

ORDINANCE 26-06-01

AN ORDINANCE ADOPTING NEW SECTIONS INTO EACH CHAPTER OF TITLE 17 THAT DISCUSS PERMITTED OR CONDITIONAL USES; ADOPTING A NEW CHAPTER 39 INTO TITLE 17 TO PROVIDE A PROCESS FOR REVIEWING AND APPROVING NEW OR UNLISTED BUSINESS USES; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Utah Code Section 10-20-507 requires each municipality to incorporate into its land use ordinances a clear process for reviewing and approving new or unlisted business uses, which must be referenced in each ordinance that contains a list of approved or prohibited business uses; and

WHEREAS, Kaysville City desires to comply with state law by adopting a uniform, transparent, and predictable process for handling classification requests and applications for new or unlisted business uses, thereby promoting fair administration of land use regulations and supporting appropriate economic development;

WHEREAS, on (date), the Kaysville City Planning Commission held a public hearing and voted X-X to recommend approval/denial to the City Council; and

WHEREAS, the City Council feels that it is in the best interest of the City to provide a process for reviewing and approving new or unlisted business uses.

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

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 If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II: Enactment. Title 17, Chapter 8, Section 7 shall be enacted to read as follows:

17-8-7 - Prohibited Uses.

The permitted uses or uses allowed by conditional use permit in this chapter shall constitute the entirety of uses allowable in the A-5 zone. All other uses are prohibited unless:

1. determined to be substantially similar to an existing permitted or conditional use in accordance with Chapter 39; or
2. approved as a new or unlisted business under Chapter 39.

SECTION III: Enactment. Title 17, Chapter 9, Section 7 shall be enacted to read as follows:

17-9-7 - Prohibited Uses.

The permitted uses or uses allowed by conditional use permit in this chapter shall constitute the entirety of uses allowable in the A-1 zone. All other uses are prohibited unless:

1. determined to be substantially similar to an existing permitted or conditional use in accordance with Chapter 39; or
2. approved as a new or unlisted business under Chapter 39.

SECTION IV: Enactment. Title 17, Chapter 10, Section 7 shall be enacted to read as follows:

17-10-7 - Prohibited Uses.

The permitted uses or uses allowed by conditional use permit in this chapter shall constitute the entirety of uses allowable in the R-A zone. All other uses are prohibited unless:

1. determined to be substantially similar to an existing permitted or conditional use in accordance with Chapter 39; or
2. approved as a new or unlisted business under Chapter 39.

SECTION V: Enactment. Title 17, Chapter 11, Section 10 shall be enacted to read as follows:

17-11-10 - Prohibited Uses.

The permitted uses or uses allowed by conditional use permit in this chapter shall constitute the entirety of uses allowable in the R-T zone. All other uses are prohibited unless:

1. determined to be substantially similar to an existing permitted or conditional use in accordance with Chapter 39; or
2. approved as a new or unlisted business under Chapter 39.

SECTION VI: Enactment. Title 17, Chapter 12, Section 7 shall be enacted to read as follows:

17-12-7 - Prohibited Uses.

The permitted uses or uses allowed by conditional use permit in this chapter shall constitute the entirety of uses allowable in the R-1 zone. All other uses are prohibited unless:

1. determined to be substantially similar to an existing permitted or conditional use in accordance with Chapter 39; or
2. approved as a new or unlisted business under Chapter 39.

SECTION VII: Enactment. Title 17, Chapter 13, Section 7 shall be enacted to read as follows:

17-13-7 - Prohibited Uses.

The permitted uses or uses allowed by conditional use permit in this chapter shall constitute the entirety of uses allowable in the R-D zone. All other uses are prohibited unless:

1. determined to be substantially similar to an existing permitted or conditional use in accordance with Chapter 39; or
2. approved as a new or unlisted business under Chapter 39.

SECTION VIII: Enactment. Title 17, Chapter 14, Section 7 shall be enacted to read as follows:

17-14-7 - Prohibited Uses.

The permitted uses or uses allowed by conditional use permit in this chapter shall constitute the entirety of uses allowable in the R-2 zone. All other uses are prohibited unless:

1. determined to be substantially similar to an existing permitted or conditional use in accordance with Chapter 39; or
2. approved as a new or unlisted business under Chapter 39.

SECTION IX: Enactment. Title 17, Chapter 15, Section 8 shall be enacted to read as follows:

17-15-8 - Prohibited Uses.

The permitted uses or uses allowed by conditional use permit in this chapter shall constitute the entirety of uses allowable in the R-4 zone. All other uses are prohibited unless:

1. determined to be substantially similar to an existing permitted or conditional use in accordance with Chapter 39; or

2. approved as a new or unlisted business under Chapter 39.

SECTION X: Enactment. Title 17, Chapter 16, Section 8 shall be enacted to read as follows:

17-16-8 - Prohibited Uses.

The permitted uses or uses allowed by conditional use permit in this chapter shall constitute the entirety of uses allowable in the R-M zone. All other uses are prohibited unless:

1. determined to be substantially similar to an existing permitted or conditional use in accordance with Chapter 39; or
2. approved as a new or unlisted business under Chapter 39.

SECTION XI: Enactment. Title 17, Chapter 17, Section 8 shall be enacted to read as follows:

17-17-8 - Prohibited Uses.

The permitted uses or uses allowed by conditional use permit in this chapter shall constitute the entirety of uses allowable in the HC zone. All other uses are prohibited unless:

1. determined to be substantially similar to an existing permitted or conditional use in accordance with Chapter 39; or
2. approved as a new or unlisted business under Chapter 39.

SECTION XII: Enactment. Title 17, Chapter 18, Section 8 shall be enacted to read as follows:

17-18-8 - Prohibited Uses.

The permitted uses or uses allowed by conditional use permit in this chapter shall constitute the entirety of uses allowable in the PB zone. All other uses are prohibited unless:

1. determined to be substantially similar to an existing permitted or conditional use in accordance with Chapter 39; or
2. approved as a new or unlisted business under Chapter 39.

SECTION XIII: Amendment. Title 17, Chapter 19, Section 8 shall be amended to read as follows:

17-19-8 - Prohibited Uses.

1. Uses which are singularly focused on vehicles are expressly prohibited on properties with frontage along 200 North between I-15 and 100 East and Main Street between the City's northern border and 100 South. Such uses include but are not limited to auto repair shops, tire shops, auto detailing services, towing services, auto tinting services, auto rentals, lube and oil service stations, spray and tunnel car washes, windshield repair centers, drive-through establishments which do not include indoor retail or dining spaces for customers and other uses which create a heavy emphasis on vehicle space.
2. Storage services are not permitted on properties with frontage along 200 North between I-15 and 100 East and Main Street between the City's northern border and 100 South.
3. Any other use that is not a permitted use or a use allowed by conditional use permit is prohibited unless:
 - a. determined to be substantially similar to an existing permitted or conditional use in accordance with Chapter 39; or
 - b. approved as a new or unlisted business under Chapter 39.

SECTION XIV: Amendment. Title 17, Chapter 20, Section 8 shall be amended to read as follows:

17-20-8 - Prohibited Uses.

1. Uses which are singularly focused on vehicles are expressly prohibited on properties with frontage along 200 North between I-15 and 100 East and Main Street between the City's northern border and 100 South. Such uses include but are not limited to auto repair shops, tire shops, auto detailing services, towing services, auto tinting services, auto rentals, lube and oil service stations, spray and tunnel car washes, windshield repair centers, drive-through establishments which do not include indoor retail or dining spaces for customers and other uses which create a heavy emphasis on vehicle space.
2. Storage services are not permitted on properties with frontage along 200 North between I-15 and 100 East and Main Street between the City's northern border and 100 South.
3. Any other use that is not a permitted use or a use allowed by conditional use permit is prohibited unless:
 - a. determined to be substantially similar to an existing permitted or conditional use in accordance with Chapter 39; or
 - b. approved as a new or unlisted business under Chapter 39.

SECTION XV: Enactment. Title 17, Chapter 21, Section 8 shall be enacted to read as follows:

17-21-8 - Prohibited Uses.

The permitted uses or uses allowed by conditional use permit in this chapter shall constitute the entirety of uses allowable in the LI zone. All other uses are prohibited unless:

1. determined to be substantially similar to an existing permitted or conditional use in accordance with Chapter 39; or
2. approved as a new or unlisted business under Chapter 39.

SECTION XVI: Enactment. Title 17, Chapter 22, Section 8 shall be enacted to read as follows:

17-22-8 - Prohibited Uses.

The permitted uses or uses allowed by conditional use permit in this chapter shall constitute the entirety of uses allowable in the PU zone. All other uses are prohibited unless:

1. determined to be substantially similar to an existing permitted or conditional use in accordance with Chapter 39; or
2. approved as a new or unlisted business under Chapter 39.

SECTION XVII: Enactment. Title 17, Chapter 26, Section 11 shall be enacted to read as follows:

17-26-11 - Prohibited Uses.

The permitted uses or uses allowed by conditional use permit in this chapter shall constitute the entirety of uses allowable as home occupations. All other uses are prohibited unless:

1. determined to be substantially similar to an existing permitted or conditional use in accordance with Chapter 39; or
2. approved as a new or unlisted business under Chapter 39.

SECTION XVIII: Enactment. Title 17, Chapter 27, Section 8 shall be enacted to read as follows:

17-27-8 - Prohibited Uses.

The permitted uses or uses allowed by conditional use permit in this chapter shall constitute the entirety of uses allowable the MU zone. All other uses are prohibited unless:

1. determined to be substantially similar to an existing permitted or conditional use in accordance with Chapter 39; or
2. approved as a new or unlisted business under Chapter 39.

SECTION XIX: Enactment. Title 17, Chapter 39 shall be enacted to read as follows:

Chapter 39 – Ambiguous Use Classification

17-39-1: Process.

If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this title, the following process applies:

1. An applicant may submit a classification request to a committee consisting of the Community Development Director, a City Attorney, and a member of the City Council to determine if a proposed business use aligns with an existing permitted or conditional use in this title. The application shall include the use description, operational details for the business, site plans, and any other information requested by the committee.
2. The committee shall determine if the proposed use is substantially similar to an existing permitted or conditional use based on the following criteria:
 - a. type of goods and services provided;
 - b. number of customers;
 - c. number of employees;
 - c. amount and type of on-site storage; and
 - d. noise, odor, dust, or vibration generated.
3. If the committee determines the proposed use is substantially similar to an existing use, the applicant may proceed under the regulations applicable to that use.
4. If the committee determines the proposed use is a new or unlisted business use not substantially similar to an existing use, the applicant may submit the application to the City Council for review.

17-39-2: City Council Review.

If an application is sent to the City Council for review:

1. The City Council shall review the application at a public meeting within 60 days of submission, provided the applicant responds to requests for additional information within ten business days and attends required meetings.
2. The City Council shall approve or deny the new or unlisted business use based on:
 - a. consistency with the Kaysville City General Plan,
 - b. public health, safety, and welfare, and
 - c. zoning compatibility.

3. If approved, the City Council shall designate one or more appropriate zones for the use and direct staff to amend this title to incorporate the use as a permitted or conditional use in those zones.
4. If denied, the City Council shall provide written reasons for the denial, and staff shall amend this title to add the use to a list of prohibited uses.

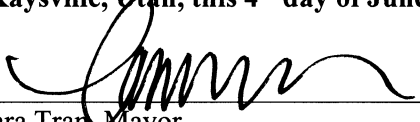
17-39-3: Appeals.

The City Council's decision under this section constitutes a final administrative decision of the City that may be appealed to district court in accordance with applicable state law.

Section XXI: 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.

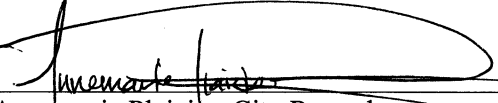
SECTION XXII: Effective Date. This ordinance being necessary for the peace, health and safety of the City, shall become effective immediately upon posting.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this 4th day of June, 2026.



Tamara Tran, Mayor

ATTEST:



Annemarie Plaizier, City Recorder

