

ORDINANCE 26-09-01

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CITY CODE INVOLVING THE CITY PLANNING COMMISSION; MAKING TECHNICAL CHANGES; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State Legislature made several amendments to land use statutes in the 2026 General Session; and

WHEREAS, city code requires amendments to come into compliance with state law; and

WHEREAS, city code also requires amendments to standardize appeals; and

WHEREAS, on July 9, 2026, the Kaysville City Planning Commission held a public hearing and voted unanimously to recommend approval of the proposed ordinance to the City Council; and

WHEREAS, the city council finds it to be in the best interest of its residents to amend city code to comply with state law.

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 If any provisions of the city's code previously adopted are inconsistent herewith, they are hereby repealed.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: Amendment. "17-1-9 Amendments" is hereby *amended* to read as follows:

17-1-9 – Amendments.

1. The ~~C~~city ~~C~~council may amend the number, shape, boundaries, or area of any zoning district; any regulation of or within the zoning district; or any other provisions of this ~~T~~title. Such amendments, including rezonings, are discretionary legislative actions, even if an application for amendment otherwise conforms to ordinance requirements.
2. Amendments may be initiated by the ~~C~~city ~~C~~council, the ~~P~~planning ~~C~~council or by one ~~(+)~~ or more owners of property affected by the proposed amendment. Unless initiated by the ~~C~~city ~~C~~council or ~~P~~planning ~~C~~council, no amendment shall be considered without evidence of the acquiescence therein of the owners of the property involved.
3. An application for amendment, when submitted by property owners, shall be accompanied by a fee, the amount to be determined by the ~~Z~~oning ~~A~~administrator as adequate to cover costs of hearings, publication, and any necessary reviews. No fee assessed, or any part thereof, shall be returnable in the event that the proposed amendment is denied.
4. An application for an amendment shall be filed at the office of the ~~Z~~oning ~~A~~administrator and shall be accompanied by an accurate map of the land.

5. Reasonable efforts shall be made to effect notice by mail to all Kaysville City property owners within ~~five hundred feet (500')~~ 500 feet of the property under consideration for an amendment to the zoning map at least ~~ten (10)~~ 20 days prior to a public hearing regarding that request.
6. Upon receipt of the application, the ~~P~~planning ~~C~~ommission, in a public hearing, shall hear and receive information from the applicant and other interested parties, which may affect the request for amendment. The ~~P~~planning ~~C~~ommission, after consideration of this information, shall make a recommendation on the proposed amendment.
7. A copy of any proposed amendment shall be submitted to the ~~C~~ity ~~C~~ouncil and shall be accompanied by the recommendations of the ~~P~~planning ~~C~~ommission.
8. After holding a public meeting, the ~~C~~ity ~~C~~ouncil may adopt or reject the amendment either as proposed by the ~~P~~planning ~~C~~ommission or after making any revision the ~~C~~ity ~~C~~ouncil considers appropriate.
9. In case an application for a change of zone district is denied, a new application for the same zoning change affecting the same property shall not be eligible for reconsideration for one ~~(1)~~ year subsequent to such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the ~~P~~planning ~~C~~ommission, to be eligible for consideration within one ~~(1)~~-year of the denial of the original application.

10. Notwithstanding any other provision of this title, the following procedures shall also apply to the processing of a proposed amendment:

- a. After a reasonable period of time to allow the planning commission to consider a proposed amendment, an applicant may submit a written request to the city council requesting final action on the application;
- b. If the applicant submits a written request for final action, the city council may not require the applicant to submit the application to the planning commission for consideration, review, or approval.
- c. After receiving a written request for action, the city council shall take final action on the proposed amendment, either approving or denying the application, within 45 days from the date of service of the written request;
- d. If the city council denies an application under this subsection, the city council shall include the reasons for denial in writing on the official record; and

- e. If the city council fails to take final action within 45 days from the date of service of the written request, the applicant may appeal this failure to district court within 30 days of the date on which final action was required.

SECTION III: Amendment. “17-4-1 Establishment of Planning Commission” is hereby amended to read as follows:

17-4-1 – Establishment of Planning Commission.

1. The Kaysville City Planning Commission is hereby established. The ~~P~~planning ~~C~~commission shall consist of seven ~~(7)~~ members, all of whom shall reside in the ~~C~~city for at least one ~~(1)~~ year prior to their appointment and be residents of the ~~C~~city. Members shall be selected from different professional and vocational backgrounds and geographic areas, insofar as possible.
2. The term of office for each appointed member shall be three ~~(3)~~ years and shall expire on the 30th of June or when the successor is appointed thereafter. Two ~~(2)~~ terms of office shall expire each year with three ~~(3)~~ terms expiring every third year.
3. Appointment and reappointment of members to the ~~P~~planning ~~C~~commission shall be made by the ~~M~~mayor with a majority vote of the ~~C~~city ~~C~~council from applicants submitting applications. Appointments to fill vacancies shall be made at any time to fill the unexpired term of any member. The appointment process shall be as proposed by the ~~M~~mayor and approved by the ~~C~~city ~~C~~council.
4. Members of the ~~P~~planning ~~C~~commission may be removed from office by the ~~M~~mayor with a majority vote of the ~~C~~city ~~C~~council. ~~Failure of any member of the Planning Commission to attend three (3) consecutive meetings of the Planning Commission shall be just cause for removal of such member.~~
5. Members of the ~~P~~planning ~~C~~commission shall receive per diem compensation based on necessary and reasonable expenses and on meetings actually attended.
6. Grounds for removal of a planning commission member shall include:
 - a. Failure of any member of the planning commission to attend three consecutive meetings of the planning commission;
 - b. Using public funds for a political purpose in violation of Utah Code Annotated Title 20A, Chapter 11, Part 12, Political Activities of Public Entities Act, as amended;
 - c. Violating Utah Code Annotated Title 10, Chapter 3, Part 13, Municipal Officers’ and Employees’ Ethics Act, as amended;
 - d. Acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable

risk of impermissible bias in the planning commission member's administrative or quasi-judicial duties.

7. Any member of the planning commission shall recuse themselves from deliberating about a specific land use application if there is a conflict of interest that would impede their ability to exercise impartial judgment on the commission.

8. A planning commission member deliberating about a specific pending land use application in a planning commission meeting with municipal staff, an elected official, or the land use applicant is not cause for removing a planning commission member from the planning commission.

SECTION IV: Amendment. “17-4-5 Appeals” is hereby *amended* to read as follows:

17-4-5 - Appeals.

1. The applicant or any other person or entity adversely affected by a decision administering or interpreting this ~~T~~Title may appeal that decision applying this ~~T~~Title by alleging that there is error in any order, requirements, decision, or determination made by an official in the administration or interpretation of this ~~T~~Title.
2. Any officer, department, board, or bureau of the ~~C~~City affected by the grant or refusal of a building permit or by any other decisions of the administrative officer in the administration or interpretation of this ~~T~~Title may appeal any decision to the ~~Planning Commission~~administrative law judge in accordance with KCC Title 2, Chapter 8.
3. ~~Such appeal shall be taken within ten (10) calendar days from the date of the action appealed from by filing with the officer from whom the appeal is taken and with the Planning Commission a notice of appeal specifying the ground thereof. Any appeal must be submitted in writing to the city recorder within 1020 business days of the decision from which the appeal is taken. Such appeal shall describe in detail the nature of the appeal, the action complained of, and the grounds for appeal.~~
4. ~~The officer from whom the appeal is taken shall transmit to the Planning Commission all papers constituting the record upon which the action appealed from is taken.~~
- 5.4. The person or entity making the appeal has the burden of proving that an error has been made.
- 6.5. ~~The Planning Commission shall find whether there is substantial evidence that an error has been made.~~ The ~~Planning Commission~~administrative law judge may affirm, reverse, or modify the action appealed from as it seems just and equitable and exercise all rights of any other officer or commission.

7.6. Only decisions applying, administering or interpreting this ~~T~~title may be appealed. Appeals may not be used to waive or modify the terms or requirements of this ~~T~~title.

8.7. All appeals shall comply with the requirements of Section ~~10-9a-701~~10-20-1101 Utah Code, ~~Annotated, 1953~~ as amended.

SECTION V: Amendment. “18-1-10 Appeals” is hereby *amended* to read as follows:

18-1-10- Appeals.

1. The applicant or any other person or entity adversely affected by a decision administering or interpreting the provisions of this ~~T~~title may appeal that decision applying this ~~T~~title by alleging that there is error in any order, requirements, decision, or determination made by an official in the administration or interpretation of this ~~T~~title.
2. Any officer, department, board, or bureau of the ~~C~~city affected by the grant or refusal of a building permit or by any other decisions of the administrative officer in the administration or interpretation of this ~~T~~title may appeal any decision to the ~~Planning Commission~~administrative law judge in accordance with KCC Title 2, Chapter 8.
3. ~~Such appeal shall be taken within ten (10) calendar days from the date of the action appealed from by filing with the officer from whom the appeal is taken and with the Planning Commission a notice of appeal specifying the ground thereof. Any such appeal shall be in writing and submitted to the office of the city recorder within 1020 days of the date of the action appealed from.~~
4. ~~The officer from whom the appeal is taken shall transmit to the Planning Commission all papers constituting the record upon which the action appealed from is taken.~~
- 5.4. The person or entity making the appeal has the burden of proving that an error has been made.
- 6.5. ~~The Planning Commission shall find whether there is substantial evidence that an error has been made.~~ The ~~Planning Commission~~administrative law judge may affirm, reverse, or modify the action appealed from as it seems just and equitable and exercise all rights of any other officer or commission.
- 7.6. Only decisions applying this ~~T~~title may be appealed to the ~~Planning Commission~~administrative law judge. Appeals may not be used to waive or modify the terms or requirements of this ~~T~~title.
- 8.7. All appeals shall comply with the requirements of Section ~~10-9a-701~~10-20-1101 of Utah Code Annotated, ~~1953~~as amended.

SECTION VI: Amendment. “18-3-11 Fee for Project Improvements” is hereby *amended* to read as follows:

18-3-11 - Fee for Project Improvements.

1. A pioneer developer, at its own expense, with the approval of the ~~C~~city, or the ~~C~~city, at its own expense, may acquire easements or rights-of-way or install any improvements referred to in this ~~C~~chapter.
2. In all instances where any such easements or rights-of-way have been acquired or improvements have been installed which are planned and designed to provide service for development of a site and are necessary for the use and convenience of the occupants or users of development of a site, the ~~C~~city may determine the portion of such easements, rights-of-way or improvements that are site improvements and allocate to the site a pro rata cost of such easements or rights-of-way acquisition or improvements. Such pro rata cost shall be referred to as the "Ffee for Pproject Iimprovements."
3. Notice of the Ffee for Pproject Iimprovements shall be given to the affected property owners by certified mail. ~~Within ten (10) calendar days after receipt of such Notice, the affected property owners may file a written Notice of Appeal with the City Recorder. The City Council shall consider the appeal within thirty (30) calendar days thereafter. The affected property owners may appeal the decision to the administrative law judge in accordance with KCC Title 2, Chapter 8. Any such appeal shall be in writing and submitted to the office of the city recorder within 4020 days of the date of the decision appealed from.~~
4. Whenever development activity occurs on any such site, the owners thereof shall pay to the ~~C~~city the Ffee for Pproject Iimprovements as a condition of development approval. The Ffee for Pproject Iimprovements paid shall reimburse a portion of the cost incurred by the pioneer developer or ~~C~~city as applicable.

SECTION VII: Amendment. "19-6-4 Fee for Project Improvements" is hereby *amended* to read as follows:

19-6-4 - Fee for Project Improvements.

1. A pioneer developer, at its own expense, with the approval of the ~~C~~city, or the ~~C~~city, at its own expense, may acquire easements or rights-of-way or install any improvements referred to in KCC 19-6-3.
2. In all instances where any such easements or rights-of-way have been acquired or improvements have been installed which are planned and designed to provide service for development of a site and are necessary for the use and convenience of the occupants or users of development of a site, the ~~C~~city may determine the portion of such easements, rights-of-way or improvements that are site improvements and allocate to the site a pro rata cost of such casements or rights-of-way acquisition or improvements. Such pro rata cost shall be referred to as the "Ffee for Pproject Iimprovements."
3. Notice of the Ffee for Pproject Iimprovements shall be given to the affected property owners by certified mail ~~within ten (10) calendar days after receipt of such Notice, the affected~~

~~property owners may file a written Notice of Appeal with the City Recorder. The City Council shall consider the appeal within thirty (30) calendar days thereafter. The affected property owners may appeal the decision to the administrative law judge in accordance with KCC Title 2, Chapter 8. Any such appeal shall be in writing and submitted to the office of the city recorder within 1020 days of the decision.~~

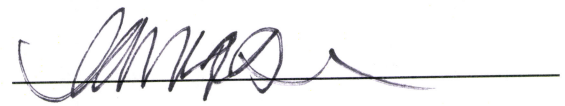
4. Whenever development activity occurs on any such site, the owners thereof shall pay to the City the fee for project improvements as a condition of development approval. The fee for project improvements paid shall reimburse a portion of the cost incurred by the pioneer developer or City as applicable.

SECTION VIII: 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.

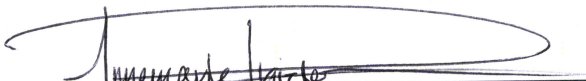
SECTION IX: Effective Date. This ordinance, in accordance with changes deemed necessary due to recent statutory modifications, while also being necessary for the peace, health, and safety of the city, shall become effective immediately upon posting.

PASSED AND ADOPTED by the City Council of Kaysville, Utah, this 3rd day of September, 2026.




Tamara Tran, Mayor

ATTEST:


Annemarie Plaizier, City Recorder