



MEETING NOTICE AND AGENDA

Notice is hereby given that the Kaysville City Council will hold a regular council meeting on Thursday, October 7, 2021, starting at 7:00 P.M. in the **Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT**. A public hearing will be held prior to the meeting at 6:30 p.m. to hear interested parties to be heard regarding the RAMP ballot initiative.

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 – 6:15 P.M.

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

PUBLIC HEARING – RECREATION, ARTS, MUSEUM, AND PARKS BALLOT INITIATIVE – 6:30 P.M.

CITY COUNCIL MEETING – 7:00 P.M.

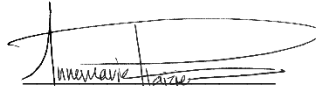
The agenda shall be as follows:

1. OPENING
 - a. Provided by Mayor Katie Witt.
2. PRESENTATIONS AND AWARDS
 - a. Proclamation declaring October 3-9, 2021 as Fire Prevention Week.
 - b. Davis County Horse and Livestock 4-H Presentation.
3. DECLARATION OF ANY CONFLICTS OF INTEREST
4. CONSENT ITEMS
 - a. Approval of Minutes of August 24, 2021.
 - b. Approval of Minutes of September 2, 2021.
 - c. A Resolution authorizing an Agreement with CRSA for design work on the Operations Center.
5. ACTION ITEMS
 - a. A Resolution amending the Kaysville City Code regarding deleterious objects and structures.
 - b. Rezone of 0.18 acre of property at 579 South Main Street from HC (Health Care) to the PB (Public Business) zoning district – Lush Enterprises LLC.
 - c. Rezone of 0.51 acre of property at 48 South Harvs Lane from the R-1-10 (Residential single family 10,000 square feet) to R-A (Single Family Agricultural) zoning district – Jason and Kearsten Bingham.
 - d. Rezone of 2.54 acres of property at 1742 West Phillips Street from the R-1-20 (Single Family Residential) to the R-1-LD (Single Family Residential) zoning district with the PRUD (Planned Residential Unit Development) overlay zone – Robert and Linda Bourne.
 - e. Consideration of a Development Agreement and rezone of approximately 0.4 acre of property at 65 Crestwood Road from the R-1-8 (Single Family Residential) to the GC (General Commercial) zoning district – Christian Nielsen.
6. WORK ITEMS
 - a. An Ordinance enacting several fire related fees of the Consolidated Fee Schedule.
 - b. An Ordinance enacting retail sales of dogs and cats by pet shops.
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.

A Closed Session may be called to order pursuant to Utah State Code §52- 4-204 & §52- 4-205. The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.

I hereby certify that I posted a copy of the foregoing Notice and Agenda and emailed copies to media representatives on October 1, 2021.



Annemarie Plaizier
City Recorder

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Utah Code, that on August 5, 2021, the City Council (the “Council”) of Kaysville City, Utah (the “City”), adopted a resolution (the “Resolution”) in which it authorized the submission of an opinion question for the November 2, 2021 General Election Ballot to the citizens of Kaysville City to authorize a local sales tax of one-tenth of one percent (0.1%) on certain qualifying transactions to fund recreation, arts, museum, and parks improvements, facilities, and organizations, and called a public hearing to receive input from the public with respect to a presentation of the arguments (a) in favor of the Undertaking, and (b) against the Undertaking.

TIME, PLACE, AND LOCATION OF PUBLIC HEARING

The Council shall hold a public hearing on October 7, 2021, at 6:30 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, Utah. All members of the public are invited to attend and participate.

/s/ Annemarie Plaizier
City Recorder



Kaysville City Fire Prevention Week Proclamation



WHEREAS, Planning, preparedness and situational awareness are critical to surviving a home fire. That is the message behind this year's Fire Prevention Week campaign, "Learn the Sounds of Fire Safety"; and

WHEREAS, The Kaysville City Fire Department is dedicated to the safety and security of everyone living, working, and visiting our city. Fire is a serious public safety concern both locally and nationally. Since 1922, the National Fire Protection Association has sponsored the public observance of Fire Prevention Week. In 1925, President Calvin Coolidge proclaimed Fire Prevention Week a national observance, making it the longest-running public health observance in our country. Fire Prevention Week is observed each year during the week of October 9th in commemoration of the Great Chicago Fire, which began on October 8, 1871, and caused devastating damage. This horrific conflagration killed more than 250 people, left 100,000 homeless, destroyed more than 17,400 structures, and burned more than 2,000 acres of land. During Fire Prevention Week, children, adults, and teachers learn how to stay safe in case of a fire. Firefighters provide lifesaving public education in an effort to drastically decrease casualties caused by fires.

Kaysville's First responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education. Correspondingly, Kaysville personnel are responsive to public education measures and are able to take action to increase their safety from fire, especially in their homes; and

WHEREAS, This year's Fire Prevention Week campaign includes the following recommendations:

- Install smoke alarms in every bedroom, outside each sleeping area, including the basement.
- For best protection, choose interconnected smoke alarms. When one sounds, they all sound.
- Test alarms once a month.
- Replace smoke alarms every 10 years.

THEREFORE, BE IT RESOLVED, that I, Katie Witt, Kaysville City Mayor, along with Kaysville City Council members, do hereby proclaim October 3-9, 2021, as Fire Prevention Week throughout Kaysville City, Utah. I encourage all the people in Kaysville to be aware of their surroundings, look for available ways out in the event of a fire or other emergencies, respond when the smoke alarm sounds by exiting the building immediately.

Katie Witt, Mayor

Paul Erickson, Fire Chief



Smoke and CO Alarms

for People who are Deaf or Hard of Hearing

Working smoke and carbon monoxide (CO) alarms save lives. People who are deaf or hard of hearing may not be able to depend on typical alarms to let them know there is danger.

There are special alarms and devices to ensure everyone can be alerted in case of fire or high CO levels.

- ▶ When the smoke alarm sounds, strobe lights flash to alert people who are deaf or hard of hearing of a possible fire when they are awake.
- ▶ When they are asleep, a pillow or bed shaker should be used to wake and alert them to fire conditions so they can escape. This device is activated by the sound of a standard smoke alarm. People who are deaf may find that the shaker paired with a high-intensity strobe light is helpful to wake them.
- ▶ Smoke and CO alarms can be installed that use a low-frequency sound. These will work better to wake a sleeping person who has mild to severe hearing loss.
- ▶ These special devices and alarms can also signal when the battery is low.

Research the different products and select the ones that fit the needs of the people in your home. These can be easily installed without a professional. Products can be found in home improvement stores, online, and on manufacturer websites. Pick devices that are listed by a qualified testing laboratory, which is often disclosed on the product's packaging.

Did You Know?

According to the National Institute of Health, one in eight people in the United States (13 percent, or 30 million) aged 12 years or older has hearing loss in both ears, based on standard hearing examinations.

Smoke Alarms

- ▶ Install smoke alarms in every bedroom, outside each sleeping area, and on every level of the home, including the basement.
- ▶ For the best protection, choose interconnected smoke alarms. When one sounds, they all sound.
- ▶ Test alarms at least once a month using the test button.
- ▶ Replace smoke alarms if they are over 10 years old.

Carbon Monoxide (CO) Alarms

- ▶ Install CO alarms outside each separate sleeping area and on every level of the home. This includes the basement and attic. Do not place alarms near fireplaces or fuel-burning appliances. Check to see what the law is in your community for placement.
- ▶ Replace CO alarms between 5-10 years or as stated in the manufacturer's instructions.

Reduce Your Risk!

Installing both smoke alarms and fire sprinklers reduces the risk of death in a home fire by 82 percent, compared to having neither installed.

Make a Plan

Everyone in the home should know the sounds and signals of the smoke and CO alarms. When the alarm sounds, get outside and stay outside. Have an outside meeting place to make sure that everyone gets out safely. Call 9-1-1 from outside your home from a mobile phone or a trusted neighbor's phone.



**NATIONAL FIRE
PROTECTION ASSOCIATION**

The leading information and knowledge resource
on fire, electrical and related hazards

KAYSVILLE CITY COUNCIL
August 24, 2021

Minutes of a special Kaysville City Council meeting held on August 24, 2021 at 5:30 p.m. in the Council Chambers in Kaysville City Hall, 23 East Center Street, Kaysville, UT.

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

Excused: Council Member Michelle Barber

Others Present: City Manager Shayne Scott, City Recorder Annemarie Plaizier, Abbigayle Hunt

OPENING

Mayor Witt opened the meeting.

CANVASS RESULTS OF THE PRIMARY ELECTION HELD ON AUGUST 10, 2021

Mayor Witt explained that the City Council acts as the Board of Canvassers and therefore must approve the results of the 2021 Municipal Primary Election. The results have been provided to the Council by the Davis County Elections Office.

Council Member Adams made a motion to approve the election results of the Primary Election held on August 10, 2021, as prepared by the Davis County Clerk/Auditor's Office, seconded by Council Member Tran.

The vote on the motion was as follows:

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

The motion passed unanimously.

ADJOURNMENT

Council Member Lortz made a motion to adjourn the Board of Canvassers meeting at 5:32 p.m., seconded by Council Member Blackham and passed unanimously.

KAYSVILLE CITY COUNCIL
September 2, 2021

Minutes of a regular Kaysville City Council meeting held on September 2, 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, Community Development Director Lyle Gibson, Information Systems Manager Ryan Judd, Parks and Recreation Director Cole Stephens, Stg. Preston Benoit, Public Works Superintendent Josh Belnap, Officer Lexi Benson, Scott Edwards, H. Lynn Galbraith, Stephen Lyon, David Aamodt, Judy Rigby, Brian Griffiths, Stefania Drogsvold, Patricia Lee, Mariah Campbell, Lisa Ward, Amy Motta, Nate Jackson, Jay Welk, Dick Bourne, Loraine Bourne, LeVar Thompson, Pam Thompson, Scott Brough, Margaret Brough, Ramona Porter, Carole Walker, LeeAnn McKinnon, Darrell McKinnon, Frank Stevens, Dawn Stevens, Kathryn Irvine, Patricia Lee, Gary Porter, Diana Hill, Nancy Sanders, Marcie Handy, Ross Garrett, Allen Anderson, Bill Robbins, Cheryl Tarbet, Gladys Moore, Melinda Man, Jace Conrow

OPENING

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

PRESENTATIONS AND AWARDS

PARKS AND RECREATION DEPARTMENT PRESENTATION

Parks and Recreation Director Cole Stephens gave a presentation about the Parks and Recreation Department. He explained that the cemetery saw a big increase in the number of burials from 2020-2021. During FY 2021, they averaged 3.33 burials a week. Some of this increase is attributed to the pandemic. There were more non-resident than resident burials, which is a concerning trend as we have limited space within our cemetery. Surrounding municipalities do not have their own municipal cemetery, which puts more demand on our cemetery. The city will need to address how we continue to sell spaces in the cemetery in order to prolong the life of the cemetery. What will be do twenty years from now? We have no room for growth, as there is no empty land surrounding our cemetery. It will be a long time before the cemetery is completely full but we are running out of plots to sell. We are looking into ways that we can optimize what space we have in the cemetery thru platting of future plats. Mr. Stephens said that later in the year he would be coming before the council to look at addressing the sale of burial right certificates and other cemetery concerns. We are in need of additional staffing at our current internment rate. In September 2020, the cemetery lost 40 trees in the windstorm and they have not been able to replace those because of the current drought.

Council Member Lortz asked about non-resident burials.

Cole Stephens responded the city's current policy is that non-residents can only buy plots when it is at-need. Kaysville residents can purchase two plots per household. The city has 158 acres of developed property, and 215 acres of undeveloped property that the Parks Department maintains. The Schick Lane park site began development in 2021 and all irrigation and sidewalks have been installed, but because of drought conditions, we have been unable to plant grass or other vegetation. It is a similar situation for City Hall's landscaping design. Planter material was installed, but grass could not be planted. To help with water conservation, all irrigation on all city properties were reduced by 35%. We have also been identifying areas of turf grass that can be eliminated and re-landscaped with more drought tolerant landscaping. This will require budget funding as areas are identified for future budget years. A seasonal crew is dedicated to taking care of the city's irrigation systems on city property. Two new Parks and Recreation Department positions were approved with the FY 2022 budget, and one of those positions already filled. There has been a noticeable shortage in our seasonal employees. While we attribute some of this shortage to the pandemic, it has gotten harder to find people to fill our seasonal employee positions and are seeing significantly less hours worked. This is causing us to be delayed in completing projects, as well as finding coverage for our recreation programs. In 2021, we have seen an increase in all of our sports and summer programs. The drought has caused an issue with available field space for our programs. There has also been decreased use of Davis School District gymnasium space for indoor programs as they need the space more for their own extracurricular programs. This has been an ongoing trend for the past few years and continues to be problematic. We have had to be creative in finding space for all teams to practice. This likely will affect what we are able to provide in the future. In 2021 we accommodated almost 10,000 individuals in our recreation programs, with our top participation being in soccer, baseball/softball, pickleball and tackle/flag football. Our Daddy Daughter dance was cancelled earlier this year because of Covid, but we have been able to hold several city-sponsored programs this year. The Parks and Recreation Department also maintains the city facilities. We are currently looking at future expansion possibilities for the operations center. Facilities have ongoing maintenance and upgrades, including HVAC system maintenance and roof issues, and there are departmental spatial needs. Our parks need funding for maintenance or replacement of aging amenities as well as playground replacements. Our recreation needs gym facilities in order to continue to provide some of our programs. The Parks and Recreation Advisory Committee has been working on a Master Plan, which they hope to be able to present it to the city in the fall of 2021. A RAMP tax citizens' initiative will be voted on by our citizens in November. The tax is estimated to bring in \$400k of annual revenue for use in recreation, arts, museum and parks. Work is underway on trail improvements of the Bonneville Shoreline trail. The city has been working with Davis County on grant applications for improved and expanded parking at the trailhead area in the East Mountain Wilderness Park.

Mayor Witt thanked Mr. Stephens and the Parks and Recreation department for all their hard work.

Cole Stephens responded that they are dependent on their volunteers and expressed appreciation for them.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

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

- a. Approval of Minutes of August 5, 2021.
- b. Approval of purchase for an SCBA Compressor – Kaysville Fire Department.
- c. Approval of a Job Description for Public Safety Therapist/Counselor.
- d. A Resolution amending the Kaysville Personnel Manual to reflect recent medical cannabis changes to the Utah State Code.
- e. A Resolution accepting the terms of the “Subrecipient Agreement for the Conduct of a Community Development Project” with Davis County for CDBG Funding.
- f. Letter of Assistance with the Utah Department of Transportation.

The motion was 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.

ACTION ITEMS

AN ORDINANCE ENACTING SECTION 17-31-3, INTERNAL ACCESSORY DWELLING UNITS

Lyle Gibson explained that this item is in response to the House Bill 82 from the most recent legislative session and has been previously reviewed by both the Planning Commission and City Council. This ordinance has been prepared to indicate how Kaysville City will handle Internal Accessory Dwelling Units (IADUs). In the council’s previous meeting the council asked that external accessory dwelling units be removed from this ordinance and will be looked at with additional criteria at a future meeting. The parking requirement for an IADU has also been specifically addressed in this proposed ordinance.

Mayor Witt asked for public comment.

Scott Edwards commented that to suggest that anyone in Kaysville would desire to put a dilapidated mobile home trailer on their property as a second dwelling unit is unfounded. The median home value in Kaysville is over \$320k. Mr. Edwards said that he feels that all who live in Kaysville love their neighbors and wouldn’t want to build something that wouldn’t add value to their own neighborhood. The restrictions and laws that are currently in force regulate parking, curfew, noise, etc. Kaysville is known for having some of the strictest single-family only rental laws in the state. Many of us have built and desire to build mother-in-law separate dwellings and internal dwellings to improve our homes for our family. Eventually family members move on. The ability to make money decreases as we get older. Everyone should have the ability to supplement their income by renting out their own space for as long as needed. This world is so

divisive and we seem to find ways to assume the worst from one another. This separates our society. There are current restrictions for a daily room or home rental that are already in place that mitigate who and how places can be rented. There is nothing in Kaysville law that offers a rental permit right now and does not offer any opportunities. Kaysville needs to be the trendsetters in inclusion and opportunity to create a legal way to bring more people to our city who cannot set up roots in our town without some drastic positive changes. Be the positive change that the city needs before we become the entitled geriatric town that kept everyone out because we were afraid of what our neighbors would do. Let us allow the trusting of one another because there are already laws in place to protect rentals.

There were no further comments or questions from the public. Mayor Witt closed the public comment period.

Council Member Barber commented that the council has discussed this item previously and the approval of the IADU ordinance is time-sensitive. The council has decided to remove external accessory dwelling units from the ordinance to make sure we have this ordinance in place before the October deadline to comply with the legislation. Although we are not including the external accessory dwelling units within this ordinance for now, we still want to have a discussion considering them. There is still a lot to do before an ordinance for external dwelling units could be considered.

Council Member Adams made a motion to approve an Ordinance enacting Section 17-31-3, Internal Accessory Dwelling Units. The motion was seconded by Council Member Tran.

Council Member Adams said that if the council decides to approve an ordinance allowing for external accessory dwelling units we want to make sure we get it right.

Council Member Barber commented that it is important that we continue to consider external dwelling units because we seem to have many residents interested in allowing for this type of housing.

Council Member Blackham said that he has commented previously that he is against these types of residential dwellings because it could essentially turn every home in the city into a duplex. However, because of the recently adopted house bill, it is requiring that cities allow for these. People purchase their properties with the understanding that they are buying into a single-family dwelling neighborhood. Allowing family to move in with you is not unusual, but allowing for these ADUs allows for something completely different. Council Member Blackham said that while he agrees that there is a need for more housing options, we need to be very careful when considering external dwelling units. The city needs to enact the IADU ordinance and wait to see how it goes for a time. We need to see how it works and what is good and bad about it, the interest in these, and if there are any effects from them. We can't stop these IADUs, but this ordinance is good for what we have been handed to us.

Council Member Tran commented that there are so many people looking for a place to live and others who are renting out a portion of their homes. Having an ordinance in place will help us to regulate and track this type of housing better. The state will likely have more discussions on this type of housing and the city needs to have further discussion and have a plan in place for when the legislation brings it up.

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 AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH WEBER BASIN TO SELL PORTIONS OF REAL PROPERTIES CURRENTLY OWNED BY THE CITY

Josh Belnap explained that Weber Basin Water Conservancy District is currently pursuing plans to install a well on a property along Green Road in Fruit Heights that is owned by Kaysville City. Likewise, Weber Basin is also working on a design for a 5-million gallon water storage tank to be located in the city's Wilderness Park. Weber Basin submitted an appraisal to the City for the Green Road purchase of 1.06 acres for \$325,000 plus \$97,500 for a permanent easement across our remaining property, and \$70,901.20 for an existing unused underground pipe within that easement. Weber Basin also submitted a second appraisal to the City for the purchase of 2.48 acres within the Wilderness Park for \$42,000. Staff has reviewed the appraisals and feel that the Green Road appraisal was fair and agreeable, but are asking for further clarification on the second appraisal. Cole Stephens engaged the services of Rigby and Co. Appraisers to evaluate the appraisal from Weber Basin, and the recommended from Rigby and Co. was a sales price of \$63,200. Weber Basin has indicated that they are willing to use the recommendation from Rigby and Co. This resolution authorizes the City Manager to conduct final negotiations with Weber Basin on the sale of the necessary real property.

Mayor Witt asked for public comment.

Scott Edwards asked if these properties were offered for sale to the public.

Shayne Scott responded that these properties are being sold to Weber Basin for use for infrastructure needs.

There were no further comments or questions from the public. Mayor Witt closed the public comment period.

Council Member Lortz asked staff to review where these funds will be allocated in the city budget.

Council Member Lortz made a motion to approve a Resolution authorizing the City Manager to negotiate with Weber Basin to sell portions of real properties currently owned by the city. The motion was seconded by Council Member Blackham.

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.

WORK ITEMS

DISCUSSION ON THE STATUS AND FUTURE OF THE KAYSVILLE LIBRARY

Mayor Witt explained that the City was recently given some grant-funded planning opportunities and has been working in coordination with UDOT to look at possible considerations for the future for our downtown Main Street in order to promote economic viability and further enhance this part of Kaysville as a destination. The city is also at the end of an update to the city's General Plan which will better guide the future growth and development of the city. To better inform these processes and understand potential options for the central part of Main Street, it is timely to discuss the future of the old city library building. The building sits in the middle of the civic block along Main Street between the police station and city hall, and has been vacant since completion in 2015 of the new Davis County Library on Fairfield and 200 North. Occupancy of the old library building has been revoked, meaning it has been deemed uninhabitable based on its current state. There is historical interest in the building from groups within the community. In 2017, the City began the design to remodel the existing building in order to house certain city departments. As the process unfolded, it was eventually determined that it was not in the best interest of the city to remodel the building due to expected costs. At that time, costs projected to be 1.5 times the cost of new construction. For reference, today's new construction costs range from \$325 to \$375 per square foot depending on the complexity of the new construction project for similar type buildings.

Tim Sullivan, with Township and Range, explained that their company has worked with UDOT as consultants with other projects. Their goal with this project was to engage with Kaysville City community members early on to try to work together to build a vision of Main Street. They have met together with members of the community and city officials to try to work on some options to address some of the key issues occurring in this area. The General Plan has been taken into account during these discussions. People in Kaysville value Main Street and feel it reflects what Kaysville is about. We want to be able to create a pedestrian environment but have a balance with traffic as well. Traffic needs need to complement the land uses and civic uses here. Main Street is the center of everything and there needs to be better pedestrian crossings. There has been some discussion about the possibility of creating a pedestrian crossing over Main Street, which would help to provide more access for the businesses.

Council Member Adams asked about pedestrian crossing concerns.

Council Member Blackham commented that the businesses along Main Street have voiced their concerns for several years about people being able to access their businesses and not having enough parking. There have been many pedestrians struck by cars along here trying to cross the street.

Tim Sullivan added that they reached out to the businesses along Main Street and these were their main concerns.

Mayor Witt asked about the history of what has been considered in regards to remodeling the library building.

Cole Stephens gave an overview of the old city library building, what the city had considered doing with the building since 2014, the issues the building currently has, and potential costs associated with renovating the building.

Council Member Blackham added that he was the city's building official throughout the time the building was being considered for renovation for city use. After the library moved out of this building, a needs assessment was done for the city and it was determined that the City needed about 10,000 square feet more of office space to meet spatial needs. The library building would have given us around 6,000 square feet and so it made sense at the time to consider moving some of our city staff into the building. At that time, to build new office space would cost about \$250 a square foot, but with an existing building that number is unknown. However, the city came up with a budget of about \$140 square feet for renovation. The city found out soon afterwards that there were some large structural deficiencies within the building that would be difficult to fix. There were several discussions with an architect and engineer who conducted a deep analysis of the building just so a contractor price could be estimated for us. It was explained that in order to meet building code standards, it would cost the city around \$350 square foot. Staff decided not to complete the building analysis or consider contractors for the project at that cost and the renovation consideration was stopped. Some have expressed the desire for the rocks on the building to be saved and used elsewhere if the building to ever be demolished. The council isn't here tonight to approve a demolishing of the building. The council is willing to listen to the residents to hear what they want to see for the building. There has been interest in using the building for a museum, and those interested have been told the building will need to be brought up to code. It has been years since the last construction cost estimate has been done, and its likely those costs are substantially higher now because current construction costs. The building is still owned by the city and will continue to be. People talk of enhancing our Main Street, but in order to do that we can't leave a building vacant and deteriorating. Council Member Blackham said he is concerned about possibility of taxpayer dollars going towards high construction costs in order to renovate the library building. There likely will need a couple of million dollars donated towards the costs for renovation. Having the building sit vacant is not cost-effective.

Council Member Barber said that she is grateful for those who are in attendance tonight and have provided comments to the council. This is an emotional discussion and it helps to hear more pieces of information from our public. This item isn't something the council is ready to make a decision on tonight. We need to make sure that we are all working together and take the time necessary to do this right. There needs to be more opportunities for facts to be presented to the council so that we can continue to move our discussions forward.

Allen Anderson commented that he is part of the Kaysville-Fruit Heights Museum Committee and they have been working hard towards creating a museum here but have felt that the city has been standing in their way. This building is designated as a historic building and there might be opportunities for state and federal grants to help fund any renovations. In order to obtain those grants they need the city's support and they don't feel that they have that.

Judy Rigby said that historic building renovations are held to a different code and therefore it won't cost as much. Citizens are asking the city to commit to not tearing down the old library building. Nobody is going to give money towards a project where there is no guarantee that the building won't be torn down later. Their museum committee had four days to put together something to present to the council tonight because they were not informed of this item on the agenda. There was no transparency. Their committee feels that the City isn't providing any support on creating a museum in this building. Ms. Rigby said that she has been part of the museum committee since 2018 and has been part of the negotiations between their group and the City. They had worked on a contract with Kaysville for use of the building but the signing of it was delayed for months. It seems they can't get a commitment from city officials. They would like to see the building remain intact and have received over 800 signatures in an online petition from those who agree as well. The fate of this building shouldn't be decided by a few members of the city. They have had already had some discussion with contractors about the renovations. There is a lack of cohesion between the city and residents, and we need the support of the city. They have spent months assessing the furniture that was from the LeConte Stewart museum and have already put money towards those assessments. The city library might not be the idea of modern for Main Street but it's the anchor for this city block. Tearing down the building and adding trees or a parking lot won't make the city block more impressive. They were told that the city had money to tear down the building, but the city should use the money to build a crosswalk further on Main Street just south of here.

Council Member Tran commented that the City has been trying to envision what could be here. We don't know what the answer is and nothing has been finalized. The discussion was brought up with UDOT because we have heard complaints from businesses here for years and we want to support our businesses. Many businesses along this Main Street area die. Main Street is owned by UDOT and Kaysville doesn't have an arbitrary say in what is done with the street. We want to do what we can to support our business community and have been excited for our Main Street envisioning project. The library building is nostalgic and is anchored by city hall and the police station, which were built to complement the look of the library. There are residents tax dollars to consider here and the city needs to consider how that money is spent. Council Member Tran added that she does support trying to find ways to support a renovation through grants and fundraising, but doesn't want to see a decision be put off for several more years. How long do we have before a decision needs to be made? Our community members need to organize themselves and the city needs to give them the assurances they need in order for them to apply for grants. We need more information about current construction costs. It seems the council agrees that there needs to be more information provided and more time given to the committee in order to try to raise funding. However, there needs to be a timeline set and an amount given to the committee that is a measurable achievement. The city also needs to see that progress is being made.

David Aamodt said that he represents Preservation Utah, which is a historic preservation organization. Mr. Aamodt said that while he has never been a resident of Kaysville, he did visit the Kaysville Library and was able to speak to the designer of the LeConte Stewart gallery room, and has an appreciation for that space. Many residents spent much of their lives here and have forged strong memories of the library. Politicians shouldn't make unilateral decisions. People feel like they need to have a voice when saving their hometown. There are fiscal opportunities to explore about the preservation of the library. Before now, their organization had not been contacted about this building and Mr. Aamodt says he feels they will be able to help. There are

resources to be explored and he is excited to start this conversation. It's a wonderful opportunity to help bring the community together for a worthy effort.

Council Member Lortz commented that there have been a lot of assumptions and accusations made towards council members. Council Member Lortz expressed appreciation to residents who have been able to share their points of view. Tonight was a time to hear more information, but no decision or votes have been made. Council Member Lortz said that Council Member Tran's comments reflected his own and he feels that we need more time to understand. There has been no proposal put before the council to tear down the building, and nobody from the museum committee has come before the council to ask us anything. Nothing has been done in the last two years but now is the time to get the conversation started and to figure out more of a timeline so we continue to make progress. Council Member Lortz thanked Council Member Blackham for his comments and said that he would like to see the city commit some resources towards getting current facts about the status of the building. It will likely cost the city some money but we need that assurance in order to make a good decision. We will then have some figures telling us what kind of donations will be needed, and the city will consider how much we'd be willing to contribute towards it. We need to have a timeline and a way to allow for conversation between the public and the city so we don't have this animosity.

Council Member Adams stated that he was under the impression that this building's fate had already been determined and apologized to anyone that had been misinformed. The council needs to work together to try to preserve this building. People value Main Street as part of their hometown because of its history and the buildings here. Preserving our Main Street is preserving our history. Council Member Adams agreed that deadlines needed to be established to keep this moving and on the right track.

Mayor Witt commented that the council will need to appropriate funds towards getting what necessary studies done of the building.

Council Member Lortz suggested that in the next few months, Staff determine what it will cost to get a professional estimate on a renovation, as well as a breakdown of all of the building's issues that would need to be resolved.

Mayor Witt asked Council Member Adams to act as the liaison between the city and residents to help with this.

Council Member Barber commented that there has been good conversation tonight and it's good to have realistic expectations set. There are no simple solutions for this and there needs to be a very informed decision. We as a community can elevate the conversation on how we are going about this. We can all do better. Council Member Barber commented that she and other elected officials saw and heard things that were unacceptable. However, there were also helpful conversations that have occurred. We need to keep that positivity going forward because nothing good will happen if divisiveness creeps in.

Council Member Barber made a motion to take a five-minute recess at 9:03. The motion was seconded by Council Member Tran and passed unanimously.

A RESOLUTION TO SWAP FIBER AND RELATED SERVICES FOR RIGHT-OF-WAY WITH THE CENTRAL DAVIS SEWER DISTRICT

Nic Mills explained that the City would like to obtain real property from Central Davis Sewer District to improve road connectivity relating to the West Davis Corridor. Central Davis Sewer District has expressed interest in exchanging this property for certain improvements that would benefit the services they provide. This resolution authorizes the City Manager to conduct negotiations to acquire the necessary real property, and sets parameters for the Manager to negotiate within. Lastly, it authorizes the Manager to execute documents to finalize the exchange.

Council Member Blackham made a motion to move the Resolution to swap fiber and related services for right-of-way with the Central Davis Sewer District to an action item. Council Member Adams seconded the motion.

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.

DISCUSSION ABOUT LOBBYING EFFORTS

Mayor Witt commented that there is a lot of money coming down from the federal government in the form of ARPA funds and infrastructure bill funds. Our city has many infrastructure needs and we could benefit from these funds. It was suggested by Council Member Adams that the city consider hiring a lobbyist in order to help obtain those funds. It would be prudent for the city to undertake that. The lobbyist would be on a yearly retainer. However, time is short and we need to make a decision quickly if we choose to hire a lobbyist.

Council Member Tran said that, to help offset some of the costs, some cities would hire a junior type lobbyist to set up meetings and to do logistical type work, and then they would hire a separate person to attend the meetings.

Shayne Scott said that staff could bring an agreement for approval before the council between the city and lobbyist.

Council Member Adams said that because of the short timeframe we have, he would be comfortable with allowing staff to negotiate the agreement without needing it to come before the council for approval. The state will be getting many requests and we need to make sure we are on their list for consideration.

Council Member Barber commented that to help minimize the city's risk, the agreement should be for one year that can be renewed.

Council Member Adams made a motion to advise staff to move forward in obtaining a lobbyist and approving an agreement for a period of one year between the city and said lobbyist. The motion was 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.

CALL TO THE PUBLIC

Brian Griffiths said that he feels there needs to be a museum in the city. Many museums are located in old buildings and the old library would be a great place to have it. It would help us have a place to be able to preserve our history, culture and art. It's important to have a museum because it gives us a place we can learn and to teach others. It would be a shame for our history to disappear.

Stefania Drogsvold said that she is part of the Historic Preservation Committee and they are committed to preserving the old library, if possible. We want to work with the city and the citizens, but we all need to be involved. There are many obstacles and questions about what it will take, but there are also many avenues and resources to be considered. We look forward to creating more contacts and if there are any residents interested in helping, they can contact their committee. There are other people and organizations like Preservation Utah who are interested in helping to facilitate this progress. It would be a waste to tear down the library for no reason. They appreciate Council Member Adams being willing to be their liaison and they are committed to moving forward to create a plan and timeline that will make sense for everyone.

ADJOURNMENT

Council Member Blackham made a motion to adjourn the City Council meeting at 9:29 p.m., seconded by Council Member Lortz and passed unanimously.

KAYSVILLE CITY ARCHITECTURAL REVIEW COMMITTEE MEETING

OPENING

Chairperson Witt opened the Kaysville City Architectural Review Committee Meeting at 9:30 p.m.

AMENDING SECTION II, LANDSCAPING, OF THE DEVELOPMENT STANDARDS FOR THE KAYSVILLE BUSINESS PARK TO ALLOW FOR MORE WATER EFFICIENT LANDSCAPING

Lyle Gibson explained that this item includes a proposed change to the Kaysville Business Park Development Standards, which removes the requirement that the right-of-way from curb to property line be required to have lawn. Mailers were sent out to all of the owners within the business park to solicit feedback on this change and all comments received were in support of this change.

Board Member Lortz asked if landscaping designs would continue to need approval by the board.

Lyle Gibson responded that any major changes to a previously approved landscaping plan would need to come before the board.

Board Member Adams made a motion to approve the amendment of Section II, Landscaping, of the Development Standards for the Kaysville Business Park. The motion was seconded by Board Member Barber.

The vote on the motion was as follows:

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

The motion passed unanimously.

CONSIDERATION OF LANDSCAPE PLAN FOR GP MOTORS AT 652 NORTH KAYS DRIVE

Lyle Gibson explained that the GP Motors, located at 652 North Kays Drive within the Business Park, is nearing completion of a new building on their property. As a result of the drought conditions we have experienced recently, the owner would like to install water efficient landscaping and is proposing a landscaping plan tonight.

Jace Conrow, the owner of GP Motors, commented that he has designed this landscaping plan with the future in mind and in trying to help conserve water. There needs to be more discussion about water conservation from the city because the drought conditions and restrictions we have experienced will likely become more commonplace. Mr. Conrow added that the businesses in the Business Park have covenants that require business owners to do a lot towards the presentation of their properties. Especially those businesses that front the freeway. Mr. Conrow said he would like to see that the city hold new businesses to a similar standard as existing buildings because what is built can affect the value of neighboring businesses.

Board Member Blackham asked about architecture requirements of the Business Park.

Lyle Gibson explained that zoning in the Light Industrial zone doesn't dictate what they can build, but the Business Park covenants are more specific about the architecture requirements. Those requirements are not as specific as the commercial design standards for our commercial properties, but it does have some baselines. The reasoning for this is it allows for more discretion by the Architectural Review Committee to say if what a proposal is what they would like to see or if they want to requirement more.

Board Member Adams suggested that Mr. Conrow create a list of amendments he would like to see in the Business Park covenants and give them to Staff to consider. Having more outlined restrictions would be good because it creates uniformity and helps to protect the existing businesses here.

Lyle Gibson added that procedurally, the owners within the business park will need to be involved and give their approval of any proposed changes to the covenants.

Board Member Adams made a motion to approve the landscape plan for GP Motors located at 652 North Kays Drive for Jace Conrow, seconded by Board Member Lortz.

The vote on the motion was as follows:

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

The motion passed unanimously.

ADJOURNMENT

Board Member Lortz made a motion to close the Kaysville Architectural Review Committee Meeting at 9:45 p.m., seconded by Board Member Adams.

The 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.

CITY COUNCIL STAFF REPORT



MEETING DATE: October 7, 2021

TYPE OF ITEM: Consent

SUBJECT/AGENDA TITLE: Authorizing an agreement with CRSA for design work on the operations center

EXECUTIVE SUMMARY:

The City's operations center is in need of renovation. This resolution would provisionally select CRSA as the design architect and authorize the City Manager to negotiate with and enter into an agreement with CRSA to provide these services. CRSA is an outstanding architecture firm and was selected for the expertise in this type of work.

Committee Options: 1) Approve the resolution authorizing an agreement with CRSA; 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 Option: Staff recommends that the City Council approve this resolution.

Fiscal Impact: City Council budgeted for this design which will be just over \$200K. This amount follows DFCM standards of a construction project of this type.

RESOLUTION 21-~~XX-XX~~

**AUTHORIZING AN AGREEMENT WITH CRSA FOR DESIGN WORK ON THE
OPERATIONS CENTER**

WHEREAS, Kaysville City (hereinafter “City”) has elected to begin design work on changes to the City’s Operations Center; and

WHEREAS, City Staff consulted with architecture firms to determine which firm could provide the necessary professional services to accomplish the City’s goals; and

WHEREAS, City Staff has reviewed and evaluated potential firms and has found it to be in the best interest of the City and citizens of Kaysville City to conditionally select CRSA as the design architect for the Operations Center Project.

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

1. CRSA is conditionally selected as organization with whom the City Manager should conduct negotiations for the Operations Center Design Project.

2. The City Manager is directed to conduct negotiations for an agreement (hereinafter "Agreement") with CRSA for the Project. The terms of the Agreement shall address the terms and conditions necessary to accomplish this project contained in the proposal submitted by CRSA that are consistent with the intent of the City’s aims. The Agreement shall include such other provisions as are deemed necessary to accomplish the purposes of the City in entering an agreement for the Operations Center Project.

3. At such time as the Agreement is in a form acceptable to the City Manager and City Attorney and after CRSA has properly executed said Agreement, the City Manager is authorized to execute the Agreement on behalf of the City. Execution of the Agreement by CRSA shall constitute acceptance of the Operations Center Project, 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 CRSA and the formal award of the contract to CRSA for the Operations Center Design Project, pursuant to the terms and conditions of the Agreement or any previously signed Agreement consistent with this resolution.

4. The final Agreement shall not exceed CRSA’s proposed price without further action of this council.

5. That any actions taken heretofore in furtherance of this Resolution are hereby ratified.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this **7th day of October, 2021**.

Katie Witt, Mayor

ATTEST:

Annemarie Plaizier, City Recorder

STAFF REPORT



COUNCIL MEETING DATE: October 7, 2021

TYPE OF ITEM: Action

PRESENTED BY: Nic Mills

SUBJECT/AGENDA TITLE: An ordinance amending the Kaysville City Code regarding deleterious objects and structures

EXECUTIVE SUMMARY: The City has noticed that while we have an ordinance that provides penalties and enforcement for having debris and neglected items in residents yard, that code is difficult to enforce. These amendments seek to provide greater clarity on what items are prohibited and allow the City greater ability to help residents maintain clean yards. The purpose of this ordinance is not to increase enforcement, but obtain compliance and beautify the City's yards.

Council Options: 1) Approve the ordinance as written; 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 as written.

Fiscal Impact & Fund Source for Recommended Action: City Staff anticipates no costs to the City based on the passage of this resolution.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 14, CHAPTER 5,
SECTION 1 OF THE KAYSVILLE CITY CODE REGARDING
DELETERIOUS OBJECTS OR STRUCTURES IN THE CITY**

WHEREAS, Kaysville City has a strong interest in maintaining a pleasing aesthetic appearance and insuring that the City lives up to its motto as “Utah’s Hometown”; and

WHEREAS, the storage and maintenance of deleterious objects and structures impairs the peace and beauty of the City and can negatively impact the public health of the City and its citizens; and

WHEREAS, the Kaysville City Council has determined that the proposed amendments advance the public health, safety, and well-being of Kaysville City.

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

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

SECTION Two: Amendment. Title 14, Chapter 5, section 1 shall be amended to read as follows:

14-5-1 Abatement of Weeds, Garbage, Refuse, Deleterious Objects or Structures and other Unsightly Objects

The City Council of Kaysville City hereby designates and regulates the abatement of the growth and spread of injurious and noxious weeds of any height, garbage and refuse, deleterious objects and structures, public nuisances, and illegal objects or structures.

- a. All weed growth in excess of eight (8) inches shall be a violation of this Section
- b. “Deleterious objects or structures” includes the storage of junk, building materials not in use for an active construction project, construction or commercial equipment, debris, burned machinery, buildings, and equipment which are obsolete or in disuse.

All property in the front and any side-yards of residential zones that is normally visible from the street shall be kept free of such materials. In all other zones, such material may be kept only where specifically allowed by the Kaysville City Zoning Code.

SECTION Three: Amendment. Title 14, Chapter 6 shall be amended to read as follows:

14-6-3 Abandoned, Wrecked, Or Junked Vehicles

1. It shall be unlawful to park, store, or leave, or to permit the parking, storing, or leaving of any unregistered motor vehicle (where licenses and registration have been expired for a period of four

months or longer) or part(s) thereof, whether attended or not, upon any private property within the City for a period of time in excess of seventy-two (72) hours.

2. It shall be unlawful to park, store, or leave, or to permit the parking, storing, or leaving of any motor vehicle or part(s) thereof, which is in a wrecked, junked, partially dismantled, inoperative, or abandoned condition, whether registered or unregistered, and whether attended or not, upon any private property within the City for a period of time in excess of seventy-two (72) hours.
3. Exceptions to Subparagraphs (1) and (2) permit three (3) or less vehicles or part(s) thereof to be stored if within a building or behind an opaque screening fence.
4. The accumulation and storage of vehicles or part(s) thereof, as defined above, on private property, except as set forth in Subsection (3), shall constitute a nuisance detrimental to the health, safety and welfare and offensive to the senses of the residents of the City. It shall be the duty of the owner of such vehicle or part(s) thereof and/or the person in possession of private property upon which such vehicle or part(s) thereof is located, to abate the same within forty-eight (48) hours after receiving written notice to do so.

14-6-4 Conditional Use Permit

The accumulation and storage of more than three (3) vehicles, as set forth in [KCC 14-6-3\(3\)](#), is possible, provided that the Planning Commission determines that conditions constituting a nuisance will be avoided and has granted a Conditional Use Permit allowing the same.

14-6-5 Penalty

Any person, whether as owner, agent, or occupant who creates, aides in creating, or contributes to a nuisance as defined herein, or who supports, continues, or retains a nuisance in violation of this Chapter, is guilty of a Class B misdemeanor for each day which the offense continues.

14-6-6 Abatement Of Nuisance

- a. The City may abate any nuisance defined and described in this Chapter in accordance with the procedures set forth in [KCC 14-5](#), of the Revised Ordinances or any amendment thereto.
Obsolete or inoperable vehicles may be removed in a manner consistent with state law.

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

PASSED AND ADOPTED this 7th day of October, 2021.

KAYSVILLE CITY,
A Municipal Corporation

Katie Witt
Mayor

ATTEST:

Annemarie Plaizier
City Recorder

CITY COUNCIL STAFF REPORT



COUNCIL MEETING DATE: October 7, 2021

TYPE OF ITEM: ACTION

PRESENTED BY: Community Development Staff

SUBJECT/AGENDA TITLE: Rezone of 0.18 acres of property at 579 South Main Street from HC (Health Care) to the PB (Public Business) zoning district.

EXECUTIVE SUMMARY:

The applicant is requesting to rezone the property at the subject address. It was Re-zoned from PB to HC in 2018 for purpose of running an adult day care business. The property is located just south of Davis Tech along the east side of Main Street, and had been used as a commercial use property for many years prior. Now applicant would like to return parcel back to the PB zone and return the building for business office use.

The requested use is primarily for the office space. The requested zoning allows the following:

17-18-1 Purpose

To provide sites for offices in which the intensity of use, in terms of hours of operation and number of customers, is less than that of a commercial zone. The Professional Business District may be applied to properties that front on Main Street or front on 200 North Street.

17-18-2 Site Plan Review

A site plan review is required and a site plan shall be submitted for all permitted and conditional uses. (Consult [KCC 18-4](#).)

17-18-3 Permitted Uses

1. Business and professional offices.
2. Accessory uses and structures considered incidental and customary to a permitted use subject to the provisions of [KCC 17-31-2](#).

17-18-4 Conditional Uses

There are no conditional uses.

17-18-5 Special Provisions

The design of off-street parking facilities shall assure compatibility of vehicular and pedestrian circulation. Site plan drawings prepared for site plan review shall illustrate clearly all existing and proposed vehicular and pedestrian paths. (See [KCC 18-4](#).)

17-18-6 Height Regulations

1. No building shall exceed thirty feet (30') in height.
2. No building shall be less than ten feet (10') in height.

17-18-7 Area, Lot Coverage And Yard Requirements

There are no lot size or yard requirements except that where a lot in the Professional Business District abuts a residential district, the yard abutting the residential district shall be at least twenty feet (20'). A building may have the twenty feet (20') yard requirement reduced to the yard requirement of the abutting residential zone if the reduced yard contains only landscaping.

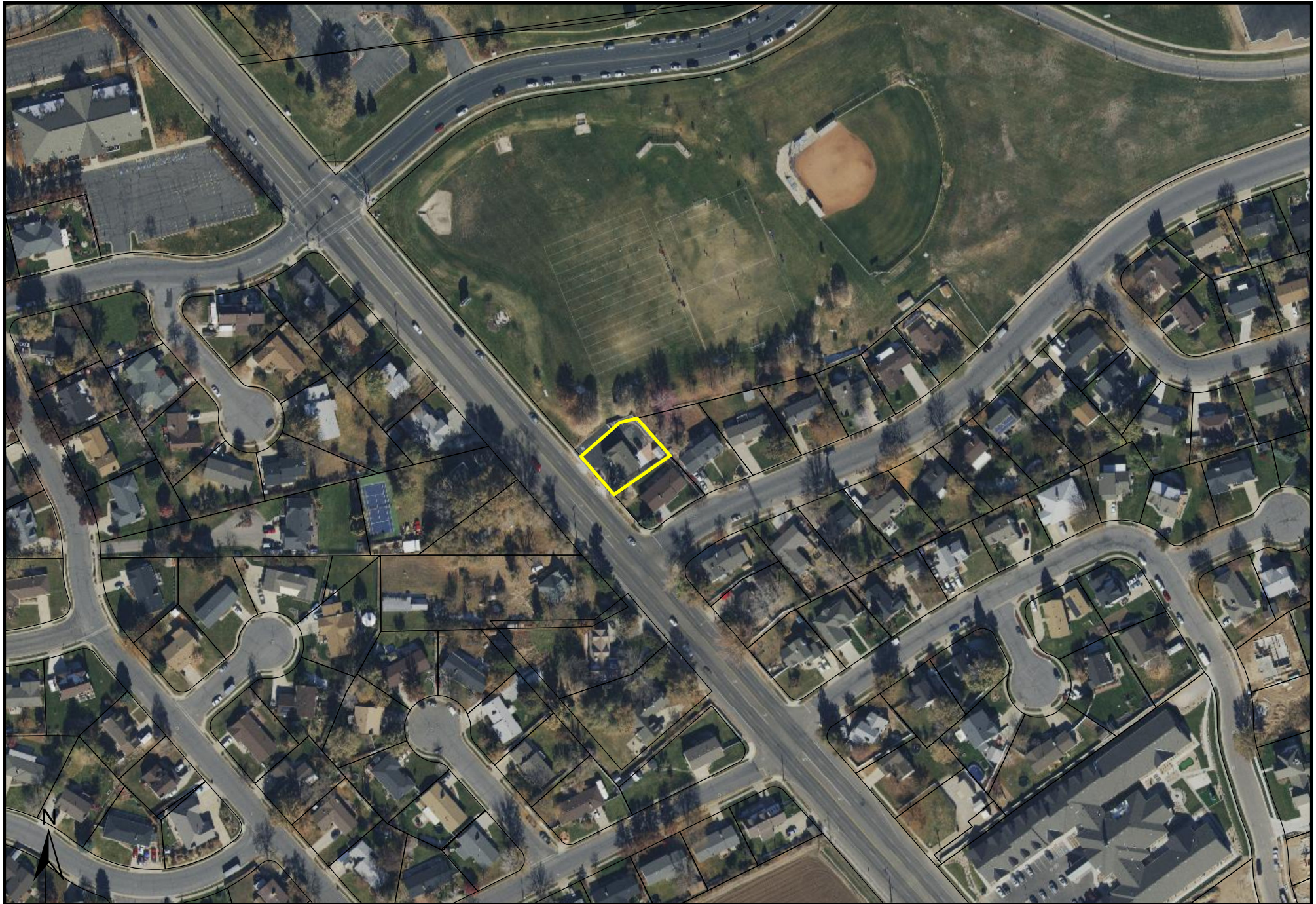
Council Options: Approve, Deny, or Table for more information.

Recommended Options: The Planning Commission voted unanimously to recommend approval of the requested rezone.

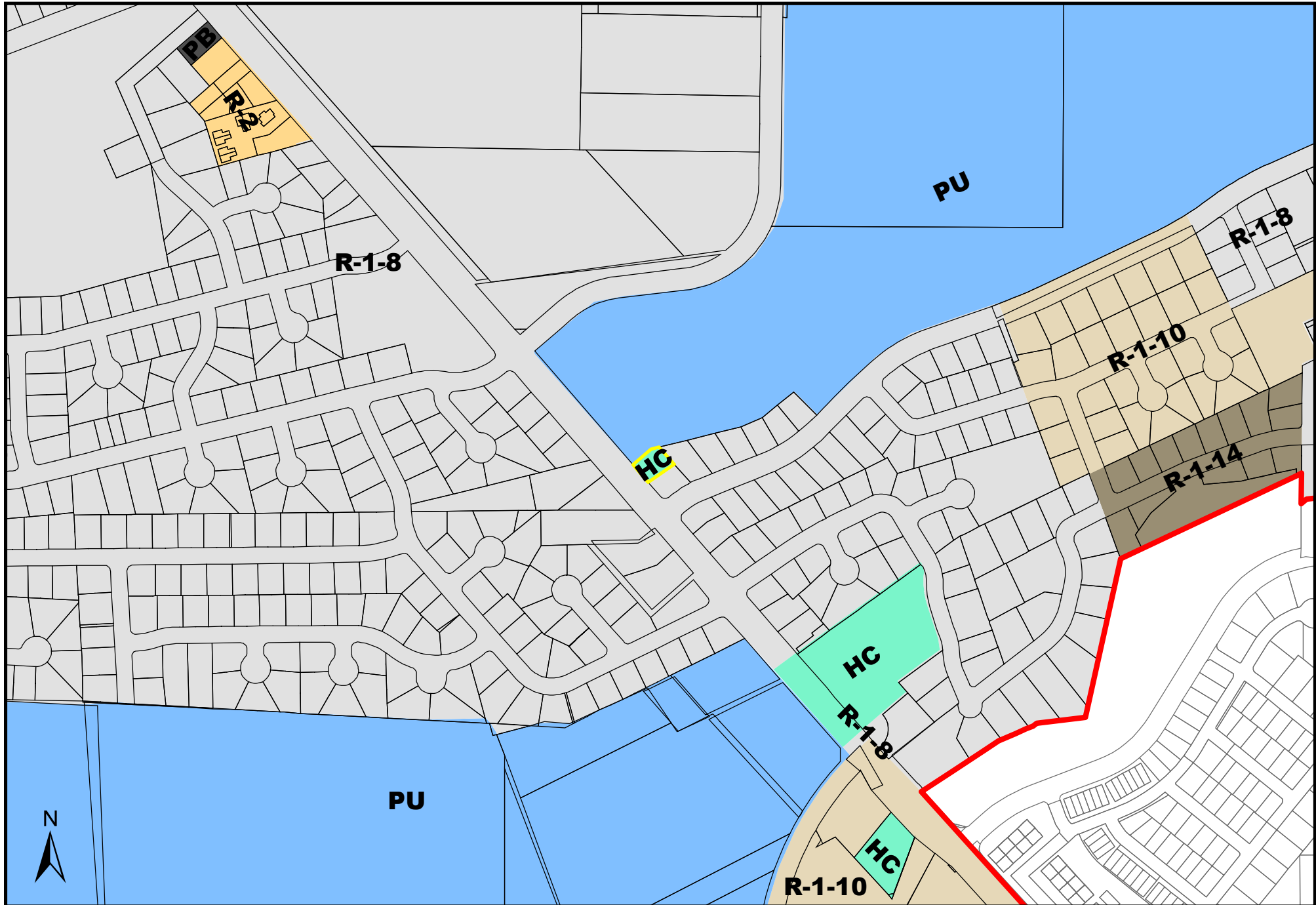
Fiscal impact & Fund Source for Recommended Action: N/A

Attachments: Location Map, Rezone Map, Rezone Ordinance

579 South Main Street - Rezone from HC to PB



579 South Main Street - Rezone from HC to PB



ORDINANCE NO. 21-_____

AN ORDINANCE REZONING A CERTAIN PORTION OF KAYSVILLE CITY TO THE PB (PROFESSIONAL BUSINESS) ZONING DISTRICT, 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 HC district to the PB district for the purpose of allowing business and professional office use; and

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

WHEREAS, 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 said district has concluded that it is in the best interest of the City and the inhabitants thereof that said zone 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 as shown on the attached map at 579 South Main Street, which is made a part hereof, containing approximately 0.18 acres, shall be and the same is hereby rezoned and the Zoning Map amended by removing it from the Kaysville City HC district as currently delineated and rezoning it to the PB zoning district.

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

CITY COUNCIL STAFF REPORT



COUNCIL MEETING DATE: October 7, 2021

TYPE OF ITEM: ACTION

PRESENTED BY: Community Development Staff

SUBJECT/AGENDA TITLE: Rezone .51 acres of property at 48 S Harvs Lane from the R-1-10 (Residential single family 10,000 square feet) to R-A (Single Family Light Agriculture) zoning district.

EXECUTIVE SUMMARY:

A zone change is being requested at the subject address in order to accommodate the keeping larger farm animals, such as horses. While this is viable under the existing zoning, the request would make the use a permitted use without the need for the conditional use process. The property, was recently re-zoned R-1-10 to accommodate Single Family Dwelling with a minimum 10,000 square feet lot as part of the Potowatome subdivision. The Applicant would like to re-zone that specific lot and combine use with the their R-A zoned property at 1662 West 75 South. The properties are adjacent to each other and they would like to use both for their horses and such.

As a rezone action the Planning Commission has broad discretion as to whether or not to pass along a favorable recommendation to the City Council.

The allowances of the requested zoning district are as follows:

17-10-1 Purpose

To provide for areas within the municipality characterized primarily as residential districts where farm animals can be kept and raised for family food production and recreation, but which, due to the growth of neighboring populous areas, are more dense. The regulations for this zone are designed to provide for keeping of domestic household pets or farm animals and fowl for family use within the limits of reasonable rules of health and sanitation, to stabilize and protect the essential characteristics of the zone and to protect and encourage a suitable environment for healthful and enjoyable family life.

17-10-2 Site Plan Review

Conditional uses in an R-A Zone District shall be subject to a site plan review as specified in [KCC 18-4](#).

17-10-3 Permitted Uses

1. Agriculture.
2. Single-family 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 17-26](#).
5. Major Home Occupation 'C' subject to the provisions of [KCC 17-26](#).
6. Two household pets per dwelling unit.
7. The keeping of farm animals and fowl for family food production and the keeping of horses for private use, together with their dependent young, as set forth in [KCC 17-24](#).
8. Private swimming pools subject to the provisions of [KCC 17-31-9](#).
9. Accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to the provisions of [KCC 17-31-2](#).

HISTORY

Amended by Ord. [19-07-01](#) on 7/2/2019

17-10-4 Conditional Uses

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

1. Public or quasi-public buildings of the educational, recreational, religious, cultural, or public service type, not including corporation yards, storage or repair yards, warehouses, and similar uses.
2. Major home occupations A and B subject to the provisions of [KCC 17-26](#).
3. Public utility substations subject to the provisions of [KCC 17-31-15](#).
4. Golf courses subject to the provisions of [KCC 17-31-8](#).
5. Plant nurseries occupying one-half (1/2) acre or more.
6. Temporary buildings for uses incidental to construction work subject to the provisions of [KCC 17-30-7](#), which buildings must be removed upon completion or abandonment of the construction.
7. Temporary tract offices and development signs subject to the provisions of [KCC 17-30-7](#) and [KCC 17-33](#).

17-10-5 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.

17-10-6 Area, Lot Width, And Yard Requirements

The following minimum requirements shall be observed except where increased for conditional uses.

1. The lot area shall not be less than 21,780 square feet.
2. The lot width shall not be less than one hundred feet (100') at a distance fifty feet (50') back from the front lot line.
3. The front yard for any building shall be at least thirty feet (30').
4. The side yard for any dwelling shall be not less than eight feet (8') and the total width of the two (2) required side yards shall be not less than sixteen feet (16').

5. Other main buildings shall have a side yard of not less than twenty feet (20') and the total width of the two (2) required side yards shall be not less than forty feet (40').
6. On corner and multiple frontage lots, the yards which abut a street shall be not less than twenty feet (20') from the street for both main and accessory buildings.
*see exception: 17-31-2
7. The minimum rear yard for any main building shall be thirty feet (30').
8. Where approved by the Planning Commission, the street right-of-way may be increased twenty feet (20') and the area contained in the additional right-of-way abutting lots deducted from the lot size requirement. The additional right-of-way shall be used as parkways (area between right-of-way or private property line and curb line) abutting lots.
9. Flag lot development requirements:
 1. The area of each flag lot shall be at least 21,780 square feet.
 2. lots shall have access to a street by way of a projection of at least thirty feet (30') in width along its entire length. Two flag lots with projections side-by-side may each have projections eighteen feet (18') or greater in width (for a total of not less than 36 feet) and share a common paved driveway twenty feet (20') or more in width covered by an easement so that the driveway cannot be divided.
 3. buildings on a flag lot shall be located not closer than twenty feet (20') to any property line.
 4. buildings shall comply with [KCC 17-31-2](#)
 5. Uses acceptable in a flag lot subdivision shall be those uses which are permitted in the zoning district in which the flag lot subdivision is located.

Council Options: Approve, Deny, or Table for more information.

Recommended Options: The Planning Commission voted unanimously to recommend approval of the requested rezone.

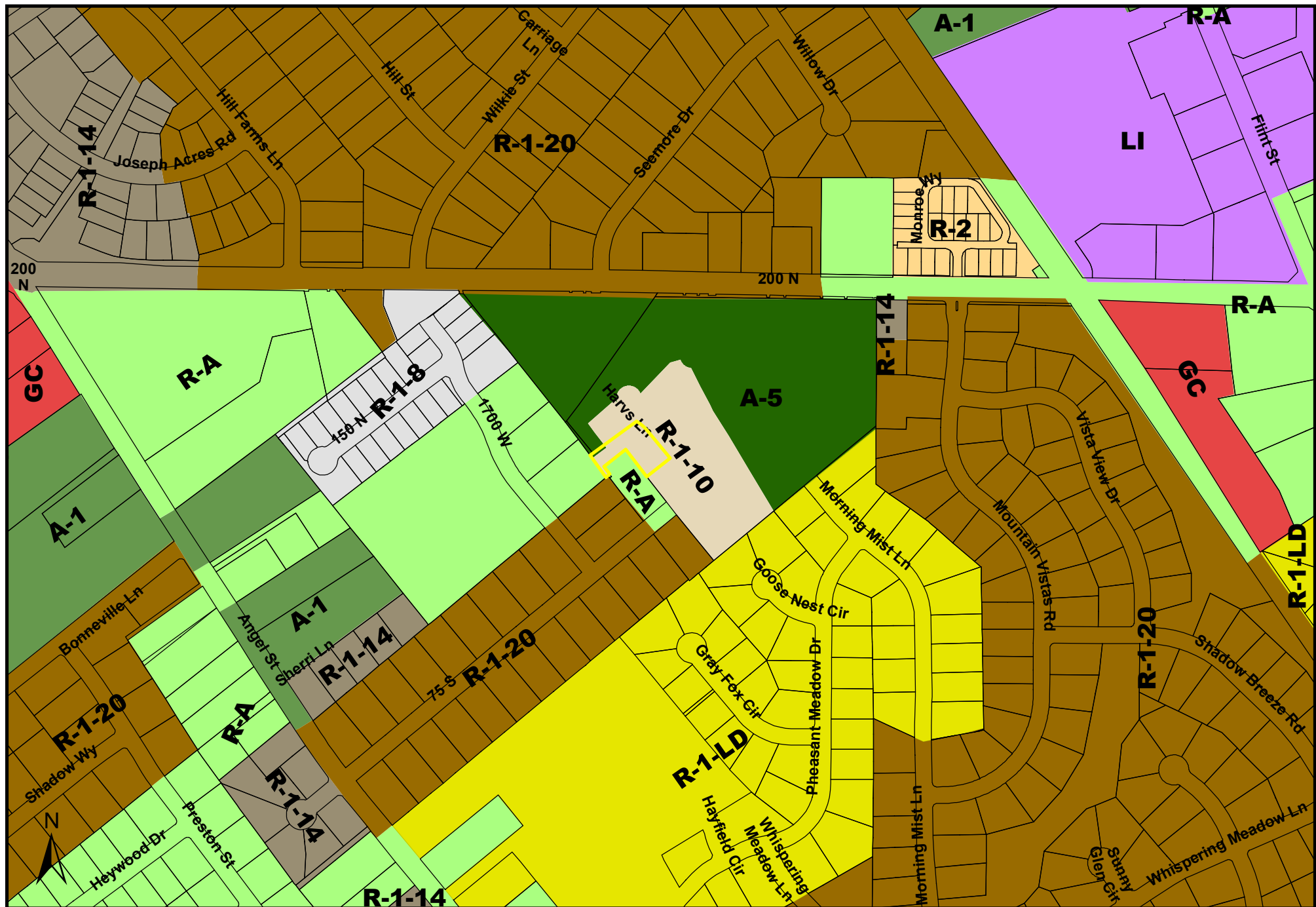
Fiscal impact & Fund Source for Recommended Action: N/A

Attachments: Location Map, Rezone Map, Rezone Ordinance

Rezone of 48 South Harvs Lane from R-1-10 to R-A



Rezone of 48 South Harvs Lane from R-1-10 to R-A
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ORDINANCE NO. 21-_____

AN ORDINANCE REZONING A CERTAIN PORTION OF KAYSVILLE CITY TO THE R-A (RESIDENTIAL AGRICULTURE) ZONING DISTRICT, 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 R-1-10 district to the R-A district for the purpose of allowing residential and agricultural uses; and

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

WHEREAS, 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 said district has concluded that it is in the best interest of the City and the inhabitants thereof that said zone 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 as shown on the attached map at 48 South Harvs Lane, which is made a part hereof, containing approximately 0.51 acres, shall be and the same is hereby rezoned and the Zoning Map amended by removing it from the Kaysville City R-1-10 district as currently delineated and rezoning it to the R-A zoning district.

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

CITY COUNCIL STAFF REPORT



COUNCIL MEETING DATE: October 7, 2021

TYPE OF ITEM: ACTION

PRESENTED BY: Community Development Staff

SUBJECT/AGENDA TITLE: Rezone of 2.54 acres of property at 1742 W Phillips Street from the R-1-20 (Single Family Residential) to the R-1-LD (Single Family Residential) zoning district with the PRUD (Planned Residential Unit Development) overlay zone.

EXECUTIVE SUMMARY:

The applicants are requesting a rezone of their property in order to accommodate a new Subdivision. The requested zoning district allows a net density of 2 units per acre thus based on the total property area could permit as many as 5 dwellings. The applicant has provided a concept drawing indicating the general idea of keeping the existing home and adding 4 new lots on a new street private street. The private street is the reason for the PRUD overlay zone request.

The R-1 zoning district regulations are found in Chapter 17-12. The R-1-LD zone allows for some flexibility in lot size while keeping the overall density at no more than 2 units per acre. The smallest lot size allowed would be 12,000 sq. ft. in size. The R-1-LD and existing R-1-20 zoning districts are both regulated by Chapter 17-12 which means they allow the same uses. The 2 districts also have the same lot frontage and setback requirements, the difference in this case is primarily the flexibility in lot size granted by the R-1-LD district.

The Kaysville City General Plan states 'West of I-15, allow for similar housing densities in existing neighborhoods while considering medium density housing along the major streets and higher density housing near transit stops and arterial streets (200 North, Interstate 15, and the West Davis Corridor).'

The PRUD overlay is necessary to permit a private street. The private lane would be owned and maintained by an association of owners within the subdivision granting an access easement to each lot. A Private Street Subdivision is regulated by Section 17-34-8.

In considering whether or not a Private Street Subdivision is appropriate, Section 17-34-1, Purpose, states that '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.

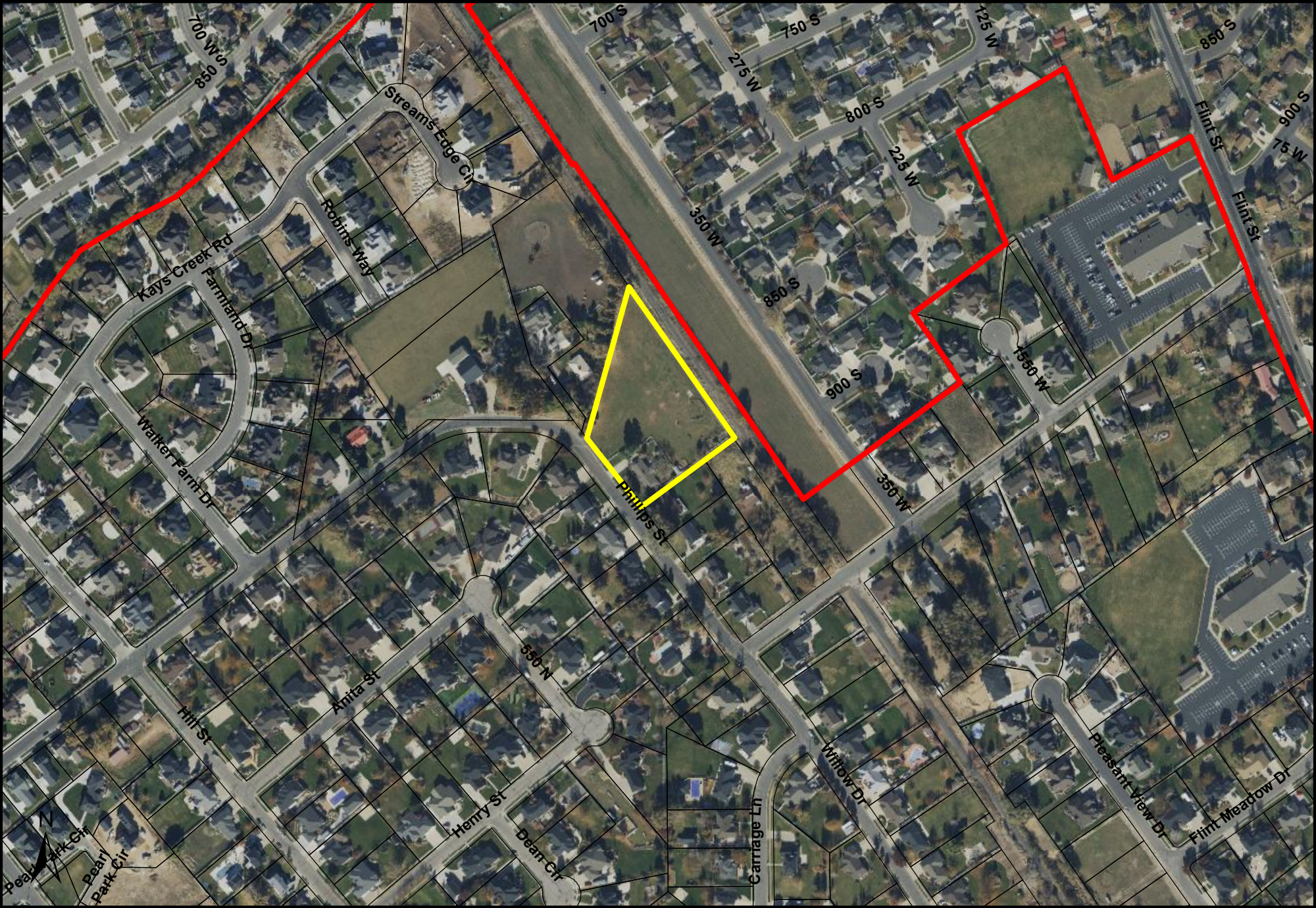
Council Options: Approve, Deny, or Table for more information.

Recommended Options: The Planning Commission voted unanimously to recommend approval of the requested rezone.

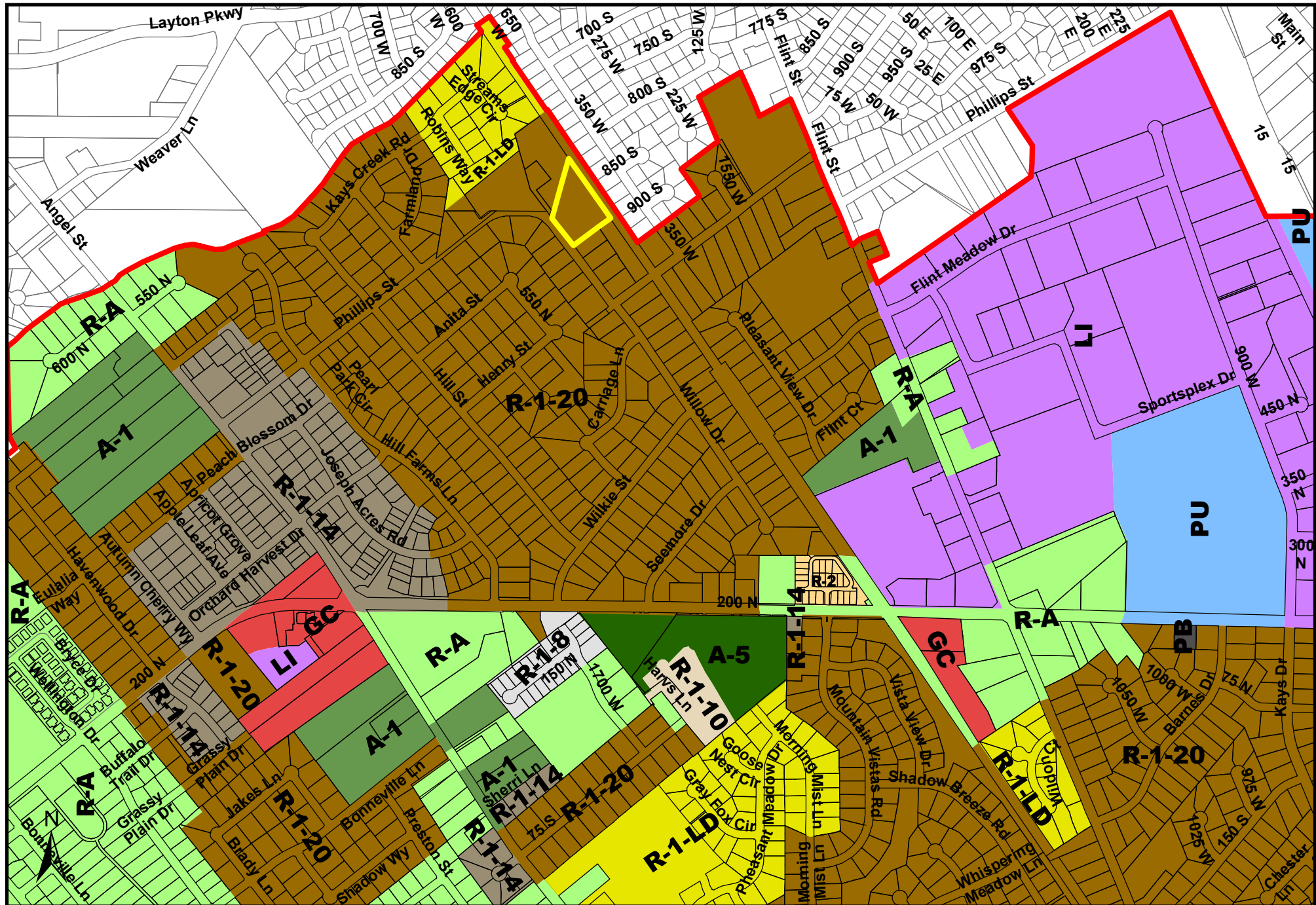
Fiscal impact & Fund Source for Recommended Action: N/A

Attachments: Location Map, Rezone Map, Concept Plan, Rezone Ordinance

1742 West Phillips Street



Rezone of 1742 W. Phillips St. from R-1-20 to R-1-LD



ORDINANCE NO. 21-_____

AN ORDINANCE REZONING A CERTAIN PORTION OF KAYSVILLE CITY TO THE R-1-LD (RESIDENTIAL SINGLE FAMILY LOW DENSITY) ZONING DISTRICT TO INCLUDE THE PRUD OVERLAY ZONE, 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 R-1-20 district to the R-1-LD district with the PRUD Overlay Zone for the purpose of allowing more flexibility in lot sizes along a private street; and

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

WHEREAS, 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 said district has concluded that it is in the best interest of the City and the inhabitants thereof that said zone 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 as shown on the attached map at 1742 West Phillips Street, which is made a part hereof, containing approximately 2.54 acres, shall be and the same is hereby rezoned and the Zoning Map amended by removing it from the Kaysville City R-1-20 district as currently delineated and rezoning it to the R-1-LD zoning district to include the PRUD overlay zone.

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

CITY COUNCIL STAFF REPORT



COUNCIL MEETING DATE: October 7, 2021

TYPE OF ITEM: ACTION

PRESENTED BY: Community Development Staff

SUBJECT/AGENDA TITLE: Consideration of Development Agreement and Rezone .44 acres of property at 65 Crestwood Road from the R-1-8 (Single Family Residential) zoning district to the GC (General Commercial) zoning district.

EXECUTIVE SUMMARY:

A zone change is being requested at the subject address in order to accommodate General Commercial potential. The property is currently zoned R-1-8 to accommodate a single family dwelling type development.

The requested General Commercial zoning district is primarily for office and retail sales and services which are permitted uses in the zone. The full provisions of the GC zoning district are included with this report

The request does not include a specific plan or concept to demonstrate the desired use or change to the site, rather they are seeking the rezone to be open to different possibilities allowed by the new zoning district. Because of this, after the public hearing noting concerns from residents in the area, the Planning Commission requested that the applicant consider a development agreement that would address concerns voiced by neighbors. Sections 2 and 3 of the agreement included with this report describe the limitations that the applicant is proposing.

As a rezone action the Planning Commission has broad discretion as to whether or not to pass along a favorable recommendation to the City Council.

REQUESTED ZONING - KAYSVILLE CITY CODE – CHAPTER 17-19 GENERAL COMMERCIAL DISTRICT:

17-19-3 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. Government offices and services.

17-19-4 Conditional Uses

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

1. Single family dwellings which are an integral part of a commercial use and serves as housing for the proprietor or an employee.
2. Light industry/research uses subject to the provisions of [KCC 17-23](#).
3. Buildings of height greater than thirty-five feet (35').
4. Recreational vehicle parks subject to the provisions of [KCC 17-31-24](#).
5. Public utility substations.
6. Sale of beer for consumption on the premises of a full-service restaurant, limited service restaurant, beer-only restaurant, banquet or reception center.
7. Sale of liquor for consumption on the premises of a full-service restaurant, limited service restaurant, banquet or reception center.

HISTORY

Amended by Ord. [18-9-01](#) on 1/3/2019

17-19-5 Special Provisions

The design of off-street parking facilities shall assure compatibility of vehicular and pedestrian circulation. Site plan drawings prepared for site plan review shall illustrate clearly all existing and proposed vehicular and pedestrian paths. (See [KCC 18-4](#).)

17-19-6 Height Regulations

1. No building shall exceed thirty-five feet (35') in height, except pursuant to [KCC 17-19-4](#).
2. No building shall be less than ten feet (10') in height.

17-19-7 Area, Lot Coverage And Yard Requirements

There are no lot size or yard requirements except that where a lot in the General Commercial District abuts a residential district, the yard abutting the residential district shall be at least twenty feet (20').

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.

Growth and Development

A. Growth should mostly occur through development within the City. Development should improve public safety and sense of community. An adequate revenue base should be developed to fund City operations and infrastructure.

1. Refurbish or replace deteriorating structures so that land is used to its long-term potential.
2. Reserve land and promote development that is high quality, diversified and adaptable to changing conditions.
3. Encourage businesses and industries to locate and invest within the City.
4. Regulate the more intensive uses that create traffic and public service problems and costs

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.

Crestwood Road is classified as a major street per Kaysville City's Major Street Plan in KCC Section 8-3-2.

Council Options: Approve, Deny, or Table for more information.

Recommended Options: The Planning Commission voted unanimously to recommend approval with the development agreement as proposed with an additional recommendation that the council require some documentation of the building if it is to be torn down.

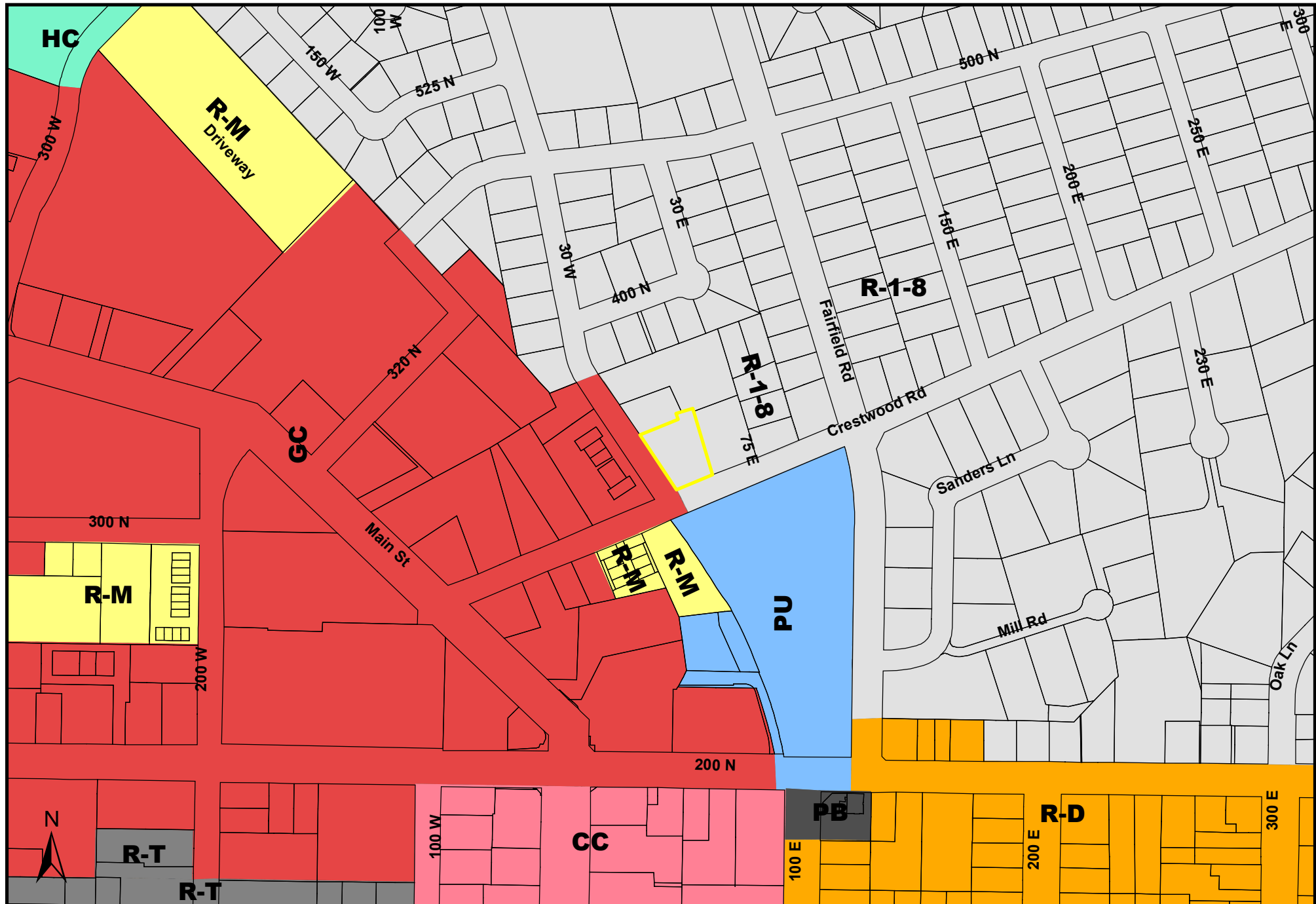
Fiscal impact & Fund Source for Recommended Action: N/A

Attachments: Location Map, Rezone Map, Development Agreement, Rezone Ordinance

Rezone of 65 Crestwood Road from R-1-8 to GC



Rezone of 65 Crestwood Road from R-1-8 to GC



When Recorded, Return to:
Kaysville City
Community Development Office
23 East Center Street
Kaysville, UT 84037

Affecting Tax Parcels No.:11-101-0026

**DEVELOPMENT AGREEMENT
FOR A COMMERCIAL PROPERTY**

THIS AGREEMENT is made and entered into this ____ day of _____, 2021 by and between Kaysville City, a municipal corporation organized and Christian Nielsen and/or assigns (collectively hereinafter the “Developer”) Sometimes both the City and Developer are collectively referred to in the Agreement as the “Parties,” and individually as a “Party.”

RECITALS

WHEREAS, Developer is desirous of developing a general commercial use (the “Facility”) on certain real property located in the City of Kaysville, County of Davis, State of Utah and more particularly described as 65 Crestwood Road; and

WHEREAS, the purpose of this Agreement is to define the development standards, conditions and improvements, schedule for development of the property and other terms and conditions pursuant to which the property proposed by Developer is to be developed within the City; and

WHEREAS, the City is willing to grant the General Commercial rezone of the property and to authorize the development of the property proposed by Developer in conformance with this Agreement, City Ordinances, and applicable Utah law;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. GENERAL DESCRIPTION.

A. Area Description. The property upon which the Facility shall be developed (the “Property”) is located at 65 Crestwood Road. The property is further described as Davis County Parcel ID: 11-101-0026.

B. Project Description. The project proposed by Developer is a commercial building which will consist of one building developed in compliance with city ordinances.

2. ALLOWED USES

The uses allowed in the requested zoning shall be permitted as outlined in Chapter 17-19 of the Kaysville City Ordinances with a specific prohibition on the following uses:

- Light industry/research uses.
- Buildings of height greater than thirty-five feet (35').
- Recreational vehicle parks.
- Storage services.

3. DEVELOPMENT STANDARDS AND GUIDELINES

A. Adoption of Development Standards. The City hereby adopts, as the development standards and guidelines for the Subdivision (the “Development Standards”), the following in addition to all other applicable City Ordinances, standards and guidelines:

- (1) Architecture. Developer shall construct the Facility in similar compliance and conformance with the neighboring architecture.
- (2) Building Height. Not greater than thirty-five feet.
- (3) Lighting. Low impact following RASC Guidelines for Outdoor Lighting.
- (4) Fencing. Privacy fencing along the north property boundary.
- (5) Signage. Monument sign in accordance with city code 17-33.

B. Findings of Compatibility. In adopting the Development Standards identified in Section 2.A, the City hereby expressly finds that the development of the property, in conformance with the Development Standards and this Agreement, promotes the creation of a desirable commercial development in an appropriate location. The City further finds that the development of the property, in conformance with the Development Standards and this Agreement, will not violate the general purpose, goals and objectives of the City Ordinances and any plans adopted by the Planning Commission and City Council of the City.

Subject to the Developer's performance and compliance with the terms of this Agreement and City Ordinances in effect on the date of this Agreement, Developer's rights to develop the property is vested.

4. ON-SITE PROJECT IMPROVEMENTS

Developer shall construct and install all site improvements, including utilities, required for the Facility, at Developer's sole cost and expense, in compliance with approvals, and all applicable ordinances, regulations, standards and status of the City, the secondary water provider as applicable, The Central Davis Sewer District, other providers and the State of Utah.

5. OFF-SITE PROJECT IMPROVEMENTS

In accordance with applicable standards and subject to the design approval of the City Engineer, Developer shall construct and install street improvements, sidewalks, utilities, and drainage improvements, on Crestwood Road with the construction of the on-site improvements.

6. REPRESENTATIONS OF DEVELOPER

A. Authority. Developer hereby represents that is has authority to proceed with the Facility.

B. Ability. Developer represents that it has the ability to timely proceed with the development and construction of the Facility. Developer agrees to begin construction of the Facility no sooner than two years from the date of the approved rezone.

7. ASSIGNMENT

Developer may assign this Agreement to any other third party provided that the City consents to such assignment, which consent shall not be unreasonably withheld, upon a showing to the satisfaction of the City that such third party has the financial ability to perform Developer's obligations hereunder.

8. BINDING EFFECT

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

9. ATTORNEY'S FEES

In the event that this Agreement or any provision hereof shall be enforced by an attorney retained by a party hereto, whether by suit or otherwise, the fees and costs of such attorney shall be paid by the party who breaches or defaults hereunder, including fees and costs incurred upon appeal or in bankruptcy court.

10. SEVERABILITY

If any term or provision of this Agreement shall, to any extent, be determined by a court of competent jurisdiction to be void, voidable, or unenforceable, such void, voidable or unenforceable term or provision shall not affect the enforceability of any other term or provision of this Agreement.

11. CAPTIONS

The section and paragraph headings contained in this Agreement are for the purposes of reference only and shall not limit, expand or otherwise affect the construction of any provisions hereof.

12. GOVERNING LAW

This Agreement shall be governed by, and construed in accordance with, applicable Utah Law, without reference to the conflicts of laws principle. Any litigation between the parties shall take place in the applicable courts located in Davis County, Utah which state and federal courts shall have exclusive jurisdiction over this Agreement, and the Parties expressly consent to such jurisdiction and venue.

13. ENTIRE AGREEMENT

This Agreement shall constitute the entire agreement between the Parties, and shall fully supersede any and all prior agreements or understandings, oral or written, between the Parties pertaining to the subject matter hereof. The Agreement is a fully integrated agreement.

14. WAIVER

No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement will be effective unless it is in writing and signed by the Party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy will be deemed a waiver of any other breach, failure, right, or remedy, whether or not similar, and no waiver will constitute a continuing waiver, unless the writing so specifies.

15. CONSTRUCTION

As used herein, all words in any gender shall be deemed to include the masculine, feminine, or neuter gender, all singular words shall include the plural, and all plural words shall include the singular, as the context may require.

16. AUTHORIZATION OF EXECUTION

A. City. The execution of this Agreement by the City has been authorized by the City Council of Kaysville City at a regularly scheduled meeting of that body, pursuant to the notice.

B. Developer. The execution of this Agreement has been duly authorized by the Developer.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date in the preamble above.

DEVELOPER

ATTEST:

By: _____

TITLE

TITLE

KAYSVILLE CITY

ATTEST:

By: _____

Katie Witt
Mayor

Annemarie Plaizier
City Recorder

NOTARY PUBLIC

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

NOTARY PUBLIC

STATE OF UTAH)
)
 : ss.
COUNTY OF DAVIS)

ORDINANCE NO. 21-_____

AN ORDINANCE REZONING A CERTAIN PORTION OF KAYSVILLE CITY TO THE GC (GENERAL COMMERCIAL) ZONING DISTRICT, 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 R-1-8 district to the GC district for the purpose of allowing potential future commercial uses; and

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

WHEREAS, the applicant for the rezone request has agreed to place certain limitations on the potential use of property to address concerns of the GC zoning district by development agreement; and

WHEREAS, 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 said district has concluded that it is in the best interest of the City and the inhabitants thereof that said zone 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 as shown on the attached map at 65 Crestwood Road, which is made a part hereof, containing approximately 0.44 acres, shall be and the same is hereby rezoned and the Zoning Map amended by removing it from the Kaysville City R-1-8 district as currently delineated and rezoning it to the GC zoning district subject to a development agreement recorded against the property.

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

STAFF REPORT



COUNCIL MEETING DATE: October 7, 2021

TYPE OF ITEM: Work

SUBJECT/AGENDA TITLE: An ordinance enacting several fire related fees of the Consolidated Fee Schedule

EXECUTIVE SUMMARY: From time to time, organizations ask the Fire Department to assist with special events, utility issues, or other events. The Fire Department is happy to assist with these events, but they do divert city resources from other potential needs. For example, on occasion utility companies require a fire department with a charged line on scene for safety concerns. Not only does this divert city resources; it costs money to have a charged line and firefighters on stand-by. This ordinance helps to address these costs and insure that the Fire Department can continue to provide outstanding service.

Council Options: 1) Move the resolution to an action item as written; 2) Move the resolution to an action item 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 move the resolution to an action item as written.

Fiscal Impact & Fund Source for Recommended Action: City Staff anticipates that this ordinance will help defray—albeit minimally—Fire Department costs.

ORDINANCE 21-~~XX-XX~~

**AN ORDINANCE ENACTING SEVERAL FIRE RELATED FEES OF THE
CONSOLIDATED FEE SCHEDULE**

WHEREAS, Kaysville City charges various fees which are collected by different departments and divisions of the City; and

WHEREAS, these fees are collected to offset the expense of providing certain municipal services and to pay the cost of regulating certain businesses; and

WHEREAS, some additions and changes need to be made to the Consolidated Fee Schedule; and

WHEREAS, the City Council of Kaysville City desires to change the amount of some of the fees;
and

WHEREAS, the City Council of Kaysville City finds that the fees set forth herein are reasonable, and should be adopted.

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

SECTION I: Enactment. The City Consolidated Fee Schedule is hereby amended as follows:

Fire standby services for special events, utility issues, and other miscellaneous occurrences:	
Certified firefighter	\$25.00 per hour per crew member
RE61	\$900.00 per hour
TR61	\$1,250.00 per hour
E62	\$107.00 per hour
E63	\$75.00 per hour
A61	\$416.66 per hour
A62	\$58.33 per hour
A63	\$43.75 per hour
BR61/62	\$120.00 per hour

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 immediately upon posting.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this **7th day of October, 2021.**

Katie Witt, Mayor

ATTEST:

Annemarie Plaizier, City Recorder

NOW, THEREFORE, THE CITY OF KAYSVILLE HEREBY ORDAINS:

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

Section 2. A New Chapter, Chapter 11, is added to Title 3, Business and License Regulations, to be named Retail Sale of Dogs and Cats by Pet Shops and to read as follows:

Section 11-7-1 - Definitions.

As used in this Chapter:

- A. “Pet shop” means a retail store where animals are kept, sold, or offered for sale on the premises. Such term shall include any owner or operator of the business. An animal rescue organization or public animal shelter, as defined in this section, shall not be considered a pet shop.
- B. “Sell” means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer.
- C. “Offer for sale” means to display or proffer for acceptance by another person.
- D. “Animal rescue organization” means a non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes. “Animal rescue organization” shall not include any entity that breeds animals or that (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from—a person that breeds animals.
- E. “Public animal shelter” means a facility operated by or under contract with any state, or a political subdivision of any state, for the impoundment and care of seized, stray, homeless, abandoned, unwanted, or surrendered animals.
- F. “Cat” means any member of the species *Felis catus*.
- G. “Dog” means any member of the species *Canis familiaris*.
- H. “Person” means an individual, corporation, organization, partnership, or any other entity.

Section 11-7-2 – Sale of Dogs and Cats by Pet Shops.

It shall be unlawful for any pet shop, as defined in Section 11-7-1, to sell or offer for sale a dog or cat.

Section 11-7-3 – Display of Dogs or Cats Available for Adoption.

It shall be unlawful for any pet shop, as defined in Section 11-7-1, to provide space for the display of adoptable dogs or cats unless all of the following requirements are met:

- A. Any dog or cat displayed for adoption is displayed by either an animal rescue organization or a public animal shelter, as those terms are defined in Section 11-7-1;
- B. No part of any fees associated with the display or adoption of a dog or cat, including but not limited to adoption fees or fees for the provision of space, shall be paid to or received by the host pet shop or to any entity affiliated with or under common ownership with the host pet shop;
- C. The host pet shop shall not have any ownership interest in any animal displayed for adoption; and
- D. Each dog or cat displayed for adoption shall be adopted for total fees not in excess of \$500.

Section 11-7-4 – Enforcement and Penalties.

Each sale or offer for sale in violation of Section 11-7-2, and each provision of space by a pet shop in violation of Section 11-7-3, shall, in addition to any other applicable penalty, be punished by a fine of \$500. Each sale, offer for sale, or provision of space made in violation of this Chapter shall constitute a separate violation.

Section 3. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

Section 4. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 5. Codification. The provisions of this Ordinance shall be made a part of the City Code of the City of Kaysville, Utah. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

Section 6. Effective Date. [Insert effective date].