

ORDINANCE 2025-O-14

Ordinance No. 2025-O-14

Date: August 11, 2025

AN ORDINANCE OF THE KEARNS CITY COUNCIL TO CONSIDER AN ORDINANCE AMENDING TITLE 19 OF THE KEARNS MUNICIPAL CODE TO ALLOW FOR FARMERS MARKETS, FLEA MARKETS AND SWAP MEETS AS PERMITTED USES IN THE COMMERCIAL, PUBLIC FACILITY AND INSTITUTION ZONES

RECITALS

WHEREAS, City of Kearns is a municipality and has authority to adopt a land use regulation pursuant to Utah Code [§ 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Section 9a, Utah Code; and

WHEREAS, the Council deems it necessary to amend Title 19, Subsection 19.04.070.A.181, Table 19.32.030 – Uses Allowed in Commercial Zones, and Table 19.38.030 – Uses Allowed in the PF and PI Zones to allow for farmers markets, flea markets, and swap meets in order to support local small businesses and vendors, encourage community gathering, and promote economic activity that contributes to local sales tax revenue, and for the protection and preservation of the public health, safety, and general welfare;

WHEREAS, the City of Kearns Planning Commission held a public hearing on August 4th, 2025 to consider an ordinance amending Title 19 as set forth in Exhibit A (the “Proposed Action”) accordance with Utah Code §§ 10-9a-205 and 10-9a-502; and

WHEREAS, the Planning Commission has recommended that the Council adopt the proposed amendments.

BE IT ORDAINED BY THE CITY OF KEARNS CITY COUNCIL as follows:

1. **Amendments:** Title 19, Subsection 19.04.070.A.181, Table 19.32.030 – Uses Allowed in Commercial Zones, and Table 19.38.030 – Uses Allowed in the PF and PI Zones are hereby revised as set forth in Exhibit A.
2. **Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

3. Direction to Staff. Staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; and (b) to finalize and post the ordinance to Municode, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.

4. Effective Date. This Ordinance will take effect immediately pursuant to Utah Code § 10-3-712.

PASSED AND ADOPTED this 11th day of August 2025.

KEARNS CITY COUNCIL

By: Kelly Bush, Mayor

ATTEST

Diana Baun, Recorder

Voting:

Council Member Bush

voting

Council Member Butterfield

voting

Council Member Peterson

voting

Council Member Schaeffer

voting

Council Member Snow

voting

(Complete as Applicable)

Date ordinance summary was posted to the City of Kearns website, the Utah Public Notice website, and in a public place within The City of Kearns per Utah Code §10-3-711: _____

Effective date of ordinance: _____

EXHIBIT A

CHAPTER 19.04 DEFINITIONS

19.04.070 Use Definitions

181. "Swap Meets and Flea Markets" means a market operating for the sale or exchange of merchandise **to the general public** at retail by many sellers **[within a drive-in theater or enclosed building]**. This does not include garage sales.

CHAPTER 19.32 COMMERCIAL ZONES

Table 19.32.030 – Uses Allowed in Commercial Zones.			
Use Categories	C-1	C-2	C-3
RETAIL AND SERVICE:			
Car and Light Truck Wash	P	P	X
Child Care Center	P	P	X
Check Cashing	P	P	X
Commercial Plant Nursery	P	P	X
Swap Meets and Flea Markets	P	P	X
Farmers Market	P	P	X
Financial Institution	P	P	X
Kennel, Commercial	P	P	X
Laundry Cleaning, Automatic Self-Help and/or Drop Off	P	P	X
Liquor and/or Wine Store and Package Agency	P	P	X
Mobile Store	P	P	X
Pawn Shop	P	P	X
Personal Care Services	P	P	X
Personal Instruction Services	P	P	X
Reception Hall, Reception Center	P	P	X
Reiki	P	X	X
Retail and Service Commercial	P	P	X

Retail Shops or Galleries where Primary Product is Produced On-Site	P	P	X
Retail Tobacco Specialty Business	P	X	X
Self-Service Fuel Station	P	P	X
Sexually Oriented Business or Activity	X	X	P
Shopping Center	C	C	X
Vehicle and Equipment Repair, Minor	P	P	X
Vehicle Rental	P	P	X
Vehicle Sales and Service	P	P	X
Vehicle Sales, Small Dealership	P	P	X
FOOD AND DRINK:			
Bars and Clubs	P	P	X
Breweries and Distilleries in association with a Restaurant	P	P	X
Food truck / mobile restaurant / food cart	P	P	X
Restaurant, Fast Food	P	P	X
Restaurant, Sit-Down with or Without Alcohol	P	P	X
LODGING:			
Bed and Breakfast Inn	P	P	X
Hotel/Motel	X	P	X
OFFICE:			
Office, General	P	P	X
Office, Intensive	P	P	X
Office, Medical	P	P	X
RECREATIONAL:			
Athletic Clubs	P	P	X
Commercial Recreation	P	P	X
Recreation Facility, Commercial	P	P	X
Recreation Facility, Public	P	P	P
Theatres and Concert Halls (Indoor)	P	P	X
INSTITUTIONAL USES:			
Animal Control or Rescue Facility	P	P	X
Animal Hospital or Clinic	P	P	X
Animal Hospital or Clinic with Outdoor Holding Facilities	P	P	X
Cemetery	X	X	P
Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings	P	P	P
Hospital	P	P	X
Libraries	P	P	P

Parks/Open Space	P	P	P
Public Uses	P	P	P
Public Utilities, Major	C	C	P
Public Utilities, Minor	P	P	P
Schools, Public	P	P	P
Schools, Private/Charter	C	C	X
PLANNED UNIT DEVELOPMENTS, SUBJECT TO CHAPTER 19.18:			
Condominium Conversion Planned Unit Developments	P	P	P
Infill Development Planned Unit Developments	X	X	X
Residential Neighborhood Planned Unit Developments	X	X	X
Residential Community Planned Unit Developments	X	X	X
Mixed Use Planned Unit Development	C	C	C
Commercial Planned Unit Developments	C	C	C
SPECIALTY:			
Crematorium	P	P	X
Laboratory, Medical or Dental	P	P	X
Laboratory, Research and Development	P	P	X
Mortuary or Funeral Home	P	P	X
Nursing Home, Convalescent Care Center	P	P	X
Rehabilitation/Treatment Facilities	P	P	X
Self-Service Storage Facilities, Enclosed	P	P	X
ACCESSORY USES:			
Accessory Outside Storage	C	X	X
Home Occupations, subject to Chapter 19.42	P	P	X
Household Pets, not including kennels	P	P	X
Drive-Thru and Drive-Up Facilities appurtenant to a permitted use	P	P	X
Outdoor dining appurtenant to a permitted restaurant use	P	P	X
Sidewalk Displays and Sidewalk Cafes appurtenant to a permitted use	P	P	X
Temporary buildings, subject to 19.44	P	P	X
NONCONFORMING USES:			
Pre-Existing Lot	P	P	P
Pre-Existing Structure	P	P	P
Pre-Existing Use	P	P	P

CHAPTER 19.38 PUBLIC FACILITIES AND INSTITUTIONS ZONES

Table 19.38.030 – Uses Allowed in the PF and PI Zones.

Use Categories	PF	PI
AGRICULTURAL:		
No Agricultural Uses are permitted in the PF or PI Zones.		
RESIDENTIAL USES:		
No Residential Uses are permitted in the PF or PI Zones.		
RETAIL AND SERVICES:		
Child Care	P	P
FOOD AND DRINK:		
See "Accessory Uses"		
MARKETS AND EVENTS		
Swap Meets and Flea Markets	P	P
Farmers Markets	P	P
RECREATIONAL:		
Commercial Recreation	P	P
Private, Non-Profit Recreational Grounds and Facilities	P	P
Reception Center	P	P
Recreation Facility - Private, Public, or Commercial	P	P
Theaters and Concert Halls, Indoor	X	C
LODGING:		
No Lodging Uses are permitted in the PF or PI Zones.		
INDUSTRIAL:		
No Industrial Uses are permitted in the PF or PI Zones.		
INSTITUTIONAL USES:		
Church, Synagogue, Mosque, Temple, Cathedral, or Other Religious Buildings	P	P
Cemetery	C	X
Community Garden	P	P
Hospital	P	P
Micromobility Support Infrastructure	P	P
Private or Charter School	C	C
Public Parks	P	P
Public School	P	P
Public Use	P	P
Solar Energy System, Accessory	P	P

Wind Energy System, Accessory	P	P
Wireless Telecommunication Facility	P	P
PLANNED UNIT DEVELOPMENTS:		
No Planned Unit Development Uses are permitted in the PF or PI Zones.		
SPECIALTY:		
Park and Ride	P	X
ACCESSORY USES:		
Sidewalk Displays and Cafes	P	P
Food Truck / Mobile Restaurant / Food Cart	P	P
Mobile Store	P	P
Recreational Areas and Facilities	P	P
Solar Energy Systems	P	P
Swimming Pools and Hot Tubs	P	P
Office - General, related to primary use	P	P
Temporary Uses, subject to 19.44.	P	P

DRAFT

SUMMARY OF
CITY of KEARNS
ORDINANCE NO.

On August 11, 2025, the City of Kearns Council enacted Ordinance No. 2025-O-14, amending Title 19 of the Kearns municipal code to allow for Farmers Markets, Flea Markets and Swap Meets as Permitted Uses in the Commercial, Public Facility and Institution Zones.

By: Kelly Bush, Mayor

ATTEST

Diana Baun, Recorder

Voting:

Council Member Bush

voting

Council Member Butterfield

voting

Council Member Peterson

voting

Council Member Schaeffer

voting

Council Member Snow

voting

A complete copy of Ordinance No. 2025-O-14 is available in the office of the City of Kearns Recorder, 860 Levoy Drive, Suite 300, Taylorville, Utah.