bus Stands. No motor vehicle other than a licensed taxicab or authorized emergency vehicle shall be parked in any area designated by ordinance as a taxicab stand and no vehicle other than a bus or authorized emergency vehicle shall be parked in a place so designated as a Bus Loading Zone.
 7. Over 48 Hours. It shall be a civil violation for any person to park or leave standing on any public road, street, alley or municipal property any vehicle or inoperative vehicle, except authorized emergency vehicles and City owned vehicles, for 48 or more consecutive hours, and any vehicle so parked or left standing may be impounded or removed by the Chief of Police or ~~his~~ the Chief's designee. For purposes of impoundment and removal, the Chief of Police or ~~his~~ the Chief's designee may, after making a reasonable effort to locate the owner, impound and remove any motor vehicle which has been unmoved for 48 consecutive hours. The cost of impoundment and removal shall be charged to the owner or any person who claims the impounded motor vehicle.
 8. During Winter. No person shall park a vehicle, except authorized emergency vehicles, on any street between 12:00 midnight and 6:00 a.m. of any day from the first day of November of each year to the last day of February of the following year.
 9. Heavy Duty Vehicles.
 1. The driver of a motor vehicle, except authorized emergency vehicles, having a total gross weight, loaded or unloaded, in excess of 50,000 lbs. or having a total length in excess of 24 feet from the most forward point of the vehicle or its load to the most rear point of said vehicle or its load, shall not park said vehicle or allow it to stand upon the City streets for longer than two hours.
 2. In determining the total gross weight or total length as provided in subparagraph (a) above, the length or weight of the trailer connected or attached to or in tandem with the motor vehicle, shall also be included in making such determination.
 10. Approach to Parking Space.
 1. No person shall move a vehicle, except authorized emergency vehicles, in any manner or leave a parking space and then re-enter it to avoid the intent of this Chapter.
 2. Every driver about to enter a parking space being vacated shall stop and wait to the rear of the vehicle in the actual process of vacating the parking space and having so waited shall have prior right to the parking space over all other drivers.
 3. No driver shall stop a vehicle, except authorized emergency vehicles, ahead of a parking space being vacated and attempt to interfere with a driver who has waited properly to the rear of a parking space being vacated.
 11. Not To Obstruct Traffic. No person shall park any vehicle, except authorized emergency vehicles, upon a street in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic.
 12. Electronic Vehicle Stalls.
 1. As used in this section:
 1. "Electric motor vehicle" means a motor vehicle that is powered solely by an electric motor drawing current from a rechargeable energy storage system.
 2. "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that has the capability to charge the battery or batteries used for vehicle propulsion from an off-vehicle electric source, such that the off-vehicle source cannot be connected to the vehicle while the vehicle is in motion.

3. “Electric vehicle charging station” means a public parking space that is:
 1. served by charging equipment that has its primary purpose the transfer of electric energy to a battery of other energy storage device in an electric motor vehicle or plug-in electric motor vehicle; and
 2. clearly marked with either:
 1. conspicuous green pavement markings; or
 2. clearly marked signage indicating that the stalls are electric vehicle charging station stalls.
2. It is a civil infraction for any person to stop, stand, or park any vehicle in a City-owned electric vehicle charging station unless the vehicle is an electric motor vehicle or plug-in hybrid electric motor vehicle connected to the charging station and actively being charged.
3. It is a defense to a civil charge under this subsection that the offending vehicle owner produces in person at the Kaysville City Hall proof that the offending vehicle was an electric motor vehicle or plug-in hybrid electric motor vehicle.

6-6-2 Discharge Of Guns Prohibited; Exceptions

1. It shall be unlawful for any person to discharge any gun within the limits of Kaysville City, whether said gun be loaded with blank or live cartridges or projectiles of any kind.
2. The provisions of Subsection (1) shall not apply to:
 1. The discharge of guns on any target, trap or skeet range, or shooting area after the erection in a proper place of a proper backstop or barrier for the protection of the person and property of others, as determined by inspection and approval in writing by the Police Chief or ~~his~~ **the Chief's** duly authorized agent, or
 2. The discharge of guns by any person in a private basement or cellar target range, or
 3. The discharge of blank cartridges in theatrical performances, sporting events, or for the purpose of deterring birds, deer and other wildlife in an agricultural zone from damaging crops or other vegetation, or
 4. The firing of salutes by firing squads at military funerals, or
 5. The discharge of shotguns if the discharge is not within six hundred feet (600') of a building and is not in such a direction and distance that it would endanger motorists, and as long as the shotguns are discharged during a legal hunting season for which shotguns are the acceptable weapon as determined and proclaimed by the Utah State Division of Wildlife Resources and the Wildlife Board. Said discharge of shotguns for upland game bird or waterfowl hunting must be in full compliance with the Wildlife Resources Code of Utah and any regulations of the Division of Wildlife Resources and shall only be allowed in such areas as are designated annually by the Kaysville City Council, but shall not be allowed in any City park.
3. It is further provided that nothing contained in this Section shall be construed to prohibit the use of play pistols or other similar children's toys which do not fire dangerous projectiles capable of inflicting bodily harm.

6-7-2 Field Archery Ranges

1. Field archery ranges may only be established where there is sufficient space to follow the safety requirements set forth herein.
2. All field archery ranges must have an area clear of people, buildings or structures in an area the shape of a triangle. The angle opposite the base shall be the shooting position with the center of the base being the target location, and the base width calculated by multiplying the distance from the

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shooting position to the target by a factor of 1.1547. This area must be marked with flags or warning signs or fencing so as to prevent accidental entry into the area.

3. If any public place is behind an archery target within a distance that is one-half the distance from the shooting position to the target, there must be a backstop behind the target as wide as the base of the clear area and of sufficient size to prevent the accidental overflight of arrows and of sufficient material to preclude arrows from passing through the backstop.
4. No target or field archery range shall be situated on the top or crest of a hill.
5. All butts must be stable so that there is no possibility of tipping, including bracing or anchoring as necessary to preclude tipping.
6. It shall be unlawful to establish, or allow to be established, a field archery range without complying with all provisions of this Chapter. Compliance shall be determined by a personal on site inspection by the Chief of Police, or ~~his~~ the Chief's designated agent prior to initial use.

9-2-2 Powers And Duties

It shall be the duty of the Public Works Superintendent to supervise the construction and maintenance of the City streets and sidewalks and all improvements within the areas platted and dedicated to the City as streets and to enforce the ordinances and rules and regulations regarding the same. ~~He~~ The Superintendent shall make periodic inspections of the streets and keep suitable maps and records of the same. ~~He~~ The Superintendent shall, upon request, report to the City Council the condition of the streets and shall furnish such information regarding the same as the City Manager may from time to time require. The Public Works Superintendent may employ, subject to the approval of the City Manager, such help as shall be necessary to carry out the duties prescribed by the City ordinances and by the rules and regulations adopted by the City Council.

9-2-4 Temporary Obstructions, Permits

The Public Works Superintendent may issue a permit to any person engaged in erecting a building or other improvement on ~~his~~ the person's private property to temporarily obstruct a portion of the street or sidewalk during such construction, provided that provision shall be made for passage on the street or sidewalk so obstructed. No such obstruction shall be permitted to remain beyond the period of the permit and all persons using the street or sidewalk as herein provided shall provide surety bond to hold the City harmless from any and all damage or loss which may result from such use.

9-2-9 Excavations

1. Any person, corporation, conservancy, sewer or water or any other district desiring to construct or extend any of its pipelines, conduits, and/or ditches, and thereby to acquire in any way an easement in any City street or highway, or any person, corporation, conservancy, sewer or water or any other district desiring to change, add to, remove or otherwise alter any curb, gutter, sidewalk, driveway, surface or underground drain age structure in any City street or highway, shall be first required to make application on forms provided by the Public Works Superintendent and include a plan of the requested excavation. The application shall require, among other things, the applicant to:
 1. Proceed in accordance with City standards and specifications.
 2. Save the City harmless from any and all claims or damages arising out of or occasioned by the excavation.
 3. Restore at their own expense said City streets according to City specifications.
 4. Not unreasonably interfere with the access and use of the City streets or sidewalks by the traveling public, or the rights of those having existing easements therein.
 5. Provide a performance bond in an amount satisfactory to the Public Works Superintendent.

2. Upon receipt of said application and plan, the Public Works Superintendent shall thereafter inspect or cause to be inspected the site of the proposed easement or alteration if necessary, and approve or disapprove the same.
3. It shall be the duty of the Public Works Superintendent to inspect or cause to be inspected as often as necessary, all excavations. Where it is determined by the Public Works Superintendent that the excavation is not in compliance with these provisions ~~he~~ the Superintendent shall enforce the provisions herein, and in performance of this duty may enter actions in the courts when necessary, and ~~his~~ failure to do so shall not legalize any violations of such provisions.

9-2-10 Parkways

1. It is the purpose of this Section to establish a means whereby the City may cause the construction, maintenance and/or repair of sidewalks, the trimming of trees, tree roots and other plant growth, and the maintenance of the area between private property lines and curb lines or edge of asphalt, which area is designated as a "parkway" within the City, pursuant to the powers granted to it by Chapter 8 of Title 10, Utah Code Annotated, 1953, as amended.
2. It is hereby declared that sidewalks which are cracked, buckling, missing or otherwise in disrepair, trees, or other plant growth, which are in need of trimming of roots and/or foliage and noxious weeds and vegetation in the parkways and litter, and obstructions on sidewalks are all a danger to public health and unsightly or deleterious to their surroundings and such conditions shall be prevented, repaired or removed by the abutting owner and/or occupant.
3. The owners and/or occupants of abutting property shall maintain the parkway by removing litter therefrom and by trimming of trees, tree roots or other plant growth and shall promptly remove from the sidewalks abutting their property all litter and obstructions as soon as practicable after its accumulation upon such sidewalks.
4. The City Inspector shall administer the provisions of this Ordinance subject to control and review as the City Council may from time to time direct. The Public Works Superintendent may appoint other inspectors as needed. The powers and duties of Assistant Inspectors shall be the same as those of the Inspector.
5. The Inspector so designated is authorized to inspect and examine real property situated within the City for the purpose of determining whether or not the parkways, including but not limited to, sidewalks, trees, and plant growth thereon are in need of maintenance or repair. Such Inspector may also inspect and determine whether or not weeds and noxious vegetation should be removed from sidewalks and/or parkways and take other necessary measures and steps to insure compliance with the requirement that sidewalks in front of properties be free from litter and obstructions. Such actions of the Inspector shall be for the purpose of determining whether such conditions pose a threat to the public health, safety and welfare or are unsightly and deleterious to their surroundings. If the Inspector concludes that such conditions exist, ~~he~~ the Inspector shall:
 - a. Ascertain the names of the owners and/or occupants and descriptions of the premises where such conditions exist.
 - b. Serve written notice upon the owner and/or occupant of such land, either personally or by mailing a notice, postage prepaid, return receipt requested, addressed to the owner and/or occupant at their last known post office address, requiring such owner and/or occupant to reconstruct (with 50% participation by Kaysville City), maintain or repair the defect and/or trim or remove trees or plant growth within such time as the Inspector may designate, which shall not be less than thirty (30) days from the date of service of each notice.
 - c. Inform the owner and/or occupant by means of said notice or attached document that in the event he or she disagrees with the determination of the Inspector and does not wish to reconstruct, maintain or repair the sidewalks, trim trees, or other plant growth, or maintain

the parkway, he or she may request in writing a hearing before the City Council at a time and place to be set by the City Council. A written application for a hearing shall stay the time within which the owner and/or occupant must conform to the decision of the Inspector.

6. The Inspector may also inspect and examine real property situated within the City for the purpose of determining if the sidewalks have not been built and the need of construction.

If the Inspector concludes that such need of construction exists, ~~he~~ the Inspector shall so recommend to the City Council. The City Council shall consider the recommendation and if it concurs, direct that action be taken to have the sidewalk constructed.

If the Council so directs, the Inspector shall:

- a. Ascertain the names of the owners and/or occupants and descriptions of the premises where such conditions exist.
 - b. Serve written notice upon the owner and/or occupant of such land, either personally or by mailing a notice, postage prepaid, return receipt requested, addressed to the owner and/or occupant at their last known post office address, requiring such owner and/or occupant to construct the sidewalk within such time as the Inspector may designate, which shall not be less than thirty (30) days from the date of service of each notice.
 - c. Inform the owner and/or occupant by means of said notice or attached document that in the event he or she disagrees with the determination of the City Council and does not wish to construct the sidewalk, he or she may request in writing a hearing before the City Council at a time and place to be set by the City Council. A written application for a hearing shall stay the time within which the owner and/or occupant must conform to the decision of the City Council.
7. In the event the owner and/or occupant makes such request for a hearing, the City Council shall set the time and place for hearing such objections. The City Inspector shall notify the owner and/or occupant in writing of the time and place at which he or she may appear and be heard. Said hearing shall not be heard within less than five (5) days from the date of service or mailing of said notice. At the written request of an owner and/or occupant, the governing body shall conduct an informal hearing (which need not be reported) wherein said owner and/or occupant may present such evidence and argument as is pertinent to the question of whether or not the construction, maintenance and/or repair of sidewalk, trimming of trees or other plant growth or maintenance of parkway abutting his or her property is within the purview of this Section. The governing body shall also permit the presentation of evidence and argument by the Inspector and other interested parties. Thereafter within not more than ten (10) days the governing body shall, over the signature of the Mayor or such member of the City Council as it may designate by resolution, render its written decision, a copy of which shall be mailed to or served upon the owner or occupant by the Inspector. In the event the decision of the City Council upholds the determination of the Inspector, the notice originally given by the Inspector as above provided shall be deemed to be sufficient to require the owner or occupant to construct, maintain or repair sidewalks or trim trees or other plant growth abutting his or her property and ~~he~~ the owner or occupant shall have up to ten (10) days from the date of notice of the decision within which to conform thereto. In the event that the decision of the City Council either overrules or modifies the determination of the Inspector, the written decision of the City Council shall apprise him of that fact and set forth the details and extent to which the owner and/or occupant must make construction, repairs and/or maintenance of said sidewalks, trim trees or other plant growth, and/or maintenance of parkways, if any. The Inspector

shall file an amended notice and proof of service of said notice upon the property owner and/or occupant and file the same in the office of the County Treasurer.

8. If any owner and/or occupant of lands described in such notice or decision shall fail or neglect to conform to the requirements thereof relating to the construction, maintenance, and/or repair of sidewalks abutting his or her property and/or trimming trees or other plant growth, and/or maintenance of parkway, the Inspector shall employ all necessary assistance to cause such construction, maintenance and/or repair, and/or maintenance of parkway to occur at the expense of the municipality. The Inspector shall prepare an itemized statement of all expenses incurred in the construction, maintenance and/or repair of said sidewalks and/or trimming of trees or other plant growth, and shall mail a copy thereof to the owner or occupant, or both, demanding payment within thirty (30) days of the date of mailing. Said notice shall be deemed delivered when mailed by registered mail addressed to the property owner's or occupant's last known address. In the event the owner or occupant fails to make payment of the amount set forth in said statement to the City Treasurer within said thirty (30) days, the Inspector either may cause suit to be brought in an appropriate court of law or may refer the matter to the County Treasurer as provided herein.
9. In the event collection of expenses is pursued through the courts, the City shall sue for and receive judgment for all of said expenses of construction, parkway maintenance, maintenance and/or repair of said sidewalks and/or trimming of trees or other plant growth, together with reasonable attorneys' fees, interest and court costs and shall execute upon such judgment in the manner provided by law.
10. In the event that the Inspector elects to refer the expenses of construction, parkway maintenance, maintenance and/or repair of said sidewalks and/or trimming of said trees or other plant growth for inclusion in the tax notice of the property owner, ~~he~~ the Inspector shall make in triplicate an itemized statement of all expenses incurred in the construction, parkway maintenance, maintenance and/or repair of the same, and/or trimming of said trees or other plant growth, and shall deliver the three copies of said statement to the County Treasurer within ten (10) days after the completion of the work of construction, parkway maintenance, maintenance and/or repair of said sidewalks and/or trimming of said trees or other plant growth. Thereupon the costs of said work shall be pursued by the County Treasurer in accordance with the provisions of Section 10-11-4, Utah Code Annotated, 1953, as amended, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted.

9-3a-2 Powers and Duties

It shall be the duty of the Public Works Superintendent to supervise, manage, operate and maintain the City's storm drainage system in accordance with the provisions of the City Ordinances and the rules and regulations. It shall be ~~his~~ the duty of the Superintendent to authorize all connections to the City's storm drainage system, to keep suitable maps and records of the system and of all connections, repairs and extensions made to the system. ~~He~~ The Superintendent shall supervise the maintenance of the storm drainage system and any extensions or repairs thereof, inspect all connections made to the system and shall make periodic inspections of the system and keep a record showing when each part of the system was inspected. ~~He~~ The Superintendent shall, upon request, report to the City Council the condition of the storm drainage system and shall furnish such information regarding the same as the City Manager may from time to time require. The Public Works Superintendent may employ, subject to the approval of the City Manager, such help as shall be necessary to carry out the duties prescribed by the City ordinances and by the rules and regulations adopted by the City.

9-4-2 Powers and Duties

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It shall be the duty of the Public Works Superintendent to supervise, manage, operate and maintain the City's water system in accordance with the provisions of the City ordinances and the rules and regulations adopted by the City Council. It shall be ~~his~~ the Superintendent's duty to authorize all connections to the City's water system, to keep suitable maps and records of the system and of all connections, repairs and extensions made to the water system. ~~He~~ The Superintendent shall supervise the maintenance of the water system and any extensions or repairs thereof, inspect all connections made to the system and shall make periodic inspections of the water system and keep a record showing when each part of the system was inspected. ~~He~~ The Superintendent shall, upon request, report to the City Council the condition of the water system and shall furnish such information regarding the same as the City Manager may from time to time require. The Public Works Superintendent may employ, subject to the approval of the City Manager, such help as shall be necessary to carry out the duties prescribed by the City ordinances and by the rules and regulations adopted by the City Council.

9-4-8 City Not Liable For Damage

The City shall not be liable for any damage to a water user by reason of stoppage or interruption of ~~his~~ the user's water supply caused by fires, scarcity of water, accidents to works or mains, alterations, additions, repairs or from any other cause.

9-4-12 Taker Only To Use Water

It shall be unlawful for any water user to permit any person from other premises, or any unauthorized persons, to use or obtain water regularly from ~~his~~ the user's premises or water fixtures, either outside or inside ~~his~~ the user's building.

9-4-13 Prohibitions

1. **Turning on water without authority.** It shall be unlawful for any person, after the water has been turned off from ~~his~~ the person's premises for either non-payment of utility charges as provided for herein or for a violation of the rules and regulations pertaining to the Kaysville Water and Sewer Systems, to turn on or allow the water to be turned on or used without authorization from the Public Works Superintendent.
2. **Destruction of or interference with system.** It shall be unlawful for any person to destroy, deface, injure or interfere with the operation of any part, pipe, fixture, appliance or appurtenance of the Kaysville Water System.
3. **Introducing substances.** It shall be unlawful for any person to place, cause to be placed or to introduce into the Kaysville Water System or any source of water supplying said system any matter, substance, chemical or compound without authorization from the Public Works Superintendent.

9-4-15 Cross Connection Control And Backflow Prevention

1. No water service connection to any premises shall be installed or maintained by Kaysville City unless the water supply is protected as required by State laws, regulations, codes, and this Chapter. Service of water to a consumer found to be in violation of this Chapter shall be discontinued by Kaysville City:
 1. If a backflow prevention assembly required by this Chapter for control of backflow and cross connections is not installed, tested, and maintained, or
 2. If it is found that a backflow prevention assembly has been removed or bypassed, or
 3. If an unprotected cross connection exists on the premises, or

4. If the periodic system survey has not been conducted. Service will not be restored until such conditions or defects are corrected.
2. The customer's system(s) shall be open for inspection at all reasonable times to authorized representatives of the Public Works Superintendent to determine whether cross connections or other structural or sanitary hazards, including violation of this Chapter exist and to audit the results of the required survey.
3. Whenever the Public Works Superintendent deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system, at or near the property line, or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line. It shall be the responsibility of the consumer to purchase, install, test and maintain any backflow prevention device/assembly required to comply with this Chapter.
4. The type of protective assembly required under subsection (3), is shown in the Standard Drawings of the Kaysville City Development Code.
5. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under subsection (6), be excluded from the requirements of these rules so long as the Public Works Superintendent is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or requires more than minimum maintenance, or when the Public Works Superintendent finds that the operation or maintenance of this assembly constitutes a hazard to health, the units shall be replaced by an approved backflow prevention assembly meeting the local and state requirements.
6. It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections, and operational tests made at least once per year at the consumer's expense. In those instances where the Public Works Superintendent deems the hazard to be great, ~~by~~ the Superintendent may require certified surveys/inspections and tests at more frequent intervals. It shall be the duty of the Public Works Superintendent to see that these tests are made according to the standards set forth by the State Department of Health, Bureau of Drinking Water/Sanitation
7. All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.
8. No backflow prevention assembly shall be installed so as to create a safety hazard such as installation over an electrical panel, steam pipes, boilers, pits, or above ceiling level.
9. If violations of this Chapter exist or if there has not been any corrective action taken by the consumer within ten (10) days of a written notification of deficiencies noted within the survey, then the Public Works Superintendent shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition(s) in conformance with the State and City statutes relating to plumbing, safe drinking water supplies and the regulations adopted pursuant thereto.

9-4-16 Extension of Water Mains

1. Any person or persons, including any subdivider or developer, desiring to have water mains extended or modified within the City limits, and being willing to advance the whole expense of such extension or modification, may make application to the City by petition containing:
 1. A description of the proposed extension or modification accompanied by a map showing the location thereof.

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2. An offer to pay the whole expense incurred by the City in providing such extension or modification and to advance such payment as said expense shall be agreed upon by the petitioner and the City.
2. Upon receipt of such petition and map, and before the petition is granted, the City Council may:
 1. Obtain from the Public Works Superintendent a statement showing the estimated cost and expense of making such extension or modification.
 2. Obtain from the Public Works Superintendent a description of the area and number and type of users that may be served in the future by the extension or modification and the estimated pro rated share of the cost that should be borne by said future users.
 3. Determine the amount to be charged future users of the extension or modification and what portion thereof shall be reimbursed to the petitioner upon payment by future users, and the time limit thereof.
 4. Prepare an agreement specifying the manner and circumstances under which the extension or modification will be constructed and under which said reimbursement will be made.
3. The City Council may grant or deny said petition as in its discretion seems best for the welfare of existing users in the City.
4. If the City Council grants said petition, the petitioner and the City may execute said agreement. The petitioner shall deposit with the City Treasurer the amount of the estimated cost and expense of making such extension or modification before any work shall be done on such extension or modification, and within thirty (30) days after the granting of said petition or such other time as the City Council shall indicate.
5. Before any work shall be done on said extension or modification, the petitioner shall furnish at no cost to the City adequate rights-of-way or easements, in the name of the City, for construction and perpetual maintenance and replacement of said extension or modification.
6. If the petitioner or ~~his~~ **their** agent is to construct the water line, the petitioner or agent shall guarantee the proper installation and construction of the water line and fixtures and that the water line and fixtures shall be maintained in a state of good repair free from defective material or workmanship for a period of 24 months from the date of completion and acceptance by the City.
7. Any such extension or modification shall be deemed the property of Kaysville City upon acceptance by the City.

9-5-1 Application For Connection

Applications for sewer connections must be made in writing by the owner of the premises to be served, or ~~his~~ **their** authorized agent, and must be accompanied by a plan, showing the reason for the connection, its size and the size and location of all branches and facilities to be connected with it. Connection fees must be paid before the connection is made.

9-5-7 Discontinuance Of Privy Vaults And Cesspools

1. It shall be unlawful for the owner, or ~~his~~ **their** agent, or any other person having charge of or occupying any property located upon any street, alley, court, passageway or area in the City and within 300 feet of the sewer system situated in any such court, street, alley, passageway or area in the City to maintain or use or cause or permit to exist any privy vault, septic tank or cesspool on such property. The Sewer District or the Health Department shall cause notice to be served upon the owner, agent or occupant of such premises to disconnect all plumbing from any cesspool or septic tank and to fill all cesspools and privy vaults with fresh earth and to remove all seats from privies and to connect all plumbing therein with the sewer system.
2. It shall be unlawful for the plumbing on any premises within the area above described to remain unconnected to the sewer system for more than sixty days after such sewer system is ready to

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receive connections therewith. In the event that notice is served upon persons violating the requirements of this Section, and they fail or refuse to comply with the requirements of the same within sixty days they shall be guilty of a misdemeanor.

9-6-2 Taker Only To Use Water

It shall be unlawful for the owner or occupant of any property served by a pressure irrigation system, or any user thereof, to permit any person from other premises, or any unauthorized persons, to use or obtain water regularly from ~~his~~ **their** premises or pressure irrigation fixtures.

9-6-12 Turning On Pressure Irrigation Without Authority

It shall be unlawful for any person, after the pressure irrigation has been turned off from ~~his~~ **their** premises for either non-payment of charges as provided for herein or for a violation of the rules and regulations pertaining to the pressure irrigation systems, to turn on or allow the water to be turned on or used without authorization from the owner of the pressure irrigation system.

10-1-3 Powers And Duties

It shall be the duty of the Superintendent to supervise, manage, operate and maintain the City's electrical system in accordance with the provisions of the City ordinances and the rules and regulations adopted by the City Council. It shall be ~~his~~ **the Superintendent's** duty to authorize all connections to the City's electrical system, to keep suitable records of the system and of all connections, repairs and extensions made to the electrical system. ~~He~~ **The Superintendent** shall supervise the maintenance of the electrical system and any extensions or repairs thereof, inspect all connections made to the system and shall make periodic inspections of the electrical system. ~~He~~ **The Superintendent** shall, upon request, report to the City Council the condition of the electrical system and shall furnish such information regarding the same as the City Manager may from time to time require. ~~He~~ **The Superintendent** may employ, subject to the approval of the City Manager, such help as shall be necessary to carry out the duties prescribed by the City ordinances and by the rules and regulations adopted by the City Council.

10-2-5 Turning On Powers Without Authority

It shall be unlawful for any person, after the power has been turned off from ~~his~~ **their** premises for either non-payment of utility charges as provided for herein or for a violation of the rules and regulations pertaining to the Kaysville Electric Power and Light System, to turn on or allow the power to be turned on or used without authorization from the Superintendent.

10-2-10 Extension Of Distribution System

1. Any person or persons, including any subdivider or developer, desiring to have the electrical distribution system extended or modified, and being willing to advance the whole expense of such extension or modification, may make application to the City by petition containing:
 1. A description of the proposed extension or modification accompanied by a map showing the location thereof.
 2. An offer to pay the whole expense incurred by the City in providing such extension or modification and to advance such payment as said expense shall be agreed upon by the petitioner and the City.
2. Upon receipt of said petition and map, and before the petition is granted, the City Council may:

1. Obtain from the Superintendent a certified statement showing the estimated cost and expense of making such extension or modification.
2. Obtain from the Superintendent a description of the area and number and type of users that may be served in the future by the extension or modification and the estimated prorated share of the cost that should be borne by said future users.
3. Determine the amount to be charged future users of the extension or modification and what portion thereof shall be reimbursed to the petitioner upon payment by future users, and the time limit thereof.
4. Prepare an agreement specifying the manner and circumstances under which said reimbursement shall be made.
3. The City Council may grant or deny said petition as in its discretion seems best for the welfare of existing users in the City.
4. If the City Council grants said petition, the petitioner and the City may execute said agreement. The petitioner shall deposit with the City Treasurer the amount of the estimated cost and expense of making such extension or modification before any work shall be done on such extension or modification, and within thirty (30) days after the granting of said petition, or such other time as the City Council shall indicate.
5. Before any work shall be done on said extension or modification, the petitioner shall furnish at no cost to the City adequate rights-of-way or easements, in the name of the City, for construction and perpetual maintenance and replacement of said extension or modification.
6. The petitioner shall be responsible to facilitate the extension or modification of electrical distribution lines by:
 1. Planning the installation of utilities to each lot or site to be served to preclude conflict between other utilities and the electrical distribution lines.
 2. Scheduling and coordinating the actual installation of improvements to allow adequate time for construction of electrical distribution lines.
 3. Notifying the Kaysville City Power Superintendent upon completion of adequate site preparation to allow installation of electrical distribution lines.
7. The petitioner shall prepare the site for electrical distribution line installation before notifying Kaysville City to install said lines. Site preparation shall include but not be limited to:
 1. Installation of curb and gutter indicating permanent grade.
 2. Markers installed on curb indicating property lines.
 3. The area extending from property side of sidewalk away from the street for ten (10) feet leveled to final grade.
 4. Utilities installed less than four feet (4') below final grade not extending beyond the property line more than twelve inches (12").
8. The petitioner shall provide the trenching and excavations for installation of underground facilities at the option of the City.
9. The petitioner shall back fill, compact, test, and guarantee the back fill of excavations for underground facilities installed in response to ~~his~~ the petition.
10. Any such extension or modification shall be deemed the property of Kaysville City.

11-8-7 Issuance Of Permit

Within forty-five (45) days after submission of all plans and documents required of the applicant and payment of the permit fees required by this Title, the City Engineer, if satisfied that the applications, plans and documents comply with all requirements of this Title, shall issue a permit authorizing construction of the facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as ~~his~~ the City Engineer may deem necessary or appropriate.

11-8-9 Compliance With Permit

All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The City Engineer and ~~his~~ representatives shall be provided access to the work and such further information as he or she may require to ensure compliance with such requirements.

11-8-10 Display Of Permits

The permittee shall maintain a copy of the construction permit and approved plans at the construction site, which shall be displayed and made available for inspection by the City Engineer or ~~his~~ representatives at all times when construction work is occurring.

15-4-10 Staking Animals Improperly On Unenclosed Premises

It is unlawful for any person to chain, stake out or tether any animal on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property, or the person with whom ~~he~~ the owner shares joint tenancy. No animals are to be staked along public roadways or easements.

16-1-4 Licenses Required

1. Unless qualified as exempt per Utah Code 10-1-203, every person, partnership and corporation engaged in business in Kaysville City shall secure from the City License Officer a license for such business. Home occupations that do not have an offsite impact that materially exceeds the offsite impact of the primary residential use alone may receive a business license from the City at their request so long as the administrative fee associated with this license is paid in full.
2. A license shall be obtained in the manner prescribed herein for each branch establishment or location where a separate business is conducted, provided that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this Title shall not be deemed to be separate places of business or branch establishments. Each rental property shall be deemed a branch establishment or separate place of business for the purposes of this Title when there is a representative of the owner or the owner's agent or there is a regular employee of the owner or of the owner's agent working on the premises.
3. No license shall be required by Kaysville City of any person whose only business activity in Kaysville City is the mere delivery in the City of property purchased or acquired in good faith from such person at his regular place of business outside the City, providing that:
 1. Such person's business is, at the time of such delivery, licensed by the municipality or county in which such place of business is situated.
 2. No intent by such person is shown to exist to evade the provisions of this Title.
4. The License Officer shall issue special permits without the payment of any license fees or other charges therefor, to any person or organization for the conduct or operation of a non-profit enterprise, either regularly or temporarily, when ~~he~~ the License Officer finds that the applicant operates without private profit, for a public, charitable, educational, literary, fraternal or religious purpose.
 1. An applicant for a special permit shall submit an application therefor to the License Officer, upon forms prescribed by the License Officer, and shall furnish such additional information and make such affidavits as the License Officer shall require.

2. A person or organization operating under a special permit shall operate his non-profit enterprise in compliance with this Title and all other applicable rules and regulations except as provided herein.

16-1-7 Exemptions From Fees

1. No fees in this Title shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or the State of Utah from payment to municipal corporations of such fees as are prescribed in this Title.
2. Any person claiming exemption pursuant to this Section shall file a verified statement with the License Officer stating the facts upon which exemption is claimed. The License Officer shall, upon a proper showing contained in the verified statement, issue a license to a person claiming exemption under the provisions of this Title without payment to the City of the license fee required by this Title. Every person claiming exemption from payment of any license fee provided in this Title upon the grounds of an imposition of such fee casts an unlawful burden upon his right to engage in commerce with foreign nations or among the several states or conflicts with the regulation with interstate commerce by the United States shall file a verified statement with the License Officer disclosing the interstate or other character of the type of business entitling such exemption. Such statement shall state the name and location of the person for which the nearest local or state manager, if any, and his address, the kind of goods, wares, merchandise, or other service to be delivered, or performed, the method of solicitation or taking orders, the place from which the same are to be shipped or forwarded or the services performed, the location of any warehouse, factory or plant within the State of Utah, the method of delivery, the name and location of the residence of the applicant, and any other facts necessary to claim exemption. A copy of the order blank contract form, or other papers used by such person shall be attached to the verified statement. The License Officer, after having a reasonable period of time to verify and review the information contained in the verified statement, shall establish a reasonable license fee. If the person claiming exemption refuses to pay this fee ~~he~~ the person shall be referred to the City Attorney who shall review the information contained in his verified statement by the City License Officer.

16-1-17 Enforcement

1. The License Officer, all police and fire officers, and all City Officials having duties to perform with reference to licenses and businesses shall have authority to conduct inspections and make all investigations of licenses, businesses and premises, as may be deemed necessary to the enforcement of these provisions.
2. All persons authorized herein to inspect licenses and businesses shall have the authority to enter, with or without search warrants, at all reasonable times, those premises:
 1. For which a license is required.
 2. For which a license was issued and which, at the time of inspection is made, are operating under such license, and
 3. For which a license has been revoked or suspended.
3. Persons inspecting licenses, businesses, or premises as herein authorized shall report all violations of these provisions or any law or ordinance. The License Officer shall issue to the affected person an order to comply. The order, and all other notices issued in compliance with these provisions, shall be in writing, shall be personally served and shall apprise the person affected of the specific violations. In the absence of his agent or employee, a copy of such notice shall be affixed to some structure on the premises. Depositing such notice in the United States mail shall constitute service thereof. The order shall require compliance within an appropriate period of personal service on the

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affected person. If the affected person fails to comply within the period specified, the License Officer shall revoke the license.

4. Upon determination of the License Officer to revoke a license, the City shall cause written notice to be sent to the Licensee. The Notice shall specify the grounds for the revocation, the documentation or information the City relied on to make the decision, the availability of the documentation for review by Licensee upon one (1) business day notice to the City, and the date upon which the revocation of the license shall take effect. It shall further state that the Licensee shall have ten (10) business days from the receipt of the notice of revocation to appeal the same. The revocation of the license shall be effective no sooner than two (2) calendar days from the date the notice is sent. The revocation shall remain effective unless and until the order is rescinded, overturned on appeal, or determined by a court to be contrary to equity or law. Failure to appeal automatically results in revocation of the license.
5. No civil judgment, or any act by the City Attorney, the License Officer or the violator shall bar or prevent a criminal prosecution for each and every violation of these provisions. When a person is convicted of a violation of any provision of these Ordinances, any license previously issued to **him** that person by the City may be revoked by the License Officer.

16-1-19 Definitions

Alcoholic Beverage - Means and includes "beer" and "liquor" as defined herein.

Agricultural Vendor - Means a person engaged in the sale of fruits and/or vegetables from stands, motor vehicles, roadsides or through door-to-door solicitation.

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

Business - Is meant to include all kinds of vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters together with all devices, machines, and appurtenances used therein, any of which are conducted for private profit, or benefit, either directly or indirectly on any premises in Kaysville City, or anywhere else within its jurisdiction.

City Council - Is the City Council of Kaysville City.

Insignia - Or its singular number "insignee" is any tag, plate, badge, emblem, sticker, or any other kind of device which may be required for any use in connection with any license.

License or Licensee - Shall include respectively the words "permit" or "permittee" or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this Title or other law or ordinance.

License Officer - Is the Kaysville City License Officer.

Licensed Premises - Means any room, house, building, structure, or place occupied by any person, firm, or corporation used to transact business.

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

Mechanical Amusement Device - Is any machine, device or contrivance designed or intended to be operated or used for amusement or the playing of a game, whether or not registering a score, upon or in response to the payment of some type of coin, slug, token, plate, disc, or upon the payment of a consideration. Such term shall also include such devices as marble machines, pinball machines, skill balls, mechanical grab machines which yield prizes, electronic skill games of all types, and all games, operations or transactions similar hereto, however called or by whatever name may be indicated.

Nuisance - Means any room, house, building, structure, place or licensed premise in which:

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1. Alcoholic beverages are manufactured, sold, kept, bartered, stored, given away or used, or where persons resort for drinking alcoholic beverages contrary to the Utah Alcoholic Beverage Control Act or contrary to the provisions of this Title.
2. Intoxicated persons are permitted to loiter about and profane, indecent, immoral, loud or boisterous language or immoral or lewd conduct is permitted, or carried on;
3. Minors are permitted to purchase or drink beer or enter upon or loiter about licensed premises or are employed therein;
4. Laws or ordinances are violated by licensee or his agents, or patrons who tend to affect the public health, peace, or morals are permitted upon such premises with the consent or knowledge of the licensee.

Pawnbroker - Shall be any person who loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor or who loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property in his possession.

Person - Is meant to include individual natural persons, partnerships, joint adventures, societies, associations, clubs, trustees, trusts, or corporations; or any officers, agents or employees, factors, or any kind of personal representative of any thereof in any capacity, acting either for ~~himself~~ themselves or for any other person, under either personal appointment or pursuant to law.

Premises - Is meant to include all lands, structures, places, and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises.

Retailer - Means any person engaged in the sale or distribution of any good or service.

Secondary Business - Means a nail technician, hair stylist, or massage therapist or similar type of businesses that use space of a similar (primary) business.

Sell or To Sell - Shall mean to solicit or receive an order for; to keep or expose for sale; to deliver for value or gratuitously; to peddle; to possess with intent to sell; to traffic in; for any consideration, promised or obtained; to procure or allow to be procured for any other person, whether directly, indirectly or under any pretext or by any means whatsoever, and when so used, shall include every act of selling as above defined.

Solicitor - Is any person selling, offering for sale or taking orders for merchandise door-to-door within the City. Merchandise shall include goods, foods, wares, photographs, subscriptions to any kind of publications, tickets, coupons or receipts representing value, sellers of magazines, cosmetics, home care products, etc., and any other person engaged in direct sales; but specifically excludes newspaper carriers.

Temporary Merchant - Is any person who offers for sale at wholesale or retail any service, good, wares or merchandise in or from any motel, stall, tent, building, structure, motor vehicle, field, corner, or other place in the City and who shall not occupy said place for the purpose of conducting business thereon or therein for a period of more than one hundred eighty (180) consecutive days in any calendar year.

Vending Kiosk - Is any card operated, self-contained, permanent or semi-permanent structure containing a machine which dispenses and receives rental items.

Vending Machine - Is any coin and/or card operated machine that dispenses merchandise items such as food, drink, toys, gum, candy, etc.

16-10-1 License Required

It shall be unlawful for any person, firm, or corporation to operate the business of pawnbroker without having first obtained a license therefor. No pawnbroker's license shall be issued to any person who is not eighteen (18) years of age or over; and no pawnbroker shall employ a person of less than eighteen (18) years of age to assist ~~him in his~~ in the business.

16-10-5 Report To Chief Of Police

1. It shall be unlawful for any pawnbroker to fail to make out and deliver to the Chief of Police once each week a legible and accurate copy from the record required to be kept by this Chapter.
2. It shall be the duty of every pawnbroker to report to the police any article pledged with ~~him~~ them, if ~~he~~ the pawnbroker shall have reason to believe that the article was stolen, or lost and found by the person attempting to pledge it in the case of a lost article.

17-3-7 Zoning Review

The application for a building permit shall be accompanied by a plot plan showing the lot lines and dimensions and locations of structures and improvements and all other data necessary to show that yard requirements and all other provisions of this title are fulfilled. The Zoning Administrator shall review the plot plan and if ~~he~~ the Administrator finds that the building and premises and the use thereof conform with all requirements of this title, ~~he~~ the Administrator shall so indicate by official signature on the building permit.

17-26-8 Enforcement And Revocation

The following shall be considered as grounds for the revocation of a home occupation license or for the assessment of fines as specified:

1. Any change in use or any change in extent of use, area of the dwelling unit being used, or mechanical or electrical equipment being used that is different from that specified in the granted home occupation license that is not first cleared and approved by the Zoning Administrator for minor home occupations or by the Planning Commission in the case of major or agricultural home occupations shall be grounds for the revocation of a home occupation license.
2. Failure to allow periodic inspections by the building official or ~~his~~ representative at any reasonable time when an adult member of the family is present may result in the revocation of the home occupation license as provided for in KCC 16-1-17.

17-33-5 Permit Required

1. **Permits.** Except as provided in this Chapter, it shall be unlawful to display, erect, relocate, or alter any sign without first filing with the Building Official an application in writing and obtaining a sign permit. A separate permit shall be required for a sign or signs for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits are required for electric signs. When a sign permit has been issued by the Building Official, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Building Official.
2. **Application for Permit.** The application for a sign permit shall be made to the Zoning Administrator, on forms provided, by the owner or tenant of the property on which the sign is to be located, or ~~his~~ authorized agent, or a licensed sign contractor. The application for a sign permit shall be accompanied by the following plans and other information:
 1. The name, address and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.

2. The location by street address of the proposed sign structure.
3. A site plan and elevation drawings of the proposed sign, caption and colors of the proposed sign, and such other data as are pertinent to the application. The site plan shall include the proposed location of the sign in relation to the face of the building and to the boundaries of the lot on which it is situated.
4. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used.
5. Application and required information for an electrical permit for all electric signs.
6. A statement of valuation.
7. Payment of the permit fees.
3. **Fees for Sign Permit.** Sign permit fees shall be as established from time to time by resolution of the City Council.
4. **Completion Date.** If the work authorized under a sign permit has not been completed within one hundred-twenty (120) days after the permit was issued, said permit shall expire and become null and void, and there shall be no refund of any fee required by this Chapter.
5. **Sign permit not required.** The following do not require a sign permit:
 1. The changing of the text or copy of permitted signs.
 2. The electrical, painting, or cleaning maintenance or repair of a permitted sign in accordance with the permit.
 3. "A" Frame signs.
 4. Banner signs.
 5. Construction signs.
 6. Government signs.
 7. Interior signs.
 8. Pedestal signs.
 9. Property (Real Estate) signs no larger than 6 square feet.
 10. Political signs.
 11. Public Necessity signs.
 12. Right-of-Way signs.
 13. Window signs.

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

18-1-1 Building Official

1. There is hereby created the position of Building Official. The Building Official shall also be known as the Building Inspector.
2. The Building Official shall have police powers relating to code enforcement and power to order all work stopped on construction, alteration or repairs of buildings when such work is being done in violation of any provision of any ordinance relating thereto, or in violation of the subdivision or zoning ordinance. Such order shall be in writing in the form of a "red tag," indicating the violation and the authority of the Building Official, posted in a conspicuous location on the work site. It is unlawful for any person to continue to work on any building so posted with a "red tag" or for any person to remove, without the consent of the Building Official or his designee, any "red tag" from any work site. Work shall not be resumed after the issuance of such order except by permission of the Building Official.
3. The Building Official shall have the power to enter into any building or the premises where the work of altering, repairing, or constructing any building or structure is going on, for the purpose of making inspections at any reasonable hour. The Building Official's entry powers shall include the

right to enter upon all public and private properties to inspect all facilities that relate to the safety and welfare of the residents of Kaysville City.

18-1-2 Numbering Of Structures

1. The Building Official shall number all houses or buildings upon the streets of the City according to the house numbering system in use.
2. It is unlawful for any person to erect a house or building without numbering such house or building with the number designated by the Building Official, or for the occupant of any house or building, or for the owner or agent of any unoccupied habitable house or building to fail for a longer period than ten days after notice from the Building Official so to do, to number such house or building with the number designated ~~by him~~. When such number has been designated by the Building Official, the owner or occupant of such house or building shall cause a painted, carved, or cast duplicate of such number at least four inches in height and of a shade in contrast to the background upon which the number is mounted, to be placed in a conspicuous position upon the street side of such house or buildings, in a permanent, stationary and durable manner, unobstructed at all times by vines, screens, or anything that would tend to hide or obscure the number, and so that the number will be clearly perceptible from a distance of one hundred fifty feet.
3. It is unlawful for any person to number any house or building in any manner other than that prescribed in this section.

18-4-4 Culinary Water

1. The developer shall at ~~his~~ own expense install all off-site culinary water to connect ~~his~~ their development with existing City systems. This shall include water meters, boxes and covers and valves. These off-site lines shall be minimum of eight inches (8") in diameter, shall be installed in accordance with the Specifications and Standard Drawings, and shall be dedicated to the City. The developer shall provide an improvement warranty and cash deposit for all utilities dedicated to the City as in KCC 19-2-4 of the Subdivision Ordinance. All construction plans showing pipe locations must be submitted to and approved by the City Engineer.
2. Commercial and industrial service connections or fire sprinkler connections greater than two inches in diameter shall require either a compound meter station or a detector-check meter station. Plans and specifications for the compound meter station or detector-check meter station shall be the responsibility of the developer.
3. Back flow prevention devices (reduced pressure back flow preventers) shall be installed by the developer in accordance with the requirements of the Plumbing Code. Such devices may be inspected annually by the City Public Works Department.
4. The entire system must meet the standards of and be accepted by the City. Service lines to the property line, meter, meter box and cover will be furnished and installed by the developer.
5. It is unlawful for any person, without specific authority of the City, to open or close any gate valve or other fixture attached to the system of water supply, or in any way to injure, deface or impair any part or appurtenances of the culinary water system.

18-4-10 Miscellaneous

1. The developer shall pay the cost of street signs, installed by the City, in accordance with City standards.

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2. The developer shall pay the cost of electric system extensions, street lights and street light upgrades, installed by the City, to service the development.
3. The developer shall have ~~his~~ **their** surveyor install permanent survey monuments as shown in the Standard Drawings.
4. Survey markers shall be placed by a licensed surveyor at all site corners and at site boundary locations to completely identify the site boundaries on the ground. Site corners shall be identified with permanent plugs in the sidewalk or back of the curb or with a metal pipe or rod driven into the ground if sidewalks or curbs are not next to the site boundary. All site corners and site boundaries must be marked prior to the issuance of building permits, after the completion of all subdivision improvements and during building construction and inspection. It shall be the responsibility of the site owner to insure that all site corner and boundary markers are in place. The City is not responsible to replace survey stakes or markers.
5. All outdoor refuse collection areas shall be visually screened from neighboring property and streets and be well maintained. No refuse collection area shall be permitted between a street and the front of a building. All refuse collection enclosures shall be the same method of construction, style and design of materials used in the building(s).
6. Delineated walkways from public sidewalks to the main building entrance shall be provided as determined by the City Engineer. Delineation may be accomplished by change in material, elevation or texture.

19-1-7 Definitions

The following words and phrases used in this Title shall have the respective meanings hereinafter set forth, unless a different meaning clearly appears from the context:

Adjacent Landowners - Any property owner of record, according to the records of the County Recorder, whose property adjoins or abuts property proposed for subdivision, or any portion thereof.

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

Block - The land surrounded by streets and other rights-of-way other than an alley, or land which is designated as a block on any recorded subdivision plat.

City - Kaysville City.

City Council - The Kaysville City Council.

City Engineer - The Kaysville City Engineer.

Condominium Project - A real estate condominium project. A plan or project whereby two or more units, whether contained in existing or proposed apartments, commercial or industrial buildings or structures or otherwise, are separately offered or proposed to be offered for sale. Condominium project shall also mean the property where the context so requires.

Dedication - Land set aside by an owner for any general and public uses, reserving for ~~himself~~ **themselves** no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat showing the dedication thereof.

Developer - Any person, including a corporate person, who undertakes to develop land, including Subdividers.

Development - The improvement of any tract, lot, or parcel of land by construction thereon.

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Easement - That portion of a lot or lots reserved or granted for the present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on the surface, or above said lot or lots.

Final Plat - The final drawing of the subdivision and dedication prepared for filing for record with the County Recorder and in compliance with all the requirements set forth in this Title and adopted pursuant thereto.

General Plan - The Kaysville City General Plan.

Improvement Completion Assurance - A cash deposit furnished and filed with Kaysville City in an amount equal to one hundred fifteen percent (115%) of the current cost of a Slurry Seal Type III on all asphalt pavement in streets, as determined by licensed contractor quote.

Improvement Warranty - Applicant's unconditional warranty that the accepted improvements comply with Kaysville City's written Standards for Design, Materials, and Workmanship and will not fail in any material respect, as a result of poor workmanship or materials, during the Improvement Warranty Period, and a cash deposit furnished and filed with Kaysville City in an amount often percent (10%) of the actual costs of the improvements less the Slurry Seal Type III on all asphalt pavement in streets.

Improvement Warranty Period - A period of one (1) year after the Applicant provides the Improvement Warranty and the City Council accepts the improvements unless the City Council determines for good cause that a one-year period would be inadequate to protect the public health, safety, and welfare and has substantial evidence, on record, of prior poor performance by the Applicant or that the area upon which the improvements were constructed contains suspect soil and the Applicant has not mitigated the suspect soil.

Lot - A parcel of land comprising a unit within a subdivision or a unit of land for building development or transfer of Ownership, together with such yards, open spaces, lot width, and area as required by this Title and the Zoning Ordinance of Kaysville City.

Lot Line Adjustment - The adjustment of a mutual boundary between either multiple subdivided lots or multiple established lots of record where the property line is modified in compliance with yard, lot size, and frontage requirements for the applicable zoning district and where no new lot is created.

Lot Consolidation - The combination of two or more lots whether previously subdivided or established lots of record where the legal description of more than one contiguous parcel of property is revised into one legal description encompassing all such parcels of property and where no zoning violation is created.

Major Street Plan - A plan, labeled "Major Street Plan" approved by the City Council which identifies the major street network of Kaysville City and requirements thereof.

Off-site - Outside a specific parcel of land being developed or considered for development.

On-site - Within a parcel of land owned by a private citizen or by a private legal entity.

Parcel of Land - A contiguous quantity of land in the possession of, owned by, or recorded as the property of the same owner or person.

Person - An individual, corporation, partnership, organization, association, trust, governmental agency or any other legal entity.

Pioneer Developer - A Developer that acquires easements or rights-of-way or installs improvements that provide service for development of a site other than the Development of the pioneer developer and enters into a Pioneer Developer Agreement approved by the City.

Planned Residential Unit Development - 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

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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.

Planning Commission - The Kaysville City Planning Commission.

Plat - A map or depiction of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, and streets, or other divisions and dedications.

Protection Strip - A strip of land bordering both the boundary of a subdivision and a street within the subdivision for the purpose of controlling the access of property owners abutting the subdivision to the street.

Streets:

1. Street - Public rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements and other ways.
2. Street, Arterial - A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated in the Major Street Plan.
3. Street, Collector - A street, existing or proposed, which collects and distributes traffic and is designated in the Major Street Plan.
4. Street, Significant Local - A street, existing or proposed, which is supplementary to a collector street and is designated in the Major Street Plan.
5. Street, Local - A street which is not otherwise classified.
6. 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.
7. Street, Cul-de-sac - A terminal street provided with a turnaround with a 100-foot minimum diameter. Cul-de-sac streets shall not be any longer than six hundred feet (600') from the centerline of the adjoining street to the center of the turnaround.

Subdivider - Any person, including a corporate person, who undertakes to create a subdivision.

Subdivision - Any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

Suspect Soil - Soil that has a high susceptibility for volumetric change, typically clay rich, having more than a three percent (3%) swell potential; bedrock units with high shrink or swell susceptibility; or gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

Zoning Ordinance - The Planning and Zoning Ordinance of Kaysville City, as adopted by the City Council and as amended.

Other definitions as used in the Municipal Land Use Development and Management Act, Section 10-9a-103, may be used in applying and interpreting this Chapter, if applicable and not in conflict herewith.

CITY COUNCIL STAFF REPORT



COUNCIL MEETING DATE: July 15, 2021

TYPE OF ITEM: Action

PRESENTED BY: Shayne Scott

SUBJECT/AGENDA TITLE: A Resolution Authorizing the City Manager to Trade Property Interest at the Davis County Animal Shelter for a Portion of the County's Real Property to complete the Angel Street portion of the Connector Road

EXECUTIVE SUMMARY:

Kaysville City and Davis County have been negotiating for a few months on a potential property exchange that would benefit both parties. Davis County owns a parcel of land that Kaysville City needs for the Angel portion of the Connector Road project. Kaysville City has a 1/3 interest in the property upon which sits the Davis County Animal Control building.

Davis County did a value assessment of both parcels and found that the parcel Kaysville needs has slightly more value than the interest Kaysville would give up in the Animal Shelter parcel. The county, therefore, is proposing to only exchange that portion of their property that Kaysville City needs for the road right-of-way. The proposal is to swap these parcels straight across and not exchange any funds. Kaysville City staff have reviewed this proposal and believe the parcels in questions are worth the same amount of money and the exchange would be a "win-win" for both organizations.

Council Options: 1 - Approve the resolution, 2 – Approve the resolution with any modifications that the Council deems appropriate, 3 – Decline to adopt the resolution and remand to staff with further direction.

Recommended Options: Staff recommends that the City Council approve the resolution

Fiscal impact & Fund Source for Recommended Action: Since the proposal is to not exchange funds, this item would not have a direct fiscal impact on the city.

Attachments: Resolution and Property Map

RESOLUTION 21-XX-XX

**AUTHORIZING THE CITY MANAGER TO TRADE PROPERTY
INTEREST AT THE DAVIS COUNTY ANIMAL SHELTER FOR A
PORTION OF THE COUNTY'S REAL PROPERTY TO COMPLETE THE
ANGEL STREET PORTION OF THE CONNECTOR ROAD**

WHEREAS, Kaysville City (hereinafter "City") owns a 1/3 interest in the Davis County Animal Shelter and the associated real property (Parcel # 111170030) (hereinafter "Animal Shelter Property"); and

WHEREAS, the County owns property (Parcel # 080240041) just south of the Sunset Equestrian Center; and

WHEREAS, the City has determined that the Animal Shelter Property could be traded with the County for a portion of their property to acquire necessary right of way to extend Angel Street portion of the Connector Road; and

WHEREAS, this trade would benefit the County and the City; and

WHEREAS, the City, in exercise of its management of public property, believes that it is in the best interest of the public to trade the Animal Shelter Property with the County for a portion of their property to complete the Angel Street portion of the Connector Road.

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

1. The City Manager is directed to conduct negotiations to trade property with Davis County to dispose of the Animal Shelter Property and acquire a portion of the Angel Street portion of the Connector Road property. The terms of the Agreement shall address all terms and conditions that are consistent with the intent of City Council. The Agreements shall include such other provisions as are deemed necessary to accomplish the purposes of the City in entering an agreement to trade these properties. The City Manager is prohibited from entering into an agreement that would provide less than the property necessary for the right of way on this property.

2. At such time as the Agreement is in a form acceptable to the City Manager and City Attorney and after Davis County has properly executed said Agreement, the City Manager is authorized to execute the Agreement on behalf of the City. Execution of the Agreement by Davis County shall constitute acceptance of the trade, pursuant to the terms and conditions of the Agreement. Execution of the Agreement by the City Manager shall constitute the City's acceptance of the offer by Davis County and the formal trade of the property pursuant to the terms and conditions of the Agreement.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this **15th day of July, 2021**.

Katie Witt, Mayor

ATTEST:

Annemarie Plaizier, City Recorder



Equestrian Parkway

Mare Dr

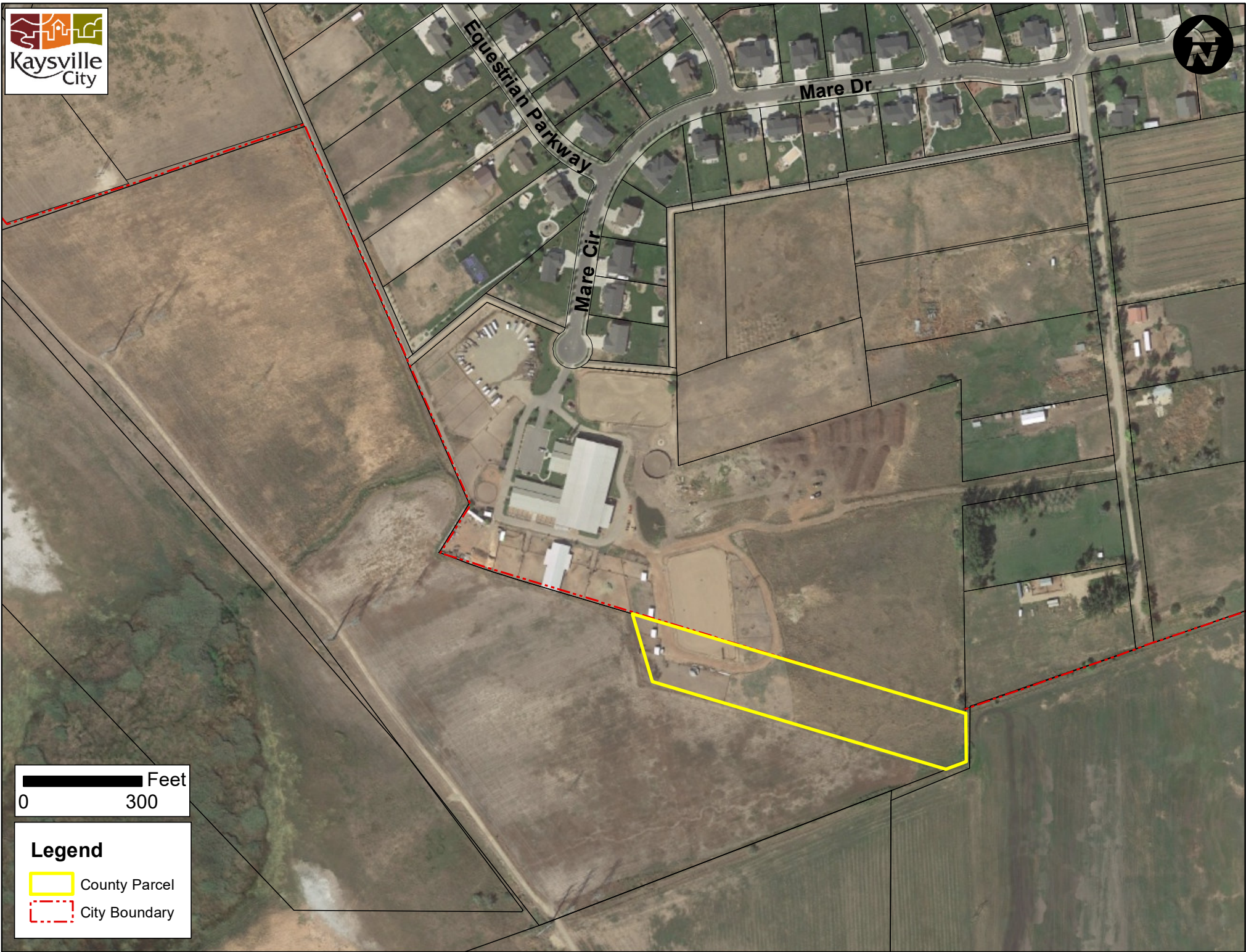
Mare Cir



Legend

 County Parcel

 City Boundary



CITY COUNCIL STAFF REPORT



COUNCIL MEETING DATE: July 15, 2021

TYPE OF ITEM: ACTION

PRESENTED BY: Community Development – applicant is Destination Homes

SUBJECT/AGENDA TITLE: Consideration of a rezone of 1.1 acres of property at approximately 600 N and Main Street from GC (General Commercial) to the R-M (Residential Multi-Family) to include the PRUD (Planned Residential Unit Development) overlay zone.

AND

Preliminary Plat for the Mutton Hollow Townhomes Subdivision

EXECUTIVE SUMMARY:

Destination Homes is seeking a rezone at the subject property to accommodate future residential development.

The existing zoning district permits office and retail sales and services, but does not allow for residential uses except for single family units needed to support a business function.

The property is abutting commercial property along Main Street to the north and south and residential development to the east. There are some R-M zoned properties in the vicinity across the street and near the corner of Mutton Hollow and Main Street.

The R-M zoning district regulated through Title 17-16 allows for multiple-dwelling structures by permitted use and zone may have a density of 15.5 units per acre.

The Planning Commission held a public hearing and met regarding this item over multiple meetings. To understand the concerns of nearby impacted property owners as well as how the requests fits with the city's current General Plan and ongoing update.

The applicant has also submitted a preliminary plat for consideration with the rezone request to better show the final details of what they hope to build should the rezone be granted.

REZONE:

In consideration of the rezone the City Council should consider how the use fits with the city's general plan and how it works at the specific location.

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

Identity and Character:

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

Housing:

- A. Housing should be located throughout the City and restricted only where it is incompatible with other necessary uses.
 - 2. East of I-15, allow for housing compatible with and complimentary to existing neighborhoods while considering medium densities along major streets and higher densities near transit stops and arterial streets (200 North, Main Street, Interstate 15, and U.S. 89).
- B. The majority of the housing should be single unit attached or detached. The City will seek to provide a variety of housing choices throughout the community including a means for allowing homes of a variety of sizes. Multiple unit housing should consist mostly of duplexes (two unit structures) and some three to six unit structures dispersed throughout the City.
- C. Housing development should have a minimum of through vehicular traffic and a maximum of open space.
- D. Housing developments should essentially pay for themselves.

II. Business and Industry

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

Requested Zoning:

[Chapter 16 R-M Multiple Family Residential District](#)

17-16-1 Purpose

To provide for areas in appropriate locations where neighborhoods of varying degrees of density may be established, maintained, and protected. The regulations of this district are designed to promote and encourage an intensively developed residential environment suitable primarily for adult living. To this end, the regulations permit, in accordance with stated regulations, dwellings ranging from single-family to multiple and necessary public services and activities subject to proper controls.

17-16-2 Site Plan Review

All permitted and conditional uses in an R-M Zone District, except for single-family and two-family (duplex) dwellings, temporary buildings and temporary offices, and the keeping of farm animals, shall be subject to a site plan review as specified in [KCC Chapter 18-4](#). On a case-by-case basis, the Planning Commission may also require temporary buildings and temporary offices to obtain site plan approval.

17-16-3 Permitted Uses

- 1. Single-family dwellings.
- 2. Multiple dwellings.
- 3. Public parks and playgrounds, and privately-owned parks, playgrounds, and recreational grounds not operated as a business in whole or part and to which no admission is charged.
- 4. Minor home occupations subject to the provisions of KCC Chapter 17-26.
- 5. Two household pets per dwelling unit.
- 6. Private swimming pools subject to the provisions of KCC 17-31-9.
- 7. Accessory uses and accessory buildings customarily appurtenant to a permitted use subject to the provisions of KCC 17-31-2.

17-16-4 Conditional Uses

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

8. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type; not including storage or repair yards, warehouses, and similar uses.
9. Major home occupations A and B subject to the provisions of KCC Chapter 17-26.
10. Residential child care subject to the provisions of KCC Chapter 17-26.
11. Temporary buildings for uses incidental to construction work subject to the provisions of KCC 17-30-7, which buildings must be removed upon the completion or abandonment of the construction.
12. Temporary tract offices and development signs subject to the provisions of KCC 17-30-7 and KCC Chapter 17-33.
13. Twin homes subject to the provisions of KCC Chapter 17-28.
14. Public utility substations subject to the provisions of KCC 17-31-15.
15. Farm animals subject to the provisions of KCC Chapter 17-24.
16. Business, professional, and government offices.
17. Swimming clubs subject to the provisions of KCC 17-3-10.

17-16-5 Height Regulations

1. No building shall exceed thirty feet (30') in height, except as provided in KCC 17-25-2.
2. No accessory building shall exceed fifteen feet (15') in height, except as provided in KCC 17-25-2 and KCC 17-31-2.
3. No main building shall be less than ten feet (10') in height, and no accessory building less than six feet (6') in height.

Chapter 17-34 – Planned Residential Unit Development

The purpose for the PRUD overlay zone is to accommodate a common open space subdivision where the units could be platted individually for potential owner occupancy.

17-34-1 Purpose

The purpose of the Planned Residential Unit Development is to encourage a better living environment through greater flexibility of design that is not possible solely through the application of the standard zoning requirements; to encourage diversification in the relationship of residential uses and structures to their sites; to permit a more flexible development of such sites; to preserve meaningful open space, conservation areas, and sensitive lands such as wetlands, steep slopes, and unique vegetation; to preserve character, and assure greater compatibility of new construction with the existing neighborhood; to encourage good neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans so as to give imagination and variety in the physical pattern of the development. New construction in already developed areas should to the greatest extent possible, maintain the established mass, scale, height, width, and form of the surrounding buildings.

PRELIMINARY PLAT:

The proposed subdivision includes 16 single family attached lots on a one-way private drive.

Access: The private drive as shown is 20 ft. in width and sits 74 ft. from the intersection of Mutton Hollow and Main. The closest approach is an entrance only to avoid conflict from traffic existing onto Mutton Hollow Road near the intersection.

KCC 17-32-2 (3) Access. Adequate ingress and egress to all users shall be provided as follows:

1. Access for all uses except residential shall be by a maximum of one (1) driveway for each one hundred feet (100') of frontage on a public street, such driveways to be not over thirty-eight feet (38') in width. The City Engineer may allow wider driveways or more driveways based upon a traffic study, anticipated large truck traffic or high traffic volumes or other applicable factors.
2. Access for residential uses shall be by a maximum of two (2) driveways for each seventy feet (70') of frontage on a public street, such driveways to be not over forty feet (40') in width, or less than ten feet (10') in width.

3. Access driveways shall not be closer to each other than twelve feet (12').
4. No residential driveway shall be closer than twenty feet (20') measured along the property lines to the point of intersection of two property lines at any corner.
5. In a commercial zone, no driveway shall be closer to an intersection of two streets than forty feet (40'). Combined driveway widths shall not cover more than fifty percent (50%) of the lot frontage.

Open Space: Based on the lot sizes provided a minimum of 12,968 sq. ft. of open space is required. The applicant has provided 14,460 sq. ft. including a pavilion as an amenity for the project. The proposal meets the yard requirements of the recently updated PRUD Ordinance.

Parking: There are 9 guest parking stalls in addition to the 2 car garage provided with each unit where a minimum of 2 per unit is required.

Council Options:

- Rezone: Approve, Deny, Table for more information
- Preliminary Plat: Approve only if rezone request is granted. Deny. Table for additional information or to address changes requested by the council.

Recommended Options:

- Rezone: The Planning Commission was split 3 – 3 in their voting to recommend approval or denial to the council. Those commissioners who voted for the rezone believed that the project brought needed housing to Kaysville on a corner that didn't seem to have much commercial viability. Those opposed to the rezone indicated their desire to stop placing all the high density housing in Kaysville in this area in addition to concerns for giving up commercial property and creating incompatible uses with the shelter to the east.

Fiscal impact & Fund Source for Recommended Action: N/A

Attachments: Location Map, Concept Plans, Preliminary Plat, Rezone Ordinance, Zoning Map

Rezone of 650 North Main Street from GC to R-M PRUD



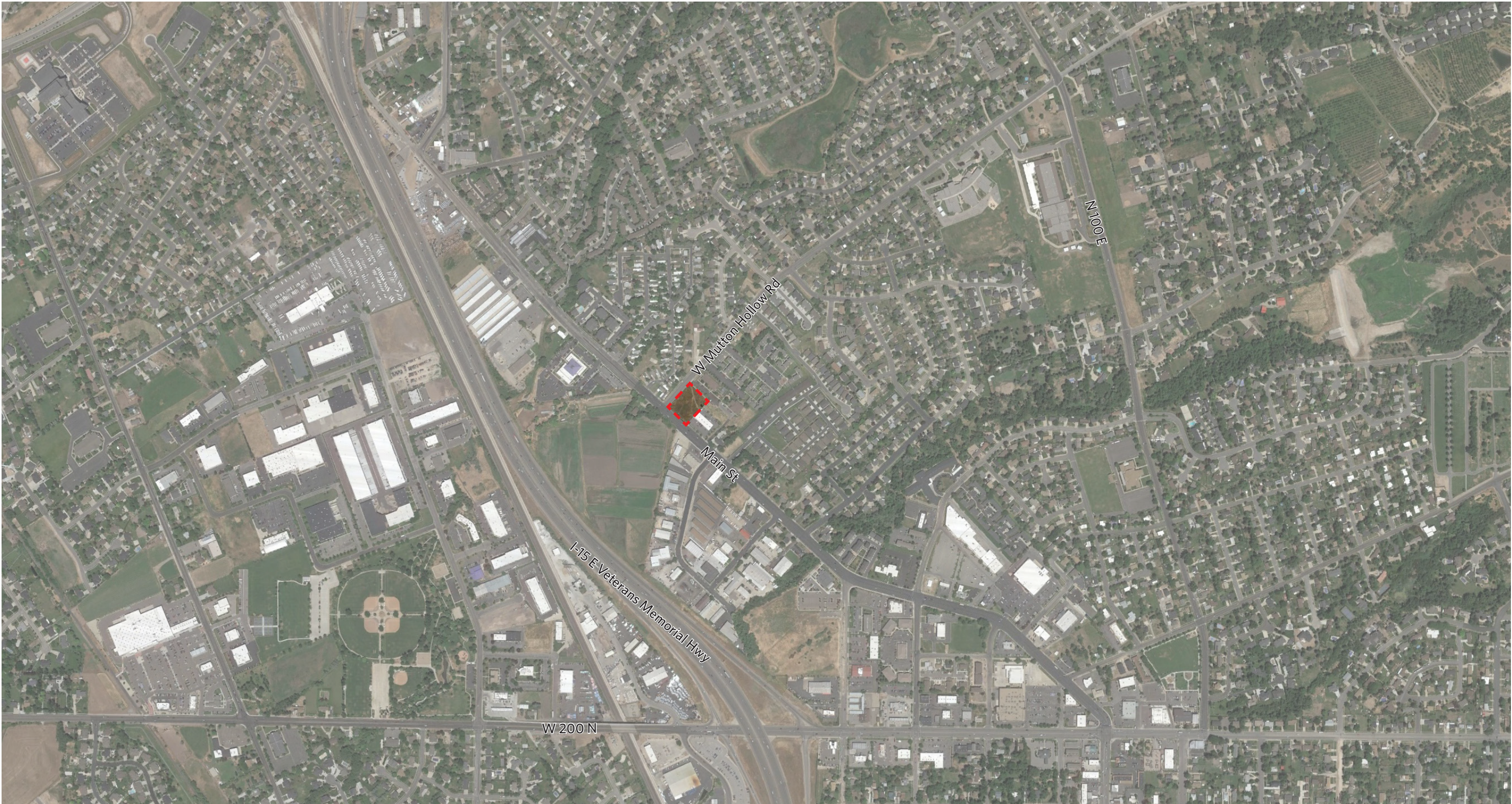
An aerial architectural rendering of a townhouse development. The townhouses are arranged in a row, featuring a mix of light-colored siding and dark wood accents. They have steep, gabled roofs with multiple dormer windows. The development is set on a corner lot, with a sidewalk and young trees along the street frontage. In the background, there's a large, flat, light-colored area, possibly a parking lot or undeveloped land. The overall style is a realistic architectural visualization.

2 June 2021
Kaysville, Utah

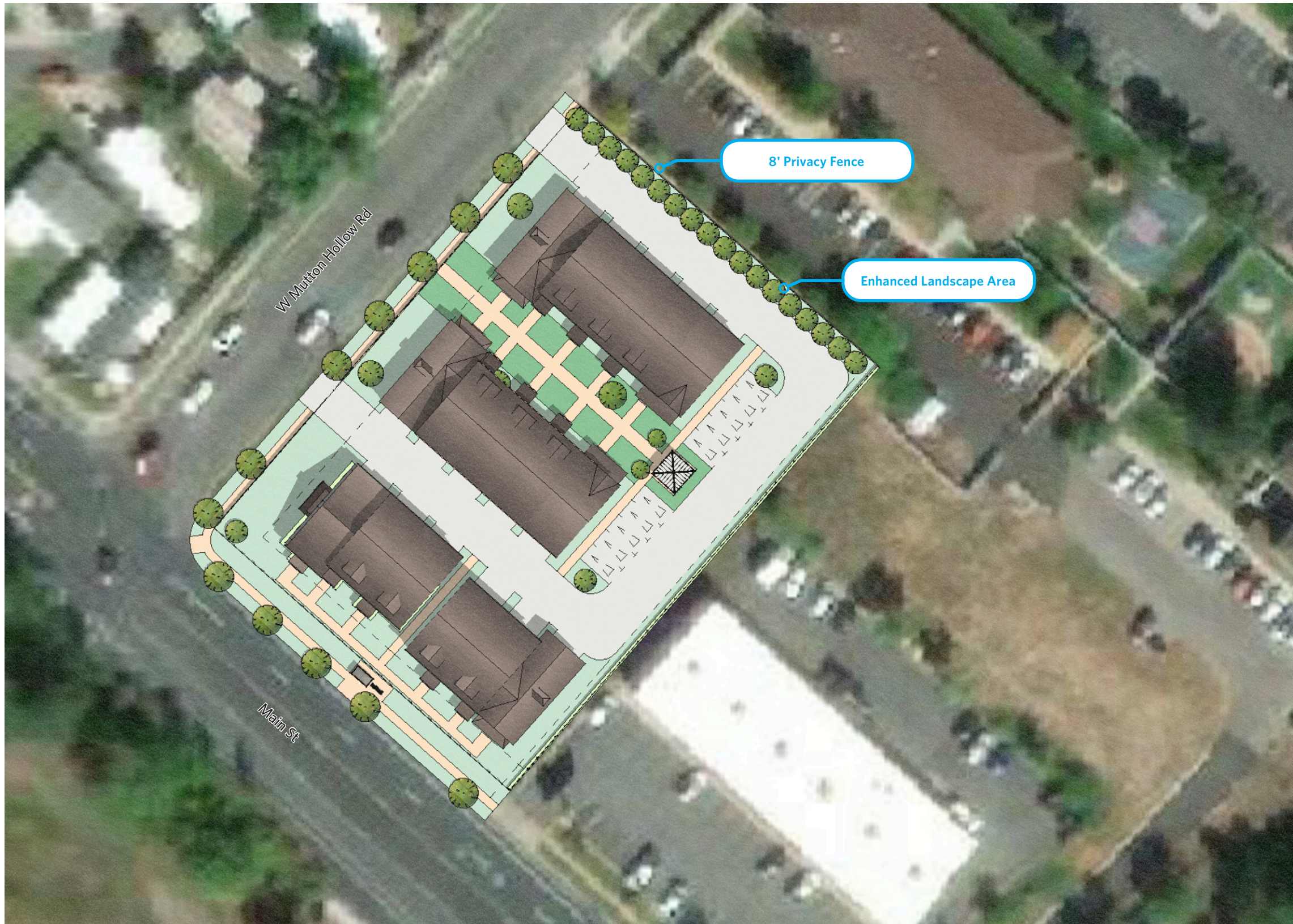


MUTTON HOLLOW TOWNHOUSES

Conceptual Architecture

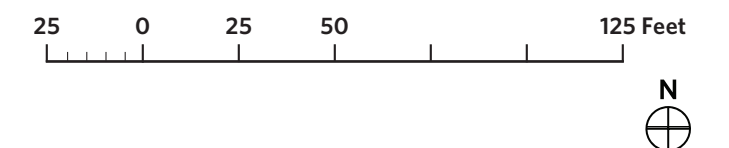


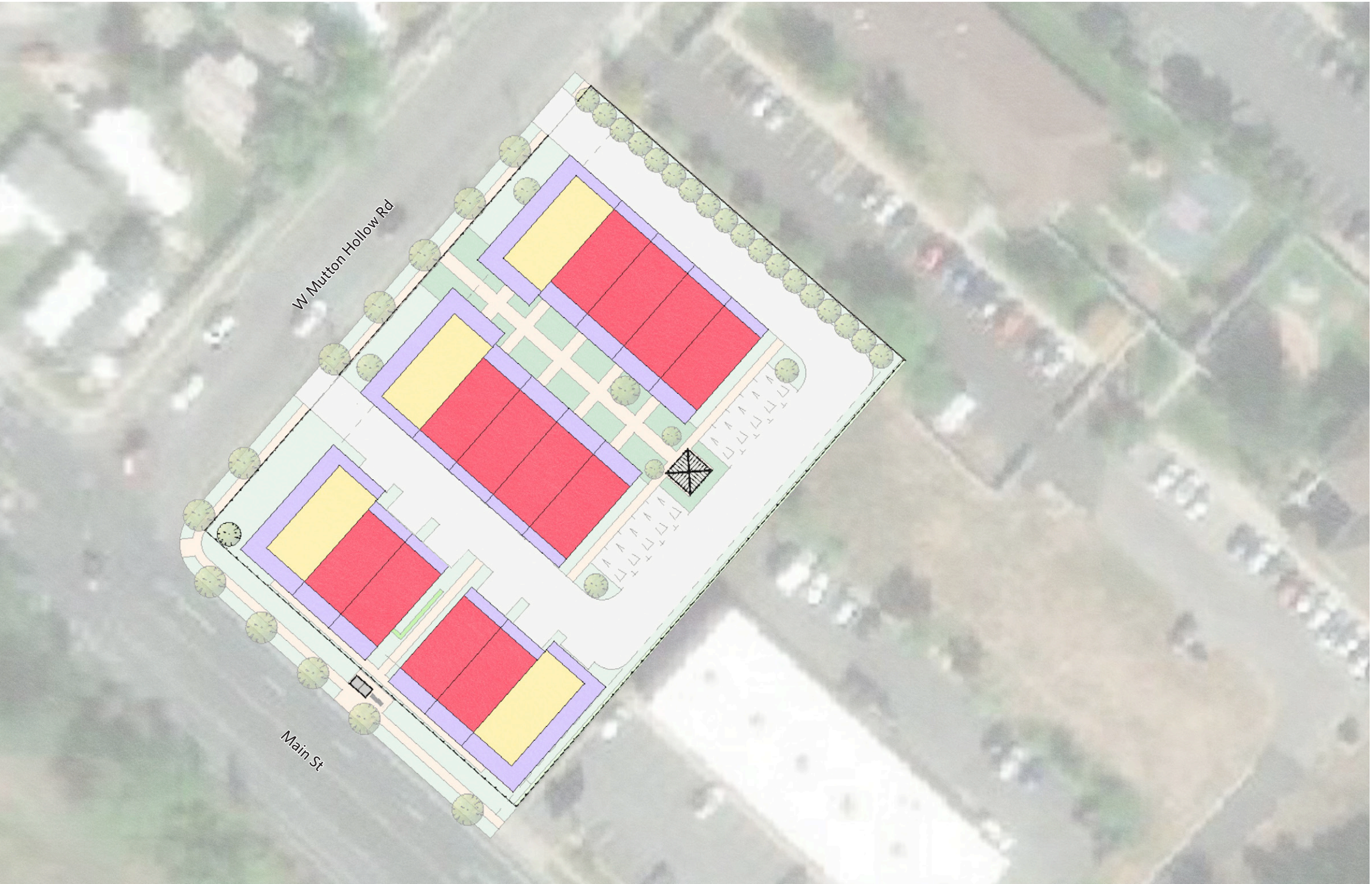
SITE LOCATION MAP



ILLUSTRATIVE PLAN

MUTTON HOLLOW TOWNHOUSES / KAYSVILLE, UTAH / 2 JUNE 2021





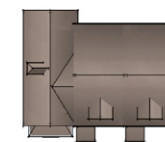
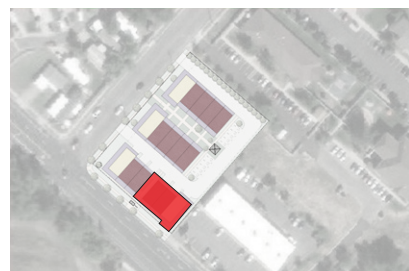
DESTINATION HOMES		
	Count	Ratio
Arlington	4	24%
Oakland	12	76%
Total	16	-

PORCH AND SETBACK ZONES

Parking: 9 Spaces



SITE PLAN & DEVELOPMENT PROGRAM



BUILDING 1



FRONT ELEVATION



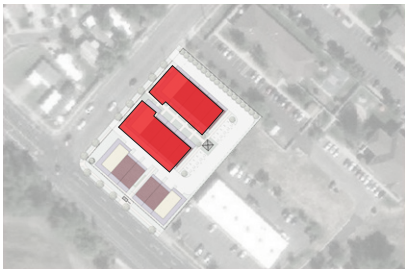
RIGHT ELEVATION



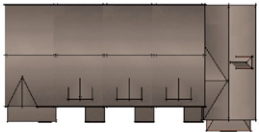
REAR ELEVATION



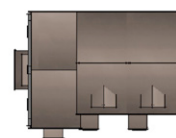
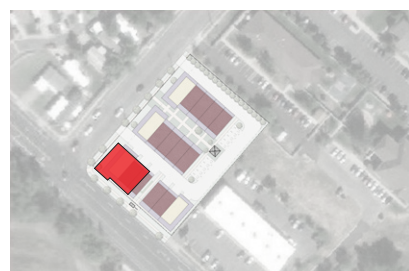
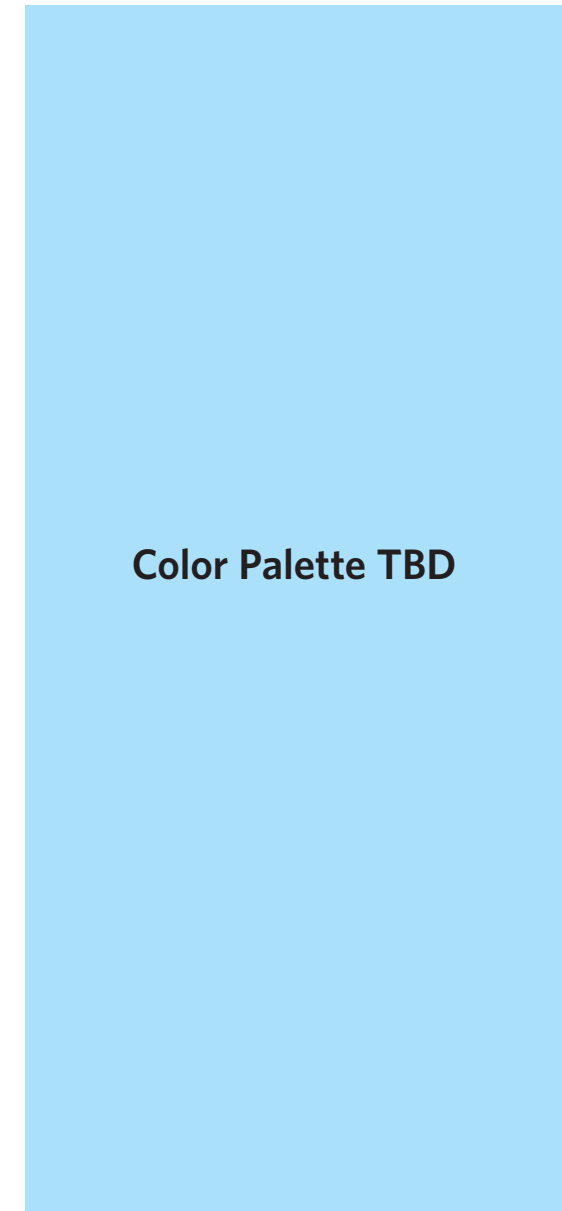
LEFT ELEVATION



Color Palette TBD



BUILDING 2



BUILDING 3



AERIAL VIEW



AERIAL VIEW



EYE-LEVEL VIEW

MUTTON HOLLOW TOWNHOUSES / KAYSVILLE, UTAH / 2 JUNE 2021



EYE-LEVEL VIEW

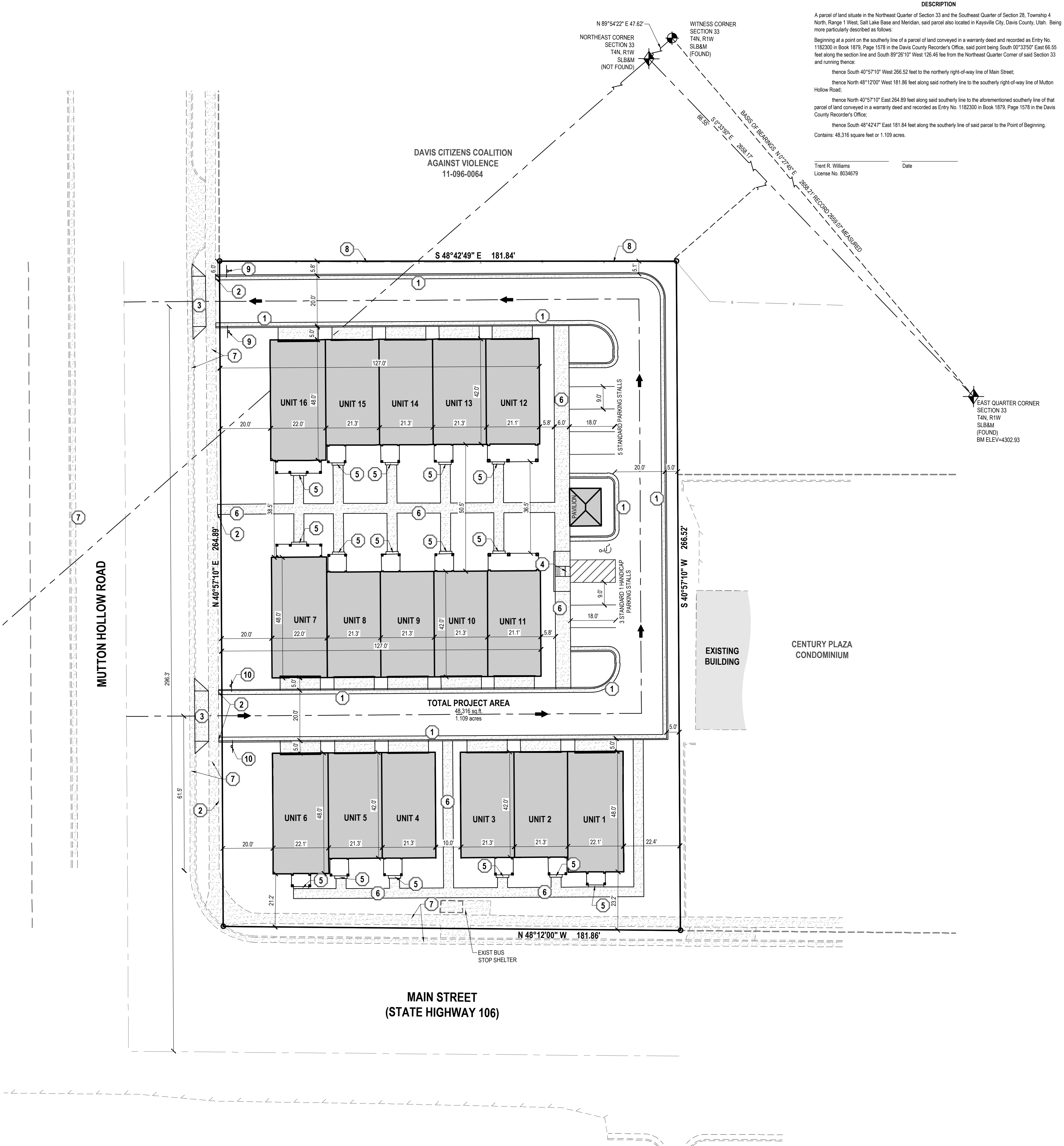
MUTTON HOLLOW TOWNHOUSES / KAYSVILLE, UTAH / 2 JUNE 2021

811

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PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.
Call before you dig.

BENCHMARK

EAST QUARTER CORNER OF SECTION 33,
TOWNSHIP 4 NORTH, RANGE 1 WEST
SALT LAKE BASE AND MERIDIAN
ELEV = 4302.93'



DESCRIPTION

A parcel of land situate in the Northeast Quarter of Section 33 and the Southeast Quarter of Section 28, Township 4 North, Range 1 West, Salt Lake Base and Meridian, said parcel also located in Kaysville City, Davis County, Utah. Being more particularly described as follows:

Beginning at a point on the southerly line of a parcel of land conveyed in a warranty deed and recorded as Entry No. 1182300 in Book 1879, Page 1578 in the Davis County Recorder's Office, said point being South 00°33'50" East 66.55 feet along the section line and South 89°26'10" West 126.46 feet from the Northeast Quarter Corner of said Section 33 and running thence:

thence South 40°57'10" West 266.52 feet to the northerly right-of-way line of Main Street;

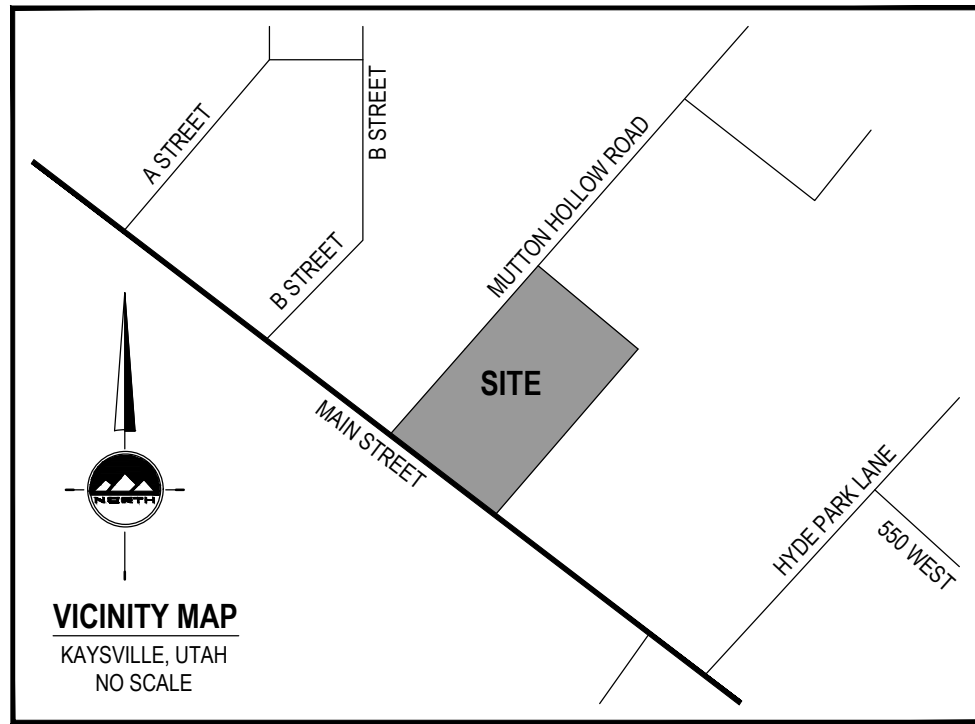
thence North 48°12'00" West 181.86 feet along said northerly line to the southerly right-of-way line of Mutton Hollow Road;

thence North 40°57'10" East 264.89 feet along said southerly line to the aforementioned southerly line of that parcel of land conveyed in a warranty deed and recorded as Entry No. 1182300 in Book 1879, Page 1578 in the Davis County Recorder's Office;

thence South 48°42'47" East 181.84 feet along the southerly line of said parcel to the Point of Beginning.

Contains: 48,316 square feet or 1.109 acres.

Trent R. Williams License No. 8034679 Date

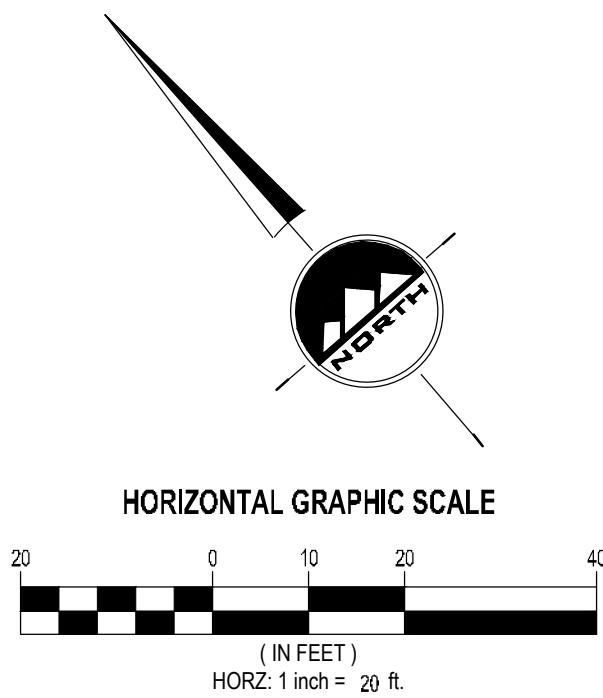


- GENERAL NOTES**
- ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
 - ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
 - SEE LANDSCAPE/ARCHITECTURAL PLANS FOR CONCRETE MATERIAL, COLOR, FINISH, AND SCORE PATTERNS THROUGHOUT SITE.
 - ALL PAVEMENT MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE M.U.T.C.D. (MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES).
 - ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SHRUBS, SOD, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
 - NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
 - THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.

- SCOPE OF WORK:**
- PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:
- 24" COLLECTION CURB AND GUTTER PER DETAIL 6/C-500
 - MATCH EXISTING IMPROVEMENTS
 - INSTALL DRIVE APPROACH PER KAYSVILLE CITY STANDARDS
 - INSTALL HANDICAP ACCESSIBLE RAMP PER ADA STANDARDS AND SPECIFICATIONS
 - INSTALL STAIR(S)
 - INSTALL SIDEWALK
 - EXISTING CURB, GUTTER AND SIDEWALK
 - EXISTING VINYL FENCE ALONG PROPERTY LINE
 - INSTALL "EXIT ONLY" SIGN
 - INSTALL "ENTRANCE ONLY- NOT AN EXIT" SIGN

SITE SUMMARY TABLE		
DESCRIPTION	AREA (SF)	PERCENTAGE
PAVEMENT	18,744 sq. ft.	38.8%
ROOF	15,152 sq. ft.	31.4%
LANDSCAPING	14,420 sq. ft.	29.8%
TOTAL SITE	48,316 sq. ft.	100%
OPEN SPACE	14,460 sq. ft.	30.0%

PARKING DATA TABLE	
STANDARD STALLS	8
ADA - ACCESSIBLE STALLS	1
TOTAL STALLS	9



LOCATED IN THE NORTHEAST QUARTER
OF SECTION 33
TOWNSHIP 4 NORTH, RANGE 1 WEST
SALT LAKE BASE AND MERIDIAN
KAYSVILLE CITY, DAVIS COUNTY, UTAH

EN SIGN

THE STANDARD IN ENGINEERING

LAYTON

919 North 400 West
Layton, UT 84041
Phone: 801.547.1100

SALT LAKE CITY

Phone: 801.255.0529

TOOELE

Phone: 435.843.3590

CEDAR CITY

Phone: 435.865.1453

RICHFIELD

Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:

DESTINATION HOMES
87 SOUTH MAIN STREET, SUITE 300
LAYTON, UTAH 84041

CONTACT:

JOHN WARNICK
PHONE: 801-593-6993

MUTTON HOLLOW TOWNHOMES

598 NORTH MAIN STREET
KAYSVILLE, UTAH

PROFESSIONAL ENGINEER

5-21-21

CHERRON HESS PRESTON

NO. DATE

1 2 3 4 5 6 7 8

FOR REVIEW

PRELIMINARY
SITE PLAN

PROJECT NUMBER
9594

PRINT DATE
5/27/21

DRAWN BY
J.MOSS

CHECKED BY
C.PRESTON

PROJECT MANAGER
C.PRESTON

1 OF 3

811

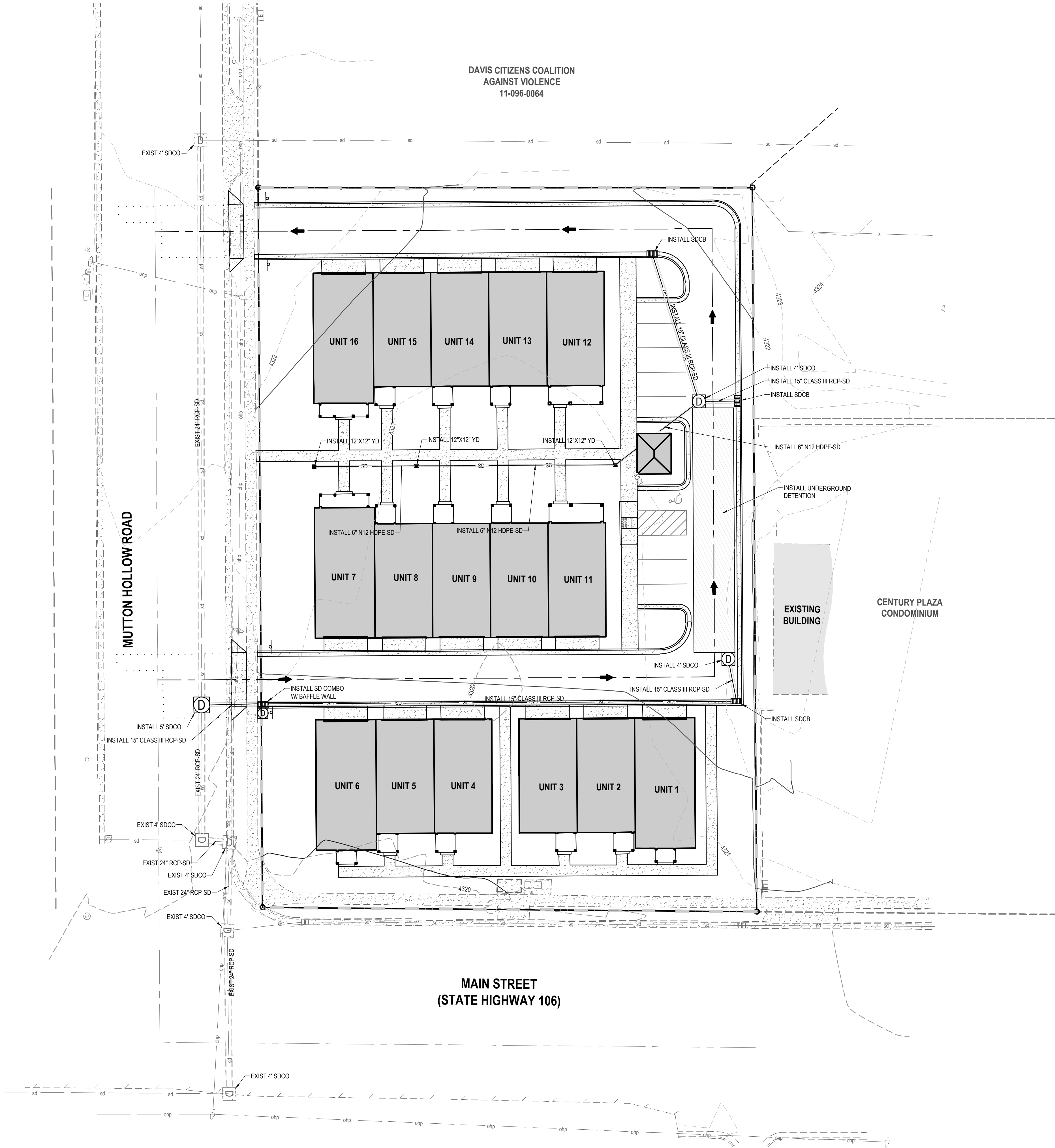
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ELEV = 4302.93'



- GENERAL NOTES
1.

ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
2.

ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
3.

ALL WORK SHALL COMPLY WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER POSSIBLY INCLUDING, BUT NOT LIMITED TO, REMOVAL OF UNCONSOLIDATED FILL, ORGANICS, AND DEBRIS, PLACEMENT OF SUBSURFACE DRAIN LINES AND GEOTEXTILE, AND OVEREXCAVATION OF UNSUITABLE BEARING MATERIALS AND PLACEMENT OF ACCEPTABLE FILL MATERIAL.
4.

THE CONTRACTOR SHALL BECOME FAMILIAR WITH THE EXISTING SOIL CONDITIONS.
5.

LANDSCAPED AREAS REQUIRE SUBGRADE TO BE MAINTAINED AT A SPECIFIC ELEVATION BELOW FINISHED GRADE AND REQUIRE SUBGRADE TO BE PROPERLY PREPARED AND SCARIFIED. SEE LANDSCAPE PLANS FOR ADDITIONAL INFORMATION.
6.

SLOPE ALL LANDSCAPED AREAS AWAY FROM BUILDING FOUNDATIONS TOWARD CURB AND GUTTER OR STORM DRAIN INLETS.
7.

EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO VERIFY THE LOCATIONS OF EXISTING UTILITIES PRIOR TO THE BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED IN THE CONTRACT. THE CONTRACTOR IS TO VERIFY ALL CONNECTION POINTS WITH THE EXISTING UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE EXISTING UTILITIES AND UTILITY STRUCTURES THAT ARE TO REMAIN. IF CONFLICTS WITH EXISTING UTILITIES OCCUR, THE CONTRACTOR SHALL NOTIFY THE ENGINEER PRIOR TO CONSTRUCTION TO DETERMINE IF ANY FIELD ADJUSTMENTS SHOULD BE MADE.
8.

ALL STORM DRAIN INFRASTRUCTURE TO BE INSTALLED PER GOVERNING AGENCY OR APWA STANDARD PLANS AND SPECIFICATIONS.
9.

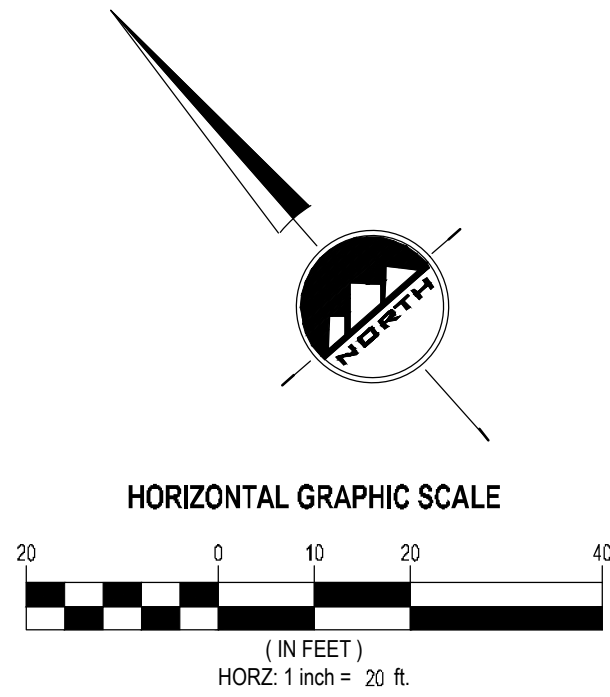
ENSURE MINIMUM COVER OVER ALL STORM DRAIN PIPES PER MANUFACTURER'S RECOMMENDATIONS. NOTIFY ENGINEER IF MINIMUM COVER CANNOT BE ATTAINED.
10.

ALL FACILITIES WITH DOWNSPOUTS/ROOF DRAINS SHALL BE CONNECTED TO THE STORM DRAIN SYSTEM. SEE PLUMBING PLANS FOR DOWNSPOUT/ROOF DRAIN LOCATIONS AND SIZES. ALL ROOF DRAINS TO HAVE MINIMUM 1% SLOPE.
11.

THE CONTRACTOR SHALL ADJUST TO GRADE ALL EXISTING UTILITIES AS NEEDED PER LOCAL GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
12.

NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE, ASPHALT, OR STORM DRAIN STRUCTURES OR PIPES.
13.

THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.



Study Summary Statistics

Phase 1:

	Area	C Value
Building Area	15,145	0.9
Total Hardscape	21,324	0.9
Landscaped Area	11,847	0.15
Total Area	48,316	
Weighted Average C		0.716
Total Area	48,316 SF	
Total Area	1.11 Acres	
Composite C	0.716	

Detention Calculations (10-year storm)

Basin Tributary Area	48,316 SF
Runoff coefficient C:	0.716
Release Rate	0.20 cfs/acre
Peak Release	0.222 cfs

Time (min)	i(in/hr)	Cumulative Runoff to Basin (c.f.)	Net Allowed Basin** Discharge (c.f.)	Required Storage (c.f.)
5	3.65	870	67	803
10	2.78	1,325	133	1,192
15	2.30	1,644	200	1,445
30	1.55	2,216	399	1,817
60	0.96	2,736	799	1,938
120	0.59	3,351	1,597	1,754
180	0.42	3,569	2,396	1,173
360	0.25	4,306	4,792	(485)
720	0.16	5,319	9,583	(4,265)
1440	0.10	6,588	19,167	(12,579)
2880	0.06	7,686	38,333	(30,647)
Required Detention:				1,938
Provided Detention:				1,975

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CONTACT:
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MUTTON HOLLOW TOWNHOMES

598 NORTH MAIN STREET
KAYSVILLE, UTAH

PROFESSIONAL ENGINEER
UTAH
5-21-21
CHERRON HESS PRESTON

NO. DATE NO. NO. FOR REVIEW BY
1
2
3
4
5
6
7
8

PRELIMINARY
GRADING PLAN

PROJECT NUMBER 9594 PRINT DATE 5/27/21
DRAWN BY J.MOSS CHECKED BY C.PRESTON
PROJECT MANAGER C.PRESTON

2 OF 3

811

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SALT LAKE BASE AND MERIDIAN

ELEV = 4302.93'

LEGEND

SECTION CORNER

EXISTING MONUMENT

EXISTING REBAR AND CAP

SET ENSIGN REBAR AND CAP

WATER METER

WATER VALVE

EXISTING FIRE HYDRANT

PROPOSED FIRE HYDRANT

SANITARY SEWER MANHOLE

STORM DRAIN CLEAN OUT BOX

STORM DRAIN CATCH BASIN

STORM DRAIN COMBO BOX

ELECTRICAL MANHOLE

ELECTRICAL BOX

UTILITY POLE

EXISTING LIGHT

PROPOSED LIGHT

GAS METER

GAS MANHOLE

GAS VALVE

TELEPHONE MANHOLE

TELEPHONE BOX

SIGN

EXISTING EDGE OF ASPHALT

PROPOSED EDGE OF ASPHALT

EXISTING STORM DRAIN LINE

PROPOSED STORM DRAIN LINE

EXISTING SANITARY SEWER

PROPOSED SANITARY SEWER LINE

EXISTING LAND DRAIN LINE

PROPOSED LAND DRAIN LINE

EXISTING CULINARY WATER LINE

PROPOSED CULINARY WATER LINE

EXISTING OVERHEAD POWER LINE

EXISTING CONTOURS

PROPOSED CONTOURS

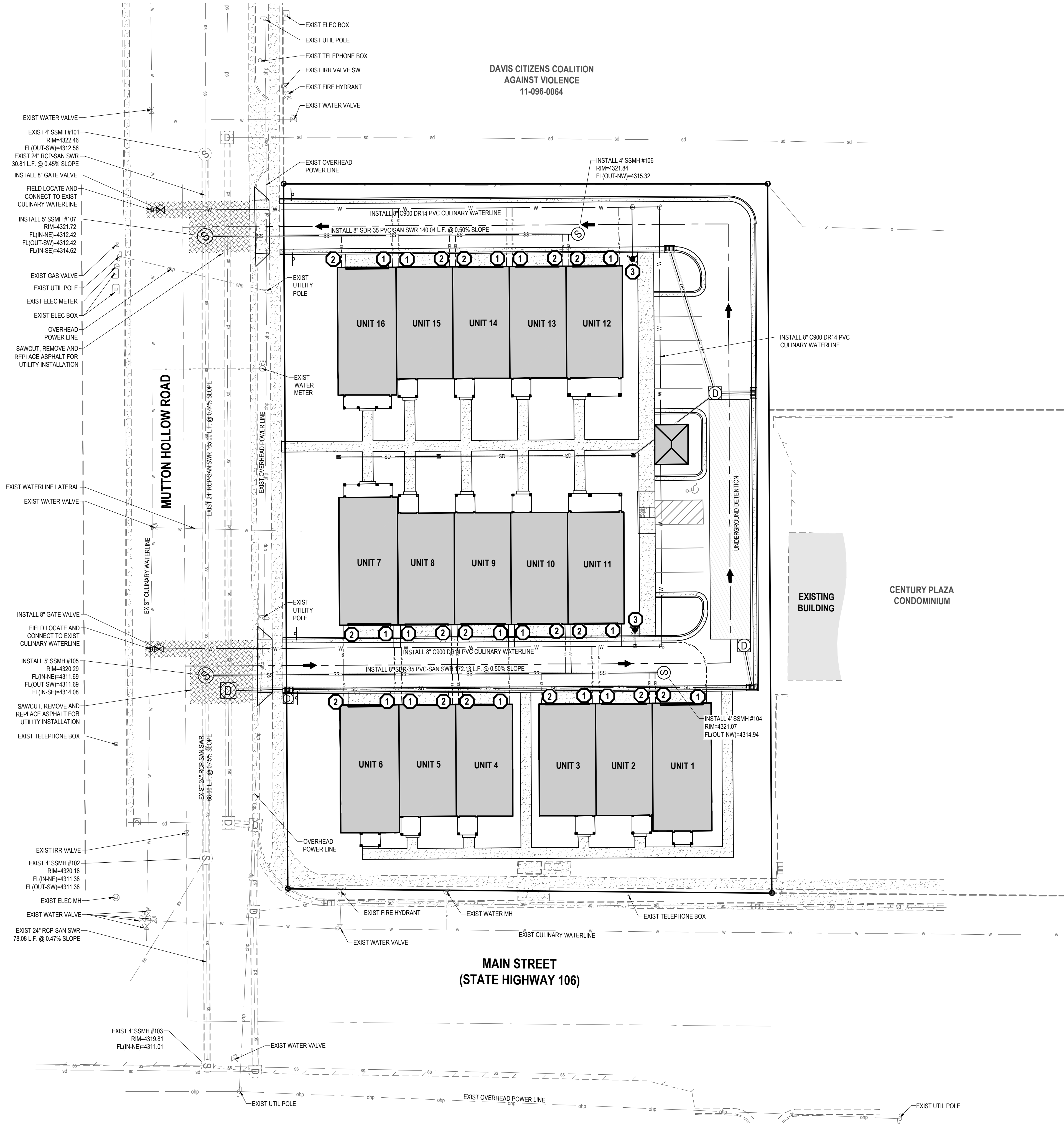
BUILDABLE AREA WITHIN SETBACKS

EXISTING CONCRETE

PROPOSED CONCRETE

EXISTING BUILDING

PROPOSED BUILDING



- GENERAL NOTES
1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.

2. EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO VERIFY THE LOCATIONS OF EXISTING UTILITIES PRIOR TO THE BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED IN THE CONTRACT. THE CONTRACTOR IS TO VERIFY ALL CONNECTION POINTS WITH THE EXISTING UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE EXISTING UTILITIES AND UTILITY STRUCTURES THAT ARE TO REMAIN. IF CONFLICTS WITH EXISTING UTILITIES OCCUR, THE CONTRACTOR SHALL NOTIFY THE ENGINEER PRIOR TO CONSTRUCTION TO DETERMINE IF ANY FIELD ADJUSTMENTS SHOULD BE MADE.

3. ALL SANITARY SEWER INFRASTRUCTURE TO BE INSTALLED PER GOVERNING AGENCY STANDARD PLANS AND SPECIFICATIONS.

4. ALL WATER INFRASTRUCTURE TO BE INSTALLED PER GOVERNING AGENCY OR APWA STANDARD PLANS AND SPECIFICATIONS.

5. DEFLECT OR LOOP ALL WATERLINES TO AVOID CONFLICTS WITH OTHER UTILITIES PER GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.

6. PROJECT SHALL COMPLY WITH ALL UTAH DIVISION OF DRINKING WATER RULES AND REGULATIONS INCLUDING, BUT NOT LIMITED TO, THOSE PERTAINING TO BACKFLOW PROTECTION AND CROSS CONNECTION PREVENTION.

7. THE CONTRACTOR IS TO COORDINATE ALL UTILITIES WITH MECHANICAL/PLUMBING PLANS.

8. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING UTILITY STRUCTURES OR PIPES.

9. THE CONTRACTOR SHALL ADJUST TO GRADE ALL EXISTING UTILITIES AS NEEDED PER LOCAL GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.

10. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.

- SCOPE OF WORK:
- PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:
1. INSTALL 3/4" CULINARY WATER SERVICE LATERAL WITH 1" METER

2. INSTALL 4" SANITARY SEWER SERVICE @ 2.0% MIN. SLOPE

3. INSTALL FIRE HYDRANT WITH VALVE

THE STANDARD IN ENGINEERING

LAYTON

919 North 400 West
Layton, UT 84041
Phone: 801.547.1100

SALT LAKE CITY

Phone: 801.255.0529

TOOELE

Phone: 435.843.3590

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FOR:
DESTINATION HOMES
87 SOUTH MAIN STREET, SUITE 300
LAYTON, UTAH 84041
CONTACT:
JOHN WARNICK
PHONE: 801-593-6993

MUTTON HOLLOW TOWNHOMES

598 NORTH MAIN STREET
KAYSVILLE, UTAH

DATE: 5/27/21
FOR REVIEW: 5/27/21

PRELIMINARY
UTILITY PLAN

PROJECT NUMBER: 9594
PRINT DATE: 5/27/21
DRAWN BY: J. MOSS
CHECKED BY: C. PRESTON
PROJECT MANAGER: C. PRESTON

3 OF 3

ORDINANCE NO. 21-_____

AN ORDINANCE REZONING A CERTAIN PORTION OF KAYSVILLE CITY FROM THE GC (GENERAL COMMERCIAL) ZONING DISTRICT TO THE R-M (RESIDENTIAL MULTI-FAMILY) ZONING DISTRICT TO INCLUDE THE PRUD (PLANNED RESIDENTIAL UNIT DEVELOPMENT) OVERLAY ZONE FOR A COMMON OPEN SPACE SUBDIVISION, HEREINAFTER FULLY DESCRIBED; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of Kaysville City, State of Utah, has determined in an open meeting to rezone the subject property from the GC district to the R-M zoning district to include the PRUD (Planned Residential Unit Development) overlay for the purpose of creating a common open space subdivision; and

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

WHEREAS, after providing notice and holding a Public Hearing the Kaysville City Planning Commission has made a recommendation to the City Council on said zoning action; and

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

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

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

SECTION II:

The real property described below and as shown on the attached map, which is made a part hereof, containing approximately 1.1 acres, shall be and the same is hereby rezoned and the Zoning Map amended by changing the zoning designation from the GC district to the R-M district to include the PRUD overlay zone.

Legal Description: A PARCEL OF LAND SIT IN THE NE 1/4 OF SEC 33 & THE SE 1/4 OF SEC 28-T4N-R1W, SLM; DESC AS FOLLOWS: BEG AT A PT ON THE S'LY LINE OF A PARCEL OF LAND CONV IN A WD & RECORDED AS E# 1182300 BK 1879 PG 1578 WH PT IS 67.79 FT S 0°33'50" E ALG THE SEC LINE & 126.47 FT W FR THE NE COR OF SEC

33-T4N-R1W, SLM; & RUN TH N 48°42'47" W 181.84 FT TO THE S'LY LINE OF MUTTON HOLLOW ROAD; TH S 40°57'10" W 264.89 FT, M/L, ALG SD S'LY LINE OF MUTTON HOLLOW ROAD TO THE E'LY R/W LINE OF STATE HWY 106; TH S 48°12'00" E 181.86 FT, M/L, ALG SD R/W LINE TO THE N'LY LINE OF CENTURY PLAZA CONDOMINIUM RECORDED AS E# 1312228 BK 2109 PG 460 IN SD DAVIS CO RECORDERS' OFFICE; TH N 40°57'10" E 266.52 FT ALG SD N'LY LINE TO THE POB. CONT. 1.171 ACRES

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

SECTION VI:

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

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

Katie Witt
Mayor

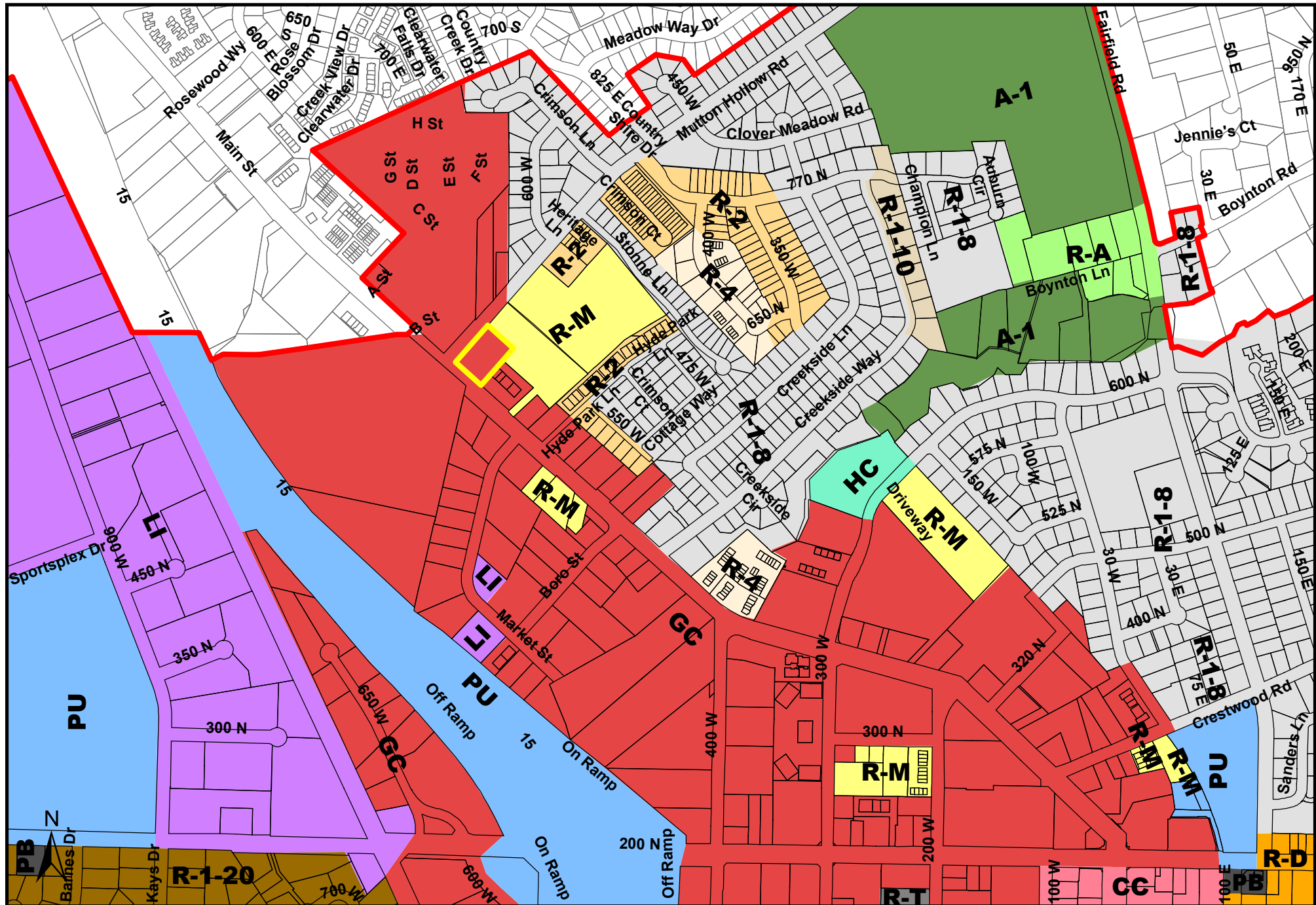
ATTEST:

Annemarie Plaizier
City Recorder

APPROVED AS TO FORM:

Nicholas C. Mills, City Attorney

Rezone of 650 North Main Street from GC to R-M PRUD



CITY COUNCIL STAFF REPORT



COUNCIL MEETING DATE: July 15, 2021

TYPE OF ITEM: WORK

PRESENTED BY: Nic Mills

SUBJECT/AGENDA TITLE: A Criminal Battery Ordinance for Kaysville City

EXECUTIVE SUMMARY: This Ordinance adds the crime of Battery to the Criminal Code. Battery would be a valuable tool in our City to resolve low-level assaults and charge offensive, but not injurious, physical contact that is not covered by current law.

The Utah assault statute Kaysville has adopted defines assault narrowly as intending or causing actual bodily injury. This Battery Ordinance will prohibit and allow the City to prosecute physical contact that rises to the level of offensive, insulting, or provoking, regardless of whether actual bodily injury is caused or intended.

Council Options: 1) Move the Ordinance to an action; 2) Move the Ordinance with any modifications that the Council deems appropriate; 3) Decline to adopt the Ordinance and remand to staff with further direction.

Recommended Options: Staff recommends that the City Council approve the Ordinance adding the crime of Battery to the City's Criminal Code.

Fiscal impact & Fund Source for Recommended Action: City Staff does not anticipate any costs to the City based on the passage of this Ordinance. This Ordinance may reduce the difficulty and cost of prosecuting certain crimes.

ORDINANCE 21-XX-XX

ADDITION OF TITLE 6, CHAPTER 8, SECTIONS 1-3 TO THE KAYSVILLE MUNICIPAL CODE, ENACTING A CRIMINAL BATTERY ORDINANCE

WHEREAS, Kaysville City has the power to pass ordinances for the purpose of safeguarding the public peace and safety of its Citizens; and

WHEREAS, Kaysville City has the authority to prohibit wrongdoing and provide for the punishment and redress of misconduct through the enactment of a Criminal Code; and

WHEREAS, the crime of Battery is offensive to the public peace and safety of the Citizens of Kaysville City; and

WHEREAS, the crime of Battery should be prohibited in the City and penalized by appropriate means; and

WHEREAS, the City Council of Kaysville City finds this amendment to be in the best interests of the Citizens of Kaysville City and the health, safety, and welfare of the City.

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

SECTION I: Enactment. Title 6, Chapter 8, Sections 1-3 of the Kaysville Municipal Code are hereby added as follows:

6-8-1 Definitions

The following definitions apply in this Chapter:

1. **Physical Contact** – Actual contact made using a part of a person’s body or an object under a person’s immediate control against another person’s body or immediate personal effects. Types of contact include, but are not limited to: spitting, kissing, pinching, poking, shoving, intimidating touching, or pushing with a vehicle.
2. **Offensive** - Repugnant to the prevailing sense of what is decent or moral.
3. **Insulting** - Abusive or highly demeaning.
4. **Provoking** - Reasonably calculated to incite retaliatory action.

6-8-2 Battery

A person commits battery if he or she, intentionally or knowingly, and without sufficient legal justification or privilege makes physical contact of an offensive, insulting, or provoking nature with another. Battery is prohibited in Kaysville.

6-8-3 Penalty

Any person committing battery in violation of KCC 6-8-2 is guilty of a Class C misdemeanor.

SECTION II: Required Statements. The penalties for violation of this Ordinance are set forth in Title 76, Chapter 3 of the Utah Code. Because the penalties for violation of this Ordinance includes the possibility of imprisonment, the City is required under Utah Code Section 78B-22-301 to provide for indigent defense services, as the term is defined in Section 78B-22-102.

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

SECTION IV: Effective Date. This Ordinance shall become effective immediately.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this ____ **day of** _____, **2021.**

Katie Witt, Mayor

ATTEST:

Annemarie Plaizier, City Recorder

CITY COUNCIL STAFF REPORT



COUNCIL MEETING DATE: July 15, 2021

TYPE OF ITEM: WORK

PRESENTED BY: Community Development

SUBJECT/AGENDA TITLE: Mixed Use Zoning Ordinance

EXECUTIVE SUMMARY:

The ordinance included with this packet has been worked on by the Planning Commission as a means to be able to consider development in Kaysville that is not currently allowed. The Ordinance has been reviewed by the Planning Commission over multiple meetings and a public hearing has been held where input from both the public and Planning Commission has been taken into consideration.

A brief summary of the MU Overlay Zoning District:

- This Allows for both commercial and residential development in the same project, on the same property.
 - o Vertical Mixed Use or Horizontal Mixed Use
- Because it functions as an overlay zone, it keeps characteristics of underlying zone in tact such as setbacks and focus on primary use of underlying zone.
- There is emphasis on what buildings look like and less focus on what they are used for.
- The creation of this zoning district will not apply it to any property, it would be made applicable through a future rezone process allowing for discretion of the council to determine when it should be applied or not.
- The ordinance as written is intended to require a lot of specific project detail in order to be considered.

Council Options: Move to action item with or without requested changes / table for more information and to review changes / determine to not move the item to a future action agenda.

Recommended Options: The Planning Commission recommended approval of the proposed ordinance with changes that have been addressed to deal with the timing of commercial development, compatibility with surrounding property, and additional attention to traffic impacts.

Fiscal impact & Fund Source for Recommended Action: N/A

Attachments: MU Zoning Ordinance

ORDINANCE NO. 2021-_____

AN ORDINANCE ENACTING CHAPTER 27 – MIXED USE (MU) ZONING DISTRICT OF TITLE 17 PLANNING AND ZONING, OF THE REVISED ORDINANCES OF KAYSVILLE CITY PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Kaysville City Planning Commission determined that the city would benefit from a new zone to as a tool for considering new types of future development; and

WHEREAS, Kaysville City has traditionally allowed development to be either commercial in nature or residential; and

WHEREAS, recent public outreach has identified interest in allowing future growth to occur in a mixed use development pattern at select locations; and

WHEREAS, the Kaysville City Planning Commission has deliberated in multiple public meetings the idea of creating a mixed use zone and voted to recommend approval of said district; and

WHEREAS, the Kaysville City Council has reviewed the proposed ordinance prepared by the Kaysville City Planning Commission and voted to approve a new zoning district.

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

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

SECTION II: Enactment. CHAPTER 27 – MIXED USE (MU) ZONING DISTRICT OF TITLE 17 PLANNING AND ZONING, of the Revised Ordinances of Kaysville City, 1993, is enacted to read as follows:

Chapter 27 (MU) MIXED-USE ZONE

17-27-1 PURPOSE.

The purpose of the Mixed-Use (MU) zoning district is to facilitate the integration of diverse but compatible uses into a single development, with the goal of creating a community with more diverse development types providing a broader range in residential and commercial choice. This zoning district shall be applied as an overlay zone in the R-M, GC, CC, and LI zoning district where specifically approved. The uses permitted in the underlying district shall be a priority. Where the use of this district is desired in a location that is not zoned R-M, GC, CC, or LI, a rezone of the underlying zone to a qualifying district should accompany the request for the use of this overlay.

The flexibility in use provided by this zone should help promote "live, work, and play" opportunities within the city while creating an appropriate transition from surrounding development. A mixed use project can utilize ‘horizontal mixed use where commercial, office and residential uses are designed as a single project yet constructed in separate and distinct building footprints. A mixed use project may also employ ‘vertical’ design strategies where commercial, clean industrial, office and residential uses are designed as a single project and constructed within the same footprint.

17-27-2 PROJECT EVALUATION / REVIEW PROCESS

All proposals to include a property within the MU zone shall be accompanied by a development agreement and project details which show compatibility with:

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

The Development Agreement shall show compatibility with the items above by providing at a minimum a site plan, a landscape and amenities plan, conceptual building elevations and design schemes, streetscape and building setback diagrams, and a plan justifying the amount of off street parking being provided. The number and type of units and the general categories and uses to be established within a mixed-use project shall be specified and enumerated in the design provided with the Development Agreement.

The City may deny any zone map amendment or development proposal that does not comply with any of these criteria.

17-27-3 ALLOWED USES

The allowed uses within a project are as follows:

1. When applied with the R-M zoning district:
 - A. The uses allowed within the underlying zone and the following shall be considered Permitted Uses.
 1. Offices.
 2. Retail sales and services, not including storage services, sale of beer for consumption on the premises, sale of liquor for consumption on the premises and conditional uses in KCC 17-19-4
 3. Amusement arcades
 - ii. Where the R-M zone limits the number of dwellings to no more than 1 dwelling per 2,800 sq. ft. of property, the MU Zone has no maximum residential density prescribed. Instead building form, height, site envelope, yards, open space standards and parking ratios will determine the number of potential units.
 - B. The uses allowed by conditional use permit in the underlying zone and the following shall be considered Conditional Uses:
 - i. Motels or hotels.
 - ii. Sale of beer for consumption on the premises of a full-service restaurant, limited service restaurant, beer-only restaurant, banquet or reception center.
 - iii. Sale of liquor for consumption on the premises of a full-service restaurant, limited service restaurant, banquet or reception center.
- C. 50% or more of the square footage of development should be residential use and 10% or more of the square footage of development should be for commercial use.
 - i. Required commercial shall be built before or at the same time as residential development.
2. When applied with the GC and CC zoning districts:
 - A. The uses allowed within the underlying zone and the following shall be considered Permitted Uses.

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- i. Multiple dwellings. No maximum residential density prescribed. Instead building form, height, site envelope, yards, open space standards and parking rations will determine the number of units allowed.
 - ii. Minor home occupations subject to the provisions of KCC 17-26.
 - iii. Major Home Occupation 'C' subject to the provisions of KCC 17-26.
 - iv. Two household pets per dwelling unit.
 - v. Private swimming pools subject to the provisions of KCC 17-31-9.
 - vi. Accessory uses and accessory buildings customarily appurtenant to a permitted use subject to the provisions of KCC 17-31-2.
- B. The uses allowed by conditional use permit in the underlying zone shall continue to be considered conditional uses, however; the following uses are not allowed on a site where the MU zone has been applied:

- i. Public utility substations
- C. 30% or more of the square footage of development should be for commercial use.
- E-i. Required commercial shall be built before or at the same time as residential development.

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3. When applied with the LI zoning district:

- A. The uses allowed within the underlying zone and the following shall be considered Permitted Uses.
- i. Multiple dwellings. No maximum residential density prescribed. Instead building form, height, site envelope, yards, open space standards and parking rations will determine the number of units allowed.
 - ii. Minor home occupations subject to the provisions of KCC 17-26.
 - iii. Major Home Occupation 'C' subject to the provisions of KCC 17-26.
 - iv. Two household pets per dwelling unit.
 - v. Private swimming pools subject to the provisions of KCC 17-31-9.
 - vi. Accessory uses and accessory buildings customarily appurtenant to a permitted use subject to the provisions of KCC 17-31-2.
- B. The uses allowed by conditional use permit in the underlying zone shall continue to be considered conditional uses, however; the following uses are not allowed on a site where the MU zone has been applied:

- i. Public utility substations
- C. 40% or more of the square footage of development should be for commercial/(clean) light industrial use.

E-i. Required commercial shall be built before or at the same time as residential development.

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17-27-4 PROHIBITED USES

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

17-27-5 HEIGHT REGULATION

1. The following shall apply in lieu of the height requirements of the underlying zoning district.
 - a. The main floor of any building fronting a major street shall have a minimum ceiling height of twelve feet (12').
 - b. No building shall exceed thirty-five feet (35') in height subject to the following exception:
 - i. Elements that meet exceptions found in KCC 17-25-2.

- ii. Any portion of a building within 75 feet of a collector street shall not exceed forty feet (40') in height.
- iii. Any portion of a building within 50 feet of a residential district with the MU overlay shall not exceed thirty feet (30') in height.
- c. No accessory building shall exceed fifteen feet (15') in height, except as provided in KCC 17-25-2 and KCC 17-31-2.
- d. No main building shall be less than ten feet (10') in height, and no accessory building less than six feet (6') in height.

17-27-6 AREA, LOT COVERAGE, AND YARD REQUIREMENT

- 1) The lot and yard requirements shall be that of the underlying zoning district.
- 2) Flag lots are not permitted.

17-26-7 DEVELOPMENT STANDARDS

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

- 1) Compatibility And Review:
 - a) All uses and structures shall be sited and designed to be compatible with one another and surrounding development. To determine compatibility, a review, including, but not limited to, the following characteristics of the uses and structures shall be conducted relative to other affected uses and structures: location, orientation, operation, architecture, massing, scale, and visual and sound privacy.
- 2) Building Placement and Orientation Standards.
 - a) It is the intent of this section to ensure that new development is pleasant and inviting to pedestrians by placing building closer to the street and where primary building entrances are visually prominent and easily accessible.
 - b) In cases where it is not practical to orient buildings to streets, the intent of these standards is to use a combination of setbacks, low-level screening and building variation to soften the visual impact of side or rear facing facades and to create street frontages that are inviting and pleasant for residents and passersby.
 - c) Buildings and their primary entrances shall be oriented to streets or common courtyards unless prohibited by unique site conditions.
 - d) No more than 30% of the frontage of any lot shall be occupied by any combination of parking, driveways and lanes. The predominant visible development from the street shall be buildings or landscaping.
 - i) Side yards unoccupied by that exceed fifteen feet (15') in width located adjacent to another side yard that exceeds fifteen feet (15') in width should be avoided unless the areas are to be used as a unified public gathering area or courtyard;
 - ii) The percentage of building frontage required along the lot width may be reduced to accommodate site plan approved pedestrian plazas located between buildings;
- 3) Building Design Criteria:
 - a) Where applicable, such as the GC and CC zoning districts, the following shall apply in addition to the Kaysville City Commercial Building Design requirements of KCC 18-5. The following are also applicable for projects in the R-M zone.
 - i) Entrances shall be accessible to the public as a regular building entry from the public sidewalk.
 - ii) The street level floor elevation should match the elevation of the sidewalk at the front of the building as closely as possible to facilitate accessibility and primary street orientation.
 - ii) ~~Maximum Building Length~~
 - iii)

~~Detailing at intervals of thirty feet (30') shall be provided to break up expanses of blank walls with no openings. Additionally, walls with no openings shall be set back from the public right of way a minimum of fifteen feet (15') and buffered with landscaping. Landscaping shall include trees spaced at thirty foot (30') intervals and at least one row of additional plants and/or shrubs.~~

iv) For every 75' in building length along the street frontage or adjoining a Neighborhood Residential Zone, the design shall include at least one significant break in the vertical wall plane with a minimum depth of at least 5 feet a minimum length of at least 20 feet, and running the full height of the building.

~~iii)v)~~

~~iv)vi)~~ Fenestration:

- (1) A minimum of fifty percent (50%) fenestration is required on the street level of all street facing facades. Street level is considered to be between two (2) and ten (10') on these street types. Upper stories shall have a minimum of thirty percent (30%) fenestration for each story;
- (2) Windows of tinted or reflective glass may not be located between two feet (2') and eight feet (8') above the sidewalk grade on street facing facades;

~~v)ii)Maximum Building Length:~~

- ~~(1) Detailing at intervals of thirty feet (30') shall be provided to break up expanses of blank walls with no openings. Additionally, walls with no openings shall be set back from the public right of way a minimum of fifteen feet (15') and buffered with landscaping. Landscaping shall include trees spaced at thirty foot (30') intervals and at least one row of additional plants and/or shrubs.~~
- ~~(2)(1) For every 75' in building length along the street frontage or adjoining a Neighborhood Residential Zone, the design shall include at least one significant break in the vertical wall plane with a minimum depth of at least 5 feet a minimum length of at least 20 feet, and running the full height of the building.~~

4) Open Space Requirements

- a) There shall be provided a minimum amount of open space provided within each development determined based on the underlying zone as follows:
 - i) CC – 0% of land area under consideration
 - ii) GC and LI – 10% of land area under consideration
 - iii) R-M – 20% of land area under consideration
- b) The use of front yard areas for buildings that have nonresidential uses on the ground floor shall be oriented toward the pedestrian and shall include related amenities such as entrance walks, plazas, benches, bike racks, raised flower boxes or other such features.

5) Parking And Circulation:

- a) Projects shall provide safe and attractive pedestrian and bicycle connections to building entries and public sidewalks;
- b) Off street parking for vehicles shall not occupy any space located between the building and the primary street and the secondary street where applicable for a corner lot. Parking areas located to the side of structures shall be located a minimum of ten feet (10') back from the back of the adjacent sidewalk. The space between the parking and the walk in this instance shall be landscaped to help screen the parking area.
- c) The site shall be configured and landscaping provided so as to minimize the visual impacts of parking areas, parking structures and residential garages on streets, open spaces and adjoining developments;
 - i) Where an off street parking lot is visible from the street in a side yard, it shall be screened by either a two foot (2') tall screen wall or eighteen inch (18") seat wall located between the parking lot and the sidewalk. Where a parking lot is adjacent to a residential use, a three foot (3') screen wall and landscaping, sufficient to screen up to the headlight level of vehicles, shall be located between the residential use and the parking lot.
- d) Amount of Parking Required
 - i) Commercial Parking Requirements:
 - (1) Minimum number of stalls based on use type.
 - ii) Residential Parking Requirements:

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- (1) Studio/One Bedroom Units – 1.5 parking stalls/unit
- (2) Two Bedroom or larger Units – 2 parking stalls/unit
- iii) The city may allow for shared parking and time of use parking scenarios to count towards required parking stalls upon review of a parking proposal provided by the developer.
- iv) On street parking located along the frontage of a lot may be credited toward meeting the parking requirements for that use.
- v) The number of parking stalls may be reduced by up to 25% based on the following table.
 - (1) Reduction:
 - (a) 10% within ¼ mile of transit stop.
 - (b) 20% within 1/8 mile of transit stop.
 - (c) Additional 5% reduction up to 2 stalls for including bike racks on site for use of residents and the public.
- 6) Connectivity:
 - a) Connectivity throughout the area is critical for the mixed use nature of the area to function as a pedestrian oriented environment. Connectivity will be evaluated for multiple modes of travel, including the pedestrian and bicycle.
- 7) Traffic Study:
 - a) A traffic study shall be provided demonstrating safe ingress and egress to the proposed project and identifying measures or improvements to mitigate impact on traffic.
- ~~7~~8) Sidewalks:
 - a) Sidewalks shall be provided on both sides of each motorized street, with the exception of alleys or private streets.
- ~~8~~9) Alleys:
 - a) Alleys are allowed in any mixed use district in this chapter to minimize curb cuts off of streets and to provide common access to parking and service areas behind buildings. Alleys should be generally oriented so that they are parallel to the primary street to which they serve. Alleys may be incorporated as drive aisles for rear parking lots or as a fire access. However, alleys shall not be considered a fire access unless specifically approved as such by the City Fire Department and the pavement width meets city standards.
- ~~9~~10) Signs:
 - a) Signs within the mixed use district shall comply with other city sign standards and any applicable rules of the underlying zoning district.
 - b) In addition to signs permitted in the R-M zone by KCC 17-33, wall signs not to exceed 25% of the façade of a building are permitted. EMC signs are prohibited.

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

SECTION IV: Effective Date. This Ordinance shall take effect 20 days after being passed and adopted by the City Council.

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

Katie Witt
Mayor

ATTEST:

Formatted

Annemarie Plaizier
City Recorder

APPROVED AS TO FORM:

Nic Mills
City Attorney