



## Planning and Development Services

860 Levoy Drive, Suite 300 • Taylorsville, UT 84123

Phone: (385) 910-5600

# Kearns Planning Commission

## Public Meeting Agenda

**Monday, November 3, 2025, 6:00 P.M.**

### Location

#### Microsoft Teams

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_YjAzZmNjM2QtZTZhMC00MGZlZWJjZTAjY1MTc5NWYxYmZh%40thread.v2/0?context=%7b%22Tid%22%3a%22fac3e0b8-c4a6-4120-b366-ee6cb2fb76a8%22%2c%22Oid%22%3a%22f8a001a5-21cc-482a-9f5a-682bacd87641%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_YjAzZmNjM2QtZTZhMC00MGZlZWJjZTAjY1MTc5NWYxYmZh%40thread.v2/0?context=%7b%22Tid%22%3a%22fac3e0b8-c4a6-4120-b366-ee6cb2fb76a8%22%2c%22Oid%22%3a%22f8a001a5-21cc-482a-9f5a-682bacd87641%22%7d)

Meeting ID: 293 112 273 219 2

Passcode: gT7zL35K

#### Dial in by phone

[+1 213-357-4434](tel:+12133574434), [100073252#](tel:+1100073252) United States, Los Angeles

[Find a local number](#)

Phone conference ID: 100 073 252#

**Anchor Location KEARNS ATHLETIC TRAINING AND EVENT CENTER  
5658 SOUTH COUGAR LANE  
MEETING ROOM**

*UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707.  
TTY USERS SHOULD CALL 711.*

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and MSD staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items, which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

### **BUSINESS MEETING**

- 1) Welcome and approval of the agenda. (Motion/Voting)
- 2) **Commissioner Discussion and Staff Assignments:** this standing agenda item allows Planning Commissioners the opportunity to raise and discuss important issues related to current and long range planning in Kearns. The Commission may direct assignments to planning staff related to discussion items. (Discussion and Staff Direction: Planning Staff)
- 3) Approval of August 4, and October 6, 2025, Planning Commission Meeting Minutes. (Motion/Voting)
- 4) Rules and Procedures amendments and updates. **Counsel:** Nathan Bracken (Discussion)

5) Other Business Items. (As Needed)

**PUBLIC HEARING(S)**

**OAM2025-001501** - Consideration of an ordinance amending Title 18 Subdivisions and Title 19 Zoning to: eliminate reclamation bond requirements; bring performance and warranty bond procedures, and final disposition and release requirements into compliance with recent legislation; eliminate fees in lieu of the installation of subdivision improvements; eliminate the requirement for any entity to sign construction plans if that entity cannot be required to sign a final plat under Utah Code; eliminate language allowing the City to withhold permits or occupancy for the failure to install private landscaping; clarify the lot sizes for internal ADU's, attached ADU's, detached ADU's and clarifying the number of occupants allowed in an ADU; clarify that animal rights are only available to lots with at least 20,000 square feet; amending the side and rear setbacks for buildings in Manufacturing zones; and adopting additional definitions to help the public and staff interpret the subdivision and zoning ordinances. **Planner:** Brian Tucker  
(Discussion/Recommendation)

**ADJOURN**

# **Rules of Conduct for Planning Commission Meetings**

## **PROCEDURE FOR PUBLIC COMMENT**

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission.
2. Unless altered by the Chair, the order of the procedure on an application shall be:
  - a. The supporting agency staff will introduce the application, including staff's recommendations and a summary of pertinent written comments and reports concerning the application
  - b. The applicant will be allowed up to 15 minutes to make their presentation.
  - c. The Community Council representative can present their comments as applicable.
  - d. Where applicable, persons in favor of, or not opposed to, the application will be invited to speak.
  - e. Where applicable, persons opposing the application, in whole or in part will be invited to speak.
  - f. Where applicable, the applicant will be allowed 5 minutes to provide concluding statements.
  - g. Surrebuttals may be allowed at the discretion of the Chair.

## **CONDUCT FOR APPLICANTS AND THE PUBLIC**

1. Speakers will be called to the podium by the Chair.
2. Each speaker, before talking, shall give his or her name and address.
3. All comments should be directed to the Commissioners, not to the staff or to members of the audience.
4. For items where there are several people wishing to speak, the Chair may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson. If a time limit is imposed on any member or spokesperson of the public, then the same time limit is imposed on other members or spokespersons of the public, respectively.
5. Unless otherwise allowed by the Chair, no questions shall be asked by the speaker or Commission Members.
6. Only one speaker is permitted before the Commission at a time.
7. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application.
8. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.
9. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.
10. No applause or public outbursts shall be permitted.
11. The Chair or supporting agency staff may request police support to remove offending individuals who refuse to abide by these rules.
12. After the public comment portion of a meeting or hearing has concluded, the discussion will be limited to the Planning Commission and Staff.



## Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

**\*\*Notice of this meeting was mailed to affected entities, posted at the anchor location, and noticed to the Utah Public Notice Website July 23, 2025 to <https://www.utah.gov/pmn/sitemap/notice/1011385.html>\*\***

### MEETING MINUTE SUMMARY KEARNS PLANNING COMMISSION MEETING Monday, August 4, 2025, 6:00 p.m.

**Approximate meeting length:** 1 hour 2 minutes

**Number of public in attendance:** 4

**Summary Prepared by:** Wendy Gurr

**Meeting Conducted by:** Commissioner Taylor

**\*NOTE:** Staff Reports referenced in this document can be found on the State and County websites, or from Planning & Development Services.

### ATTENDANCE

Commissioners	Public Mtg	Business Mtg	Absent
David Taylor (Chair)	x	x	
Joy Nelson	x	x	
Laura Koester	x	x	
Michael Reynolds	x	x	
Gray Thomas (Vice Chair)			x

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Curtis Woodward	x	x
Bianca Paulino	x	x
Nathan Bracken	x	x

### BUSINESS MEETING

**Meeting began at – 6:01 p.m.**

- 1) Welcome and Approval of the Agenda. (Motion/Voting)

*Commissioner Taylor read the Chairs Opening Statement.*

*Commissioner Nelson motioned to approve the agenda, Commissioner Reynolds seconded that motion.*

- 2) **Commissioner Discussion and Staff Assignments:** this standing agenda item allows Planning Commissioners the opportunity to raise and discuss important issues related to current and long range planning in Kearns Metro Township. The Commission may direct assignments to planning staff related to discussion items. (Discussion and Staff Direction: Planning Staff)

*Commissioners and staff had a brief discussion regarding coordination calls in advance. Usually two weeks in advance, as most things require noticing. Have the pre-meeting earlier to have enough time to get documentation drafted. Current meeting doesn't allow enough time, move back after each meeting and coordinate with 30 days' notice is fair time. Ms. Gurr will send a poll.*

- 3) Approval of May 5, and July 7, 2025, Planning Commission Meeting Minutes. (Motion/Voting)  
**Motion:** To approve May 5, 2025, Planning Commission Meeting Minutes.

**Motion by:** Commissioner Nelson

**2<sup>nd</sup> by:** Commissioner Reynolds

**Vote:** Commissioners voted unanimously in favor (of commissioners present)

**Motion:** To approve July 7, 2025, Planning Commission Meeting Minutes.

**Motion by:** Commissioner Nelson

**2<sup>nd</sup> by:** Commissioner Reynolds

**Vote:** Commissioners voted unanimously in favor (of commissioners present)

4) Other Business Items. (As Needed)

Confirmed the September minute would be the third Monday in September.

**PUBLIC HEARING(S)**

**Hearing began at – 6:11 p.m.**

**OAM2025-001456** - Consideration of 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 and public facility and institution zones. **Planner:** Bianca Paulino (Discussion/Recommendation)

*Greater Salt Lake Municipal Services District Long-Range Planner Bianca Paulino provided an analysis of Title 19 amendments.*

*Commissioners and staff had a brief discussion regarding the different definitions and zones, allowable space and allowed size, C-1 and C-2 differences, RDA and business relocation. Revitalization efforts are to draw people in for existing and new businesses and learn about the town center area. It would be great in the shaded area at the oval for the farmers' market. Garage sales.*

*Commissioner Reynolds motioned to open the public hearing, Commissioner Nelson seconded that motion.*

**PUBLIC PORTION OF HEARING OPENED**

**Speaker # 1:** Citizen

**Name:** Roger Snow

**Address:** 5977 South Parkwood Dr

**Comments:** Mr. Snow said he has been coming to planning commission meetings for 17 years. Here when we did PF and PI, the reason when there are for sale in parks. Recreation and higher learning. Problems with swap and flea markets it doesn't generate tax revenue, no tax taken. Landlocked and when they come up need to get commercial, loves farmers markets, traditionally done in parks on the weekends. Get with SLCo and talk. Being weekends only it is tough to set up shop permanently. Swap meet should go and pay rent on the property and act as a business. 100% commercial, proper, good, long-lasting and need to do the RDA and get businesses who want to stay. Looking at what still needs to be done is a lot before it comes back, explained and brought here.

**Speaker # 2:** Kearns community council

**Name:** Paula Larson

**Address:** 5134 South 4180 West

**Comments:** Ms. Larson said she has been here since birth. Asked to express concerns, no swap meets, or flea markets allowed. Been to the redwood swap meet and although people are nice, there is a criminal element, and we don't need that. Echoes Rogers' comments. Need good commercial businesses that will

thrive. Farmers markets are good and seasonal. KCC feels we need good business here and these are not. Become viable business, rent, and obtain insurance. Farmers market if it's run well.

**Speaker # 3:** Citizen

**Name:** Janet Nordin

**Address:** 5137 South Jedediah Drive

**Comments:** Ms. Nordin said echo a lot of the same sentiments. Don't see entities bringing in sales tax revenue to reduce property tax expenses. Another concern is additional law enforcement and traffic management costs and will it cost the city more for organization. May be some demand and not sure of the economic benefit, nor do we have an area here to make feasible.

**Speaker # 4:** Citizen

**Name:** Darin Nordin

**Address:** 5137 South Jedediah Drive

**Comments:** Mr. Nordin said the redwood swap meet vendors begged the city where they are going to go and city leaders were not willing to help relocate. It was not a revenue for the city and reiterate the economic development and need to look at the big picture and reach out to developers who want to come to the city. West Valley economic director said Kearns needs to look at the Olympics coming and explore the amphitheater. We need to consider the new hospital going near the city borders. He would like to see mixed use and offices and there is a lot of potential and need to come together as a city and figure out what businesses we want.

*Commissioner Taylor read the citizen email comments received (attached).*

*Commissioner Koester motioned to close the public hearing, Commissioner Reynolds seconded that motion.*

### **PUBLIC PORTION OF HEARING CLOSED**

*Commissioners, staff, and counsel had a brief discussion regarding shoring up definitions and next steps regarding business licensing, sales tax and revenue, need a sales tax ID number with business license and business license fee. Community market approved, but ambiguity and provide clear authority to continue. The city doesn't make money on the fees charged, only the sales tax.*

**Motion:** To continue file #OAM2025-001456 Consideration of 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 and public facility and institution zones to the September 15<sup>th</sup> planning commission meeting to allow staff time to redefine definitions for types of markets and zones.

**Motion by:** Commissioner Nelson

**2<sup>nd</sup> by:** Commissioner Koester

**Vote:** Commissioners voted unanimously in favor (of commissioners present)

*Commissioner Reynolds adjourned.*

### **MEETING ADJOURNED**

**Time Adjourned – 7:03 p.m.**

**From:** [Admir Djeko](#)  
**To:** [Wendy Gurr](#)  
**Subject:** Public Hearing - OAM2025-001456  
**Date:** Friday, August 1, 2025 1:28:54 PM

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You don't often get email from vrbasbihbanjaluka@gmail.com. [Learn why this is important](#)

I would like to voice my opposition to this proposal. I think it is a horrible idea to open up commercial and other areas of the city to open air markets. If you want a farmers market let's set up a place in a city park or somewhere and have one. This is on par with other communities. But to open this up to swap meets and open air markets is a terrible idea. Just imagine the traffic, the trash left behind and unsightly feel and look to the city if you approve this. Vote no on this one if you care about your city. This will not increase taxes in the city as claimed in the report. As we all know these stands mostly operate as cash only businesses.  
DD



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### MEETING MINUTE SUMMARY KEARNS PLANNING COMMISSION MEETING Monday, October 6, 2025, 6:00 p.m.

**Approximate meeting length:** 1 hour 3 minutes

**Number of public in attendance:** 0

**Summary Prepared by:** Wendy Gurr

**Meeting Conducted by:** Commissioner Taylor

**\*NOTE:** Staff Reports referenced in this document can be found on the State and County websites, or from Planning & Development Services.

### ATTENDANCE

Commissioners	Public Mtg	Business Mtg	Absent
David Taylor (Chair)	x	x	
Joy Nelson	x	x	
Laura Koester	x	x	
Michael Reynolds	x	x	
Gray Thomas (Vice Chair)	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Brian Tucker	x	x
Bianca Paulino	x	x
Nathan Bracken	x	x

### BUSINESS MEETING

**Meeting began at – 6:01 p.m.**

- 1) Welcome and Approval of the Agenda. (Motion/Voting)

*Commissioner Taylor read the Chairs Opening Statement.*

*Commissioners motioned to approve the agenda, eliminating number three, approval of August minutes in the business meeting.*

- 2) **Commissioner Discussion and Staff Assignments:** this standing agenda item allows Planning Commissioners the opportunity to raise and discuss important issues related to current and long range planning in Kearns Metro Township. The Commission may direct assignments to planning staff related to discussion items. (Discussion and Staff Direction: Planning Staff)
- 3) Other Business Items. (As Needed)

*Discussed working on Rules and Procedures. Mr. Bracken will send examples out to the commissioners, and they can provide comments and suggestions. Will discuss the Rules and Procedures at the November meeting. Timeframes for getting items out and following the processes. Send out the training slides and audio on Smith Hartvigsen and Taylorsville City training.*

## **PUBLIC HEARING(S)**

**Hearing began at – 6:17 p.m.**

**OAM2025-001490** – General Plan update to adopt the Water Element Plan. **Planner:** Bianca Paulino (Discussion/Recommendation)

*Greater Salt Lake Municipal Services District Long Range Planner Bianca Paulino provided an analysis of the general plan water element amendment.*

*Commissioners and counsel had a brief discussion regarding Jordan valley water and updates, intent, potential funding options to improve water lines as the Olympics get closer, alternative landscaping, evaporative cooling, turf and waterwise landscaping, sprinkling systems, JVW availability, block water planning, and meeting regional goal.*

*Commissioner Thomas motioned to open the public hearing, Commissioner Reynolds seconded that motion.*

### **PUBLIC PORTION OF HEARING OPENED**

*No one from the public is present to speak. Commissioner Taylor read Greg Anderson's email comment (attached).*

*Commissioner Reynolds motioned to close the public hearing, Commissioner Thomas seconded that motion.*

### **PUBLIC PORTION OF HEARING CLOSED**

*Commissioners and staff had a brief discussion regarding editing.*

**Motion:** To recommend file #OAM2025-001490 General Plan update to adopt the Water Element Plan for approval to the Kearns Council with subjected Scribner error corrections.

**Motion by:** Commissioner Reynolds

**2<sup>nd</sup> by:** Commissioner Thomas

**Vote:** Commissioners voted unanimously in favor (of commissioners present)

*Commissioner Thomas adjourned.*

## **MEETING ADJOURNED**

**Time Adjourned – 7:04 p.m.**

**From:** [Greg Anderson](#)  
**To:** [Wendy Gurr](#)  
**Cc:** [Riley Astill](#); [James Woodruff](#)  
**Subject:** General Plan Water Element Plan  
**Date:** Monday, October 6, 2025 8:35:41 AM  
**Attachments:** [Outlook-1awcdpvr.png](#)  
[Outlook-hictmrme.png](#)

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You don't often get email from ganderson@kidwater4ut.gov. [Learn why this is important](#)

Wendy,

I have read through the General Plan Water Element Plan document to be heard by the Planning Commission tonight for the City of Kearns. On behalf of the Kearns Improvement District, I support the document as presented.

Respectfully Submitted,

*F. Greg Anderson, P.E.*

General Manager/CEO



P.O. Box 18608

5350 West 5400 South, Kearns, UT 84118

801-968-1011

Kearns ~~Metro Township~~ Planning Commission  
RULES OF ORDER AND PROCEDURE  
Adopted May 9, 2017 and Revised on February 24, 2020 and July 13, 2020

These Rules and Procedures (“Rules of Procedures”) shall govern the proceedings of the Kearns ~~Metro Township~~ Planning Commission (herein referred to as “the Commission”) and shall be consistent with applicable provisions of the Utah Code and Kearns ~~Metro Township~~ Code of Ordinances.

**I. Authority and Duties**

The Kearns ~~Metro Township~~ Planning Commission shall act on all planning matters that arise within the Township’s jurisdiction as required or permitted by the Kearns ~~Metro Township~~ Code of Ordinances.

**II. Membership**

Section 1. Appointment of Members—Any resident of the Kearns ~~Metro Township~~ interested in the authority and duties of the Kearns ~~Metro Township~~ Planning Commission may be appointed a member as outlined in Kearns ~~Metro Township~~ ordinance and in line with the approved policies and procedures of the Kearns ~~Metro Township~~ Council. All members including those seeking reappointment must follow the application and appointment policies set forth by the Kearns ~~Metro Township~~ Council. Membership shall be available without regard to race, color, creed, sex, religion, age, disability, sexual orientation, marital status, or national origin.

Section 2. Membership – The Commission shall be composed of five Members appointed by the Kearns ~~Metro Township~~ Council.

Section 3. Rights of Members—All Members, including the Chair, shall be entitled to one vote on all matters properly brought before the Commission for action. Proxy votes shall not be permitted and Members must be present to vote unless otherwise allowed by a duly adopted policy on electronic meetings.

Section 4. Supporting Agency—The Greater Salt Lake Municipal Service District or any applicable service provider shall be the supporting agency of the Kearns ~~Metro Township~~ Planning Commission (“Supporting Agency”) and shall digitally record all meetings, make recordings available to the public within three (3) business days, take written minutes, and post all agendas and meeting activities to the Utah Public Notice website twenty-four (24) hours prior to each meeting.

- a. Creation of Agenda—The Supporting Agency staff, with consultation from the Chair, shall create the agenda for each regular meeting and shall send an agenda to the Commission. Additional items may be placed on the business meeting section of the agenda at the business meeting by the Commission or Supporting Agency staff.

b. Other County and State agencies are encouraged to attend meetings and build partnerships with the Commission. These agencies include but are not limited to:

*make clean margin*

- i. Kearns Community Council
- ii. UTA
- iii. SLCo Public Works Engineering
- iv. SLCo Parks and Recreation
- v. SLCo Public Works Operations
- vi. SLCo Transportation
- vii. SLCo District Attorney
- viii. Unified Police
- ix. Unified Fire
- x. Salt Lake County Health Department
- xi. All Metro Township Community Councils
- xii. SLC Public Utilities
- xiii. U.S. Forest Service
- xiv. U.S. Army Corp of Engineers
- xv. Utah State Department of Natural Resources Division of Water Rights
- xvi. Metro Township Council Members
- xvii. Other Staff Members
- xviii. Other Metro Township Planning Commission Members

Section 4. Commission Member Terms—Members shall be appointed for a term of three (3) consecutive years. All appointments shall be made with consideration for staggered terms.

Section 5. Training—As soon as possible after being appointed, all Members should meet with the Supporting Agency staff to review these Rules of Procedure, the General Plan, and all other applicable Kearns Ordinances and Policies. Refusal to comply with this provision may result in removal of the Member from the Commission. All Members will attend additional trainings scheduled from time to time by the Agency. Attendance at required meetings will be recorded.

Section 6. Attendance—Members shall regularly attend meeting. A Member may be removed from the Commission if he/she has three (3) unexcused absences from Commission meetings within a one-year period of time.

Section 7. Excused and Unexcused Absences—a Member unable to attend a meeting must contact the Supporting Agency at least twenty-four (24) hours prior to the scheduled meeting and indicate the reason for being absent. Members who give less than 24-hour notice shall be considered unexcused, except when the Chair has approved a valid reason. Any absences, excused or unexcused, shall be recorded in the meeting minutes.

Section 8. Member Responsibilities—As a Member of the Commission, each member shall be responsible for:

- a. Reading and studying the agenda, staff reports, and all attached documents prepared by Supporting Agency staff so that they are fully informed about each application prior to the scheduled public meeting.
- b. Acting in a courteous and respectful manner to their fellow Members, the Supporting Agency staff, and the public, during all meetings.
- c. Attending the meeting and arriving on time.

Section 9. Removal Proceedings—Removal from the Commission shall be in accordance with Kearns ~~Metro Township~~ Ordinance by the Kearns ~~Metro Township~~ Council. If the Commission determines, by a majority vote of all Members, that it is in the best interest of the Commission and the Kearns ~~Metro Township~~ that a Member be removed, the Commission shall make a recommendation to the Kearns ~~Metro Township~~ Council to initiate removal proceedings.

Section 10. Vacancies—A Member may resign at any time by giving written notice of such resignation to the Chair and Supporting Agency. Resignations shall be recorded in the meeting minutes. Any vacancy during a Member's term shall be filled in the same manner as a regular appointment and the person appointed shall serve the remainder of the unexpired term.

Section 11. Compensation and Reimbursement—Members shall receive ~~no~~ compensation for ~~their services~~. If authorized by the Kearns ~~Metro Town~~ Council, Members may be reimbursed for any reasonable expense they may incur for activities conducted. All reimbursements shall be processed through the Kearns ~~Metro Town~~ Council and must be in accordance with the Utah Code and Kearns ~~Metro Township~~ Ordinances.

### III. Officers

Section 1. Election of Officers—As the first order of business at the first regularly scheduled meeting of the year, the Commission shall hold elections for the positions of Chair and Vice Chair from among the Members by a majority vote of the present Members. All election practices shall comply with Robert's Rules of Order.

Section 2. Officer Terms—Officers shall serve a term of one (1) year and are allowed to serve up to two (2) consecutive terms. Members shall not serve in an office beyond their Commission appointment term.

Section 3. Officers Duties—

- a. The Chair Shall:
  - i. Serve as the Presiding Officer of the Commission;
  - ii. Implement the Rules of Procedure;
  - iii. Coordinate with the Supporting Agency staff to provide an agenda for each public meeting, and timely reports and other relevant information to the Commission;

of \$70  
per  
meeting  
attended

- iv. Execute all official documents and letters of the Commission; and
- v. Identify and bring before the Commission such policy matters as are within the purview of the Commission.

b. The Vice Chair Shall:

- i. Assist the Chair in all necessary capacities;
- ii. Assume the duties and responsibilities for the Chair in all instances where the Chair is not available or unable to carry out the duties and responsibilities; and
- iii. Identify and bring before the Commission such policy matters as are within the purview of the Commission.

Section 4. *Chair pro tem*—In the absence or incapacity of both the Chair and the Vice Chair for a Commission meeting, the Members present at the meeting shall elect a *Chair pro tem* to serve as Presiding Officer only for that meeting.

#### **IV. Meetings of Members**

Section 1. Quorum—A Quorum shall consist of three (3) Members and shall be necessary to conduct any business of the Commission.

Section 2. Adherence to County, State, Federal, and Local Laws, Regulations, and Ordinances—All meetings shall comply with all applicable County, State, Federal, and local laws, regulations, and ordinances, including but not limited to the Utah Open and Public Meetings Act, and the Government Records Access Management Act (GRAMA).

Section 3. Regular Meetings—Meeting locations shall be publicly noticed and held each month. Annual notice of meeting dates shall be published at the beginning of each calendar year. In addition, dates and times of the meeting shall be posted on the Utah Public Notice website a minimum of twenty-four (24) hours prior to each meeting in accordance with state law.

Section 4. Special Meetings—Special meetings may be called by the Chair or Supporting Agency staff, with the consent of the Chair, at any time, provided that a preferred seventy-two (72) hours' notice (minimum of twenty-four (24) hours' notice) is given to each Member before the meeting is held and a minimum of twenty-four (24) hours' notice is posted on the Utah Public Notice website. Such meetings may include fieldtrips. Additional noticing requirements will apply for public hearings pursuant to the Utah Open and Public Meetings Act and the Municipal Land Use Development Act.

Section 5. Meeting Cancellation—Notice of cancellation of a meeting shall be posted. If a meeting is rescheduled, the new meeting time, date, and location shall be posted on the Utah Public Notice website a minimum of twenty-four (24) hours prior to the rescheduled meeting in accordance with state law.

## **V. Subcommittees**

The Chair may create nine-month time-limited subcommittees as deemed necessary. Members of subcommittees shall be Commission Members.

## **VI. Procedures**

### **A. Business Meeting**

Section 1. Requirement—The Commission shall conduct a business meeting as a component of each regularly scheduled meeting. The Supporting Agency staff, or the Commission, by a majority vote, may adjust the scheduled time as needed. Members of the public may attend such meetings but will not participate unless invited to do so by the Chair.

Section 2. Order—The first order of business shall be the review and acceptance of the agenda. The second order of business shall be the review, correction, and approval of the minutes from the previous meeting. Additional items may be added to the business meeting section of the agenda by the Supporting Agency staff or the Commission, by a majority vote. The Commission may also discuss and render decisions on noticed policy issues and administrative matters that do not require public input. Special presentations, reports, and updates from the Supporting Agency staff that do not require a decision may also be made. During a business meeting, there shall be no discussion of an application, request, or approval scheduled for the regular meeting.

### **B. Meeting Procedures**

Section 1. Order—The order of business at the regular meeting shall follow the noticed agenda. The Chair, with the consent of the Commission, by a majority vote, or upon recommendation of the Supporting Agency staff may consider matters out of the agenda order.

Section 2. Decisions—A matter for decision will be placed before the Commission by motion made by any Member present at the meeting. The Chair shall not make motions before the Commission except in the absence of a response from other Members to an invitation by the Chair that a motion on a pending matter would be in order. Any Member may second a motion.

Section 3. Majority Vote—A majority vote by the present Members in favor of a motion shall carry the motion.

Section 4. Voting—Following a seconded motion, the Supporting Agency staff may ask each Member to verbally pronounce their name and vote and shall record each individual vote in the written minutes as an “aye” or “nay”.

Section 5. Roberts Rule of Order—All meetings shall adhere to and comply with Roberts Rules of Order.

### **C. Procedures for Applications**

Section 1. Procedure for Public Comment—

- a. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission.
- b. Unless altered by the Chair, the order of the procedure on an application shall be:
  - i. The Supporting Agency staff will introduce the application, including staff's recommendations and a summary of pertinent written comments and reports concerning the application.
  - ii. The applicant will be allowed up to 15 minutes to make their presentation.
  - iii. The Community Council representative can present their comments as applicable.
  - iv. Where applicable, persons in favor of, or not opposed to, the application will be invited to speak.
  - v. Where applicable, persons opposing the application, in whole or in part will be invited to speak.
  - vi. Where applicable, the applicant will be allowed 5 minutes to provide concluding statements.
  - vii. Surrebutals may be allowed at the discretion of the Chair.

## Section 2. Conduct for Applicants and the Public—

- a. Speakers will be called to the podium by the Chairman.
- b. Each speaker, before talking, shall give his or her name and address.
- c. All comments should be directed to the Planning Commissioners, not to the Staff or to members of the audience.
- d. For items where there are several people wishing to speak, the Chair may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson. If a time limit is imposed on any member or spokesperson of the public, then the same time limit is imposed on other members or spokespersons of the public, respectively.

Unless otherwise allowed by the Chair, no questions shall be asked by the speaker or Commission Members.

- e. Only one speaker is permitted before the Commission at a time.

The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application.

- f. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.
- g. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.

Space

- h. No applause or public outbursts shall be permitted.
- i. The Chair or Supporting Agency staff may request police support to remove offending individuals who refuse to abide by these rules.
- j. After the public comment portion of a meeting or hearing has concluded, the discussion will be limited to the Planning Commission and Staff.

Section 3. Discussion and Vote—After all presentations have been made, the Chair may request or entertain a motion to close the public hearing. Members may continue to discuss the application among themselves. Following this discussion on the application, a motion must be made and seconded, which may include: Approval, Approval with Conditions, Denial, a Recommendation to the Kearns ~~Metro Township~~ Council (as appropriate), or Continuation of the item to a future meeting for decision.

Section 4. Decisions—A decision of the Commission on an application shall be documented in writing by the Supporting Agency staff and shall include reasons for the decision. The written decision shall be posted.

Section 5. Rules to be Printed on Agenda—Subsections 1 and 2 of Subsection C shall be printed on the back of every meeting in which public comment is sought.

## **VII. Ethics and Conflicts of Interest**

Section 1. Compliance—All Members shall abide by Utah Code and annually complete the necessary volunteer forms, documents, and training.

Section 2. Voting Recusal—See Section 2.07.040 (Kearns ~~Metro Township~~ Ethics Code, Conflict of Interest), and Chapter 2.70 of Kearns ~~Metro Township~~ Ordinance (Quasi-Judicial Functions Standards of Conduct) for complete requirements. A member of the Commission who has a restricted conflict of interest as defined by Kearns ~~Metro Township~~ Ordinance shall declare the conflict of interest and recuse themselves from the meeting. Members, who have unrestricted conflicts of interest as defined in Kearns ~~Metro Township~~ Ordinance, shall declare the conflict of interest at the meeting, and may recuse themselves, but are not required to do so.

Section 3. Ex Parte Communications—No member of the Commission shall have any ex parte discussion regarding any administrative land use application before the Commission. Ex parte communication means any communication with interested parties of an administrative land use application coming before the Commission prior to the Commission reaching a final decision. An administrative land use application means any land use application whereby statute or ordinance the Commission is the final decision-maker.

## **VIII. Amendments and Adoption**

The Commission may recommend approval and/or amendments of these Rules of Procedure to the Kearns Metro Township Council. All amendments must be consistent with all other Kearns Metro Township ordinances and policies.

## ~~KEARNS METRO TOWNSHIP COUNCIL~~

By: \_\_\_\_\_  
Kelly Bush, Mayor

Adopted February 24, 2020

To be read at the opening of the business item portion of the agenda

A copy of today's agenda and a sign-in sheet are located on a stand at the back of the room. Please note your participation in today's meeting by signing in.

The Planning Commission is a voluntary citizen board. The Commission's function is to hear and decide applications for conditional uses; and to make recommendations to the ~~Metro Township~~ Council for zoning changes, preliminary subdivision plats, or changes to ordinances or general plans. *Kearns*

The agenda is divided into two main categories: Business Items and Public Hearing Items. At this time, we will begin the Business items portion of the agenda. Members of the public may attend, but will not participate unless invited to do so by the Chair or supporting staff. During this time the Commission may discuss and render decisions on policy issues, administrative matters, and other matters that do not require public input, such as conditional uses and subdivision approvals. Special presentations, reports, and updates from the supporting staff that do not require a decision at a Public Hearing may also be made. There will be no discussion of an application, request, or approval scheduled for the Public Hearing Item portion of the meeting.

Today's meeting is recorded, so please speak directly into the microphone, and state your name and address prior to making your comments. Please note that comments from the audience are only appropriate when presented at the podium.

The meeting will proceed as outlined in the Rules of Conduct printed on the back of the agenda.

To be read at the opening of the Public Hearing items portion of the agenda.

At this time, we will proceed with the Public Hearing portion of the Commission Agenda. As stated earlier today, the Planning Commission is a voluntary citizen board. The Commission's function is to hear and decide applications for conditional uses and preliminary subdivision plats; and to make recommendations to the ~~Metro Township~~ Council for zoning changes or changes to ordinances or general plans. *Kearns*

This portion of today's meeting is dedicated to Public Hearing Items. These items are ones for which public comment is taken which may be mandated by law or taken at the discretion of the Commissions<sup>?</sup> so that the Planning Commission can be made aware of all of the issues of concern with regards to a request. Decisions may be made on any item listed on the agenda. A decision, or recommendation, will be rendered by the Planning Commission for these items which may include Approval, Approval with Conditions, Denial, or Continuation of the item to a future meeting.

The Commissions<sup>?</sup> decisions are based on: information from field observations; recommendations from Planning Staff and other agencies, regarding compliance with the general plan and relevant ordinances; the Community Council recommendation as a representation of community concerns; and information presented at the public meeting, including a presentation by the applicant and testimony from the public.

KEARNS ~~METRO TOWNSHIP~~ COUNCIL

By: \_\_\_\_\_  
Kelly Bush, Mayor

**From:** [David Taylor](#)  
**To:** [Nathan Bracken](#)  
**Cc:** [gthomas](#); [mreynolds](#); [jnelson](#); [lkoester](#); [Wendy Gurr](#); [Bianca Paulino](#); [Brian Tucker](#)  
**Subject:** Re: Sample Rules of Order for Planning Commission  
**Date:** Tuesday, October 21, 2025 8:54:04 PM

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Dear Commissioners,

I hope this message finds you all well.

As many of you know, I previously initiated a discussion regarding updates to the current Kearns Planning and Zoning bylaws. Since Nathan provided us with copies of our existing bylaws along with those from other counties, I trust you've had a chance to review the materials.

The purpose of this email is to help move the review process forward. If there are specific items you would like to suggest for revision or areas that warrant closer examination, now is the ideal time to share your thoughts.

After analyzing the various bylaws, I'll admit the volume of information was somewhat overwhelming. Finding time to thoroughly review and identify potential improvements has been a challenge, but I've outlined a few initial suggestions below to help start the discussion.

I encourage everyone to **"Reply All"** with your own comments or recommendations within this email thread so that Nathan and his firm can easily compile and review them. Please note that all commissioner feedback should be submitted **by October 27th**, which I believe is a reasonable timeline

Respectfully,

David Taylor.

My Notes:

**1. I would like to create a more organized and structured process for our meetings, I would suggest that we add the following new sections or heavily revise existing ones:**

- **A dedicated Section on Duties of the Chair:** Incorporate specific responsibilities as seen in Ogden and Francis:

To move the agenda along, hold down redundancy by

limiting the time allowed for comment if necessary, and set clear guidelines for public input.

To rule out of order any testimony or comment which is irrelevant, personal, or not pertinent to the matter being heard.

To maintain order at the meetings of the Commission.

To receive and submit in the proper manner all motions and propositions presented by the members.

To announce the business before the Commission in the order in which it is to be acted upon.

## **2. Creation of a new conflict of Interest and Ethics Section. (I don't think we have this one, but it could be useful in the future.)**

Adopt a clear set of rules, inspired by Ogden and Francis, to ensure ethical conduct and transparency.

**Conflict of Interest:** Define that a member with a conflict (actual, apparent, or reasonably foreseeable) shall state the conflict and withdraw from participation, discussion, and voting on that matter.

**Commission Vote on Disqualification:** Include a procedure where the Commission may vote to decide whether a member's requested disqualification is justified.

**Ex Parte Communication:** Define ex parte contact (communication with an interested party outside of a meeting regarding an agenda item) and establish a rule for its disclosure.

## **3. Creation of a new Formal Public Hearing Procedure Section (This would make it so any one of us knows the procedure of a public hearing portion of the meeting.)**

The most beneficial addition for better meeting structure is a mandatory, step-by-step process for public hearings, similar to Springdale's structure:

**Staff Report** and summary of findings/recommendations by the Supporting Agency staff.

**Presentation** of the hearing item by the applicant/proponent.

**Question and Answer Period** of the applicant by the Planning Commission.

**Motion to Open Public Hearing.**

**Public Comment Period** (with clear guidelines on time limits and decorum, e.g., state name, be brief, do not repeat).

**Motion to Close Public Hearing** (stating that no further public comment is taken).

**Planning Commission Deliberation** and motion/action.

#### **4. Creation of a Rules of Debate and Final Action section.**

Introduce procedures for motions and deliberation clarity:

**Explaining the Vote:** Allow any member of the Commission desiring to explain his/her vote an opportunity to do so after the vote is taken.

**Quorum/Voting:** Explicitly state the quorum requirement (e.g., a majority of all members) and that all actions require the concurring vote of a majority of the members present (unless stricter rules are adopted).

#### **5. Lastly a Creation of Amendment to the Rules of Procedure Section**

Add a definitive process for changing the Rules of Procedure, ensuring stability and transparency.

**Procedure for Amendment:** Specify that these Rules of Procedure may be amended at any meeting after **not less than fourteen (14) days written notice** of the proposal, upon a majority vote of all the members of the Commission.

**Suspension of Rules:** Define that no standing rules shall be suspended without the vote of a majority of all members of the Commission.

On Mon, Oct 6, 2025 at 6:20 PM Nathan Bracken <nbracken@shutah.law> wrote:

Hi everyone:

Here are the current rules of order and procedure for the Kearns Planning Commission, as well as some examples from other cities. Please review them and let know what, if any, changes or edits you would like to make to Kearns' rules.

The Midvale Planning Commission rules of order and procedure are available here:  
<https://midvale.utah.gov/Document%20Center/Agendas%20&%20Minutes/Planning%20&%20Zoning%20Commission/PC%20Bylaws%202024.10.29%20Current.pdf>.

Please let me know if you have any questions.



Nathan

Bracken

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# Planning Commission Staff Report

**Meeting Body:** Kearns Planning Commission

**Meeting Date:** November 3<sup>rd</sup>, 2025

**File Number & Project Type:**  
OAM2025-001501 – Kearns Omnibus and HB 368 Amendments

**Applicability:** Citywide

**Planner:** Brian Tucker, Planning Manager

**Applicant:** Kearns Staff

**Key Findings:**

- House Bill 368 mandated certain changes to the Kearns Subdivision Ordinance,
- Other amendments clarify the legislative intent of the ordinance,
- Clear definitions of the words and phrases used in titles 18 and 19 are essential to administering those titles.

**Staff Recommendation:** The MSD Planning Staff recommend that the Kearns Planning Commission recommend that the Council approve the attached ordinance.

**Exhibits:**

**A. Proposed Ordinance**

## BACKGROUND/ ISSUES TO CONSIDER

During the 2025 Session, the Utah Legislature adopted House Bill 368, which necessitates that the city make certain changes to Title 18 Subdivisions and Title 19 Zoning regarding subdivision bonding processes, warranty bond timing, warranty bond inspections and releases, and regulating landscape installation relative to building permits and certificates of occupancy. In addition, an existing ordinance requires that a signature is required on construction plans contrary to Utah Code because it has the effect of subjecting an applicant to standards and requirements that are not adopted by Kearns City.

## PROPOSED ORDINANCE

The proposed ordinance eliminates the requirement that a developer post a reclamation bond prior to beginning construction. HB 368 prohibits a city from requiring that a warranty bond or any other bond be posted prior to a developer beginning construction on approved subdivision improvements if the developer chooses to complete the installation of those prior to recording the subdivision plat. HB 368 also prohibits a city from requiring that the warranty portion of the bond be posted prior to the release of the improvement bond. The developer may not record the plat until either the improvements are complete and accepted by the city or the developer posts an improvement bond. Cities are required to allow a developer to choose either of those two paths.

The proposed ordinance amends the procedures and timeframes for inspecting and releasing improvement bonds to comply with HB368.

The proposed ordinance eliminates the option of extending the warranty period for two years to comply with Utah Code 10-9a-103(27).

The proposed ordinance eliminates Fees in Lieu of required improvements.

The proposed ordinance eliminates a requirement that a water master sign subdivision improvement construction plans. According to Utah Code 10-9a 509(1)(g), A municipality may not impose on an applicant who has submitted a complete application a requirement that is not expressed in Chapter 10-9a-509; a municipal ordinance in effect on the date that the applicant submits a complete application; or a municipal specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application. While the owner of a ditch or canal may be able to enforce their standards, the city cannot enforce those standards because those standards are not expressed in municipal ordinance or in standards and specifications adopted by the city. The requirement for a water master to sign the plans is contrary to Utah Code Chapter 10-9a-509 because it has the effect of subjecting an applicant to standards and specifications that are not adopted by Kearns City.

The proposed ordinance clarifies that Internal and Attached Dwelling Units may only be constructed on single family lots with 6,000 square feet or greater;

The proposed ordinance amends the definition of Commercial Vehicles and clarifies the circumstances in which Commercial Vehicles may be parked in R-1 and R-2 zones;

The proposed ordinance clarifies that there is a 1 acre minimum for new development in the A-1 zone, which seemed to be the consensus based on the workshop discussions that lead to the Title 19 repeal and replace in June 2023;

The proposed ordinance clarifies that a lot must include 20,000 square feet to have "animal rights";

The proposed ordinance modifies the setback requirements in the M-1 and M-2 (Manufacturing) zones when uses in those zones border on other parcels in the manufacturing/industrial zones. The setback requirements that Kearns had used as part of Unincorporated Salt Lake County and later as a Metro Township utilized a lightly adapted version of the county code, which had no side or rear yard setback requirements. Salt Lake City and West Valley City also do not have side and rear yard setback requirements for their manufacturing/industrial zones. West Jordan has setback requirements when adjacent to commercial and residential zones, but not when manufacturing uses are found in an industrial park or district. The proposed ordinance eliminated side and rear yard in the the M-1 and M-2 zones when located in industrial parks or districts. In those relatively rare occasions where the flex manufacturing zone is located adjacent to potentially incompatible uses a setback is required depending on the category of the adjacent use; and

The proposed ordinance adds or clarifies the definitions for "Animal Rights", "Alteration", "Clustering", "Drive Approach", "Driveway", "Driveway, Cross Access", "Driveway, Multifamily", "Driveway, Private", "Driveway, Shared", "Dwelling", "Expansion", "Grading", "Hard Surface",

Natural Open Space", "Net Developable Acreage", "Pavement", "Paved, Road, Private", "Retaining Wall", "Site Plan", "Slope", "Stream, Ephemeral", "Stream, Perennial", "Stream Corridor", "Street, Private", "Substantial Economic Hardship", "Undevelopable", and "Waiver".

## **STAFF RECOMMENDATION**

Staff finds that:

1. House Bill 368 was adopted by the Utah Legislature during its 2025 regular session,
2. This bill mandated that cities no longer require bonds to be posted prior to constructing subdivision improvements unless the developer wants to record the final subdivision plat prior to constructing those improvements,
3. The bill mandated that cities revise their policies on inspecting and releasing improvement bonds,
4. Utah Code precludes cities from extending the warranty period for subdivision improvements for more than one year,
5. Fees in lieu are not a workable alternative to installing required improvements or delay agreements,
6. Mandating that a water master signs a set of construction plans that an applicant must build to has the effect of subjecting an applicant to standards that are not adopted by Kearns City, and is therefore contrary to Utah Code Utah Code 10-9a 509(1)(g),
7. The legislative intent in adopting an ADU ordinance was that lots with less than 6,000 square feet would not be allowed to build ADU's,
8. Animal rights were never intended to be allowed on lots with less than 20,000 square feet,
9. The existing side and rear yard setbacks in the Manufacturing Zones are excessive when located in a manufacturing district or adjacent to other manufacturing, industrial, or warehousing uses.
10. Where manufacturing, industrial or warehousing uses are proposed adjacent to zones that are primarily residential or commercial, due to the incompatibility of uses, a substantial setback is appropriate.
11. Where buildings are allowed within five feet of a property line, drainage must still be routed to stormwater facilities on the subject parcel.

12. Clear definitions of the words and phrases used in titles 18 and 19 are essential to administering those titles.

Given the above findings, staff recommends the following action:

The MSD Planning Staff recommend that the Kearns Planning Commission recommend that the Council approve the attached ordinance.

**ORDINANCE 2025-O-\_\_**

Ordinance No. O-\_\_

Date: \_\_\_\_, 2025

**AN ORDINANCE OF THE KEARNS CITY COUNCIL AMENDING TITLE 18 SUBDIVISIONS AND TITLE 19 ZONING TO: ELIMINATE RECLAMATION BOND REQUIREMENTS; BRING PERFORMANCE AND WARRANTY BOND PROCEDURES, AND FINAL DISPOSITION AND RELEASE REQUIREMENTS INTO COMPLIANCE WITH RECENT LEGISLATION; ELIMINATE FEES IN LIEU OF THE INSTALLATION OF SUBDIVISION IMPROVEMENTS; ELIMINATE THE REQUIREMENT FOR ANY ENTITY TO SIGN CONSTRUCTION PLANS, THEREBY SUBJECTING AN APPLICANT TO REQUIREMENTS NOT ADOPTED BY KEARNS CITY IN VIOLATION OF UTAH CODE; ELIMINATE LANGUAGE ALLOWING THE CITY TO WITHHOLD PERMITS OR OCCUPANCY FOR THE FAILURE TO INSTALL PRIVATE LANDSCAPING; CLARIFYING THAT INTERNAL AND ATTACHED DWELLING UNITS MAY ONLY BE CONSTRUCTED ON SINGLE FAMILY LOTS WITH 6,000 SQUARE FEET OR GREATER; CLARIFYING THAT A LOT MUST INCLUDE 20,000 SQUARE FEET TO HAVE "ANIMAL RIGHTS"; AMENDING THE SIDE AND REAR YARD SETBACKS IN THE MANUFACTURING ZONES; AND ADDING OR CLARIFYING DEFINITIONS FOR "ANIMAL RIGHTS", "ALTERATION", "CLUSTERING", "DRIVE APPROACH", "DRIVEWAY", "DRIVEWAY, CROSS ACCESS", "DRIVEWAY, MULTIFAMILY", "DRIVEWAY, PRIVATE", "DRIVEWAY, SHARED", "DWELLING", "EXPANSION", "GRADING", "HARD SURFACE", "NATURAL OPEN SPACE", "NET DEVELOPABLE ACREAGE", "PAVEMENT", "PAVED, ROAD, PRIVATE", "RETAINING WALL", "SITE PLAN", "SLOPE", "STREAM, EPHEMERAL", "STREAM, PERENNIAL", "STREAM CORRIDOR", "STREET, PRIVATE", "SUBSTANTIAL ECONOMIC HARDSHIP", "UNDEVELOPABLE", AND "WAIVER"**

**RECITALS**

**WHEREAS**, Kearns is a municipality and has authority to adopt land use regulations, 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**, House Bill 368 was adopted by the Utah Legislature during its 2025 regular session, mandating that cities no longer require improvement completion assurances to be posted prior to constructing subdivision improvements unless the developer wants to record the final subdivision plat prior to constructing those improvements; and

**WHEREAS**, House Bill 368 mandated that cities revise their policies on inspecting and releasing improvement completion assurances; and

**WHEREAS**, Utah Code precludes cities from extending the warranty period for improvement completion assurances for more than one year; and

**WHEREAS**, under House Bill 368 fees in lieu are no longer a workable alternative to installing required public improvements; and

**WHEREAS**, mandating that a water master signs a set of construction plans that an applicant must build to has the effect of subjecting an applicant to standards that are not adopted by Kearns City, and is therefore contrary to Utah Code Utah Code 10-9a 509(1)(g); and

**WHEREAS**, House Bill 368 precludes the city from holding or revoking building permits and certificates of occupancy from an applicant based on the failure of the applicant to install landscaping; and

**WHEREAS**, the legislative intent in adopting an ADU ordinance was that lots with less than 6,000 square feet would not be allowed to build ADU's; and

**WHEREAS**, Animal rights were never intended to be allowed on lots with less than 20,000 square feet; and

**WHEREAS**, The existing side and rear yard setbacks in the Manufacturing Zones are excessive when located in a manufacturing district or adjacent to other manufacturing, industrial, or warehousing uses; and

**WHEREAS**, Where manufacturing, industrial or warehousing uses are proposed adjacent to zones that are primarily residential or commercial, due to the incompatibility of uses, a substantial setback is appropriate; and

**WHEREAS**, Where buildings are allowed within five feet of a property line, drainage must still be routed to stormwater facilities on the subject parcel; and

**WHEREAS**, Clear definitions of the words and phrases used in titles 18 and 19 are essential to administering those titles; and

**WHEREAS**, the Planning Commission has held a public hearing and recommended that the Council amend its land use ordinances to comply with Utah

Code, to clarify its legislative intent, and the public health, safety and general welfare.

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

1. Chapter 18.16 Performance Bonds, is hereby adopted as set forth in Exhibit A.
2. Section 18.14.150 Open Ditches and Canals, is hereby adopted as set forth in Exhibit B.
3. Section 19.50.190 Enforcement of Landscape Regulations, is hereby adopted as set forth in Exhibit C.
4. Section 19.42.030 Accessory Dwellings, is hereby adopted as set forth in Exhibit D.
5. Section 19.42.060 Animal Rights, is hereby adopted as set forth in Exhibit E.
6. Section 19.34.030 Required Yards and Setbacks in Manufacturing Zones, is hereby adopted as set forth in Exhibit F.
7. Section 19.04.020 General Definitions and Section 19.04.030 Site Development Definitions, are hereby adopted as set forth in Exhibit G.
8. 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.
9. 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.
10. Effective Date. This Ordinance will take effect immediately upon posting pursuant to Utah Code § 10-3-712.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2025.

KEARNS CITY COUNCIL

\_\_\_\_\_  
By: Kelly Bush, Mayor

ATTEST

\_\_\_\_\_  
Diana Baun, Recorder

Voting:

Council Member	_____	voting	_____
Council Member	_____	voting	_____
Council Member	_____	voting	_____
Council Member	_____	voting	_____
Council Member	_____	voting	_____

*(Complete as Applicable)*

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

Effective date of ordinance: \_\_\_\_\_

## EXHIBIT A

### CHAPTER 18.16 PERFORMANCE GUARANTEES

#### 18.16.010 Performance Guarantee Required

- A. Wherever a performance guarantee is required under the terms of this Title, the performance guarantee shall be submitted:
1. In conformance with this Chapter; and
  2. Prior to the commencement of any improvements covered by the performance guarantee.

#### 18.16.020 Performance Bonds

- A. Prior to the recording of a plat or conducting any development activity, in lieu of actual completion of the improvements listed in this Title, ~~subdividers~~applicants may file with Planning and Development Services a performance bond to assure actual construction of such improvements within a one-year period after the recording of the plat.
- B. If the applicant elects to post a performance bond in lieu of completing the improvements prior to the recording of the final plat, the applicant shall provide a performance bond for:
1. The completion of one hundred percent (100%) of the required improvements; or
  2. If the Municipal Engineering Division has inspected and accepted a portion of the required improvements, one hundred percent (100%) of the incomplete or unaccepted improvements.
- C. The amount of the performance bond for public improvements such as curb, gutter, sidewalk, road construction and surfacing, flood control and fire hydrants ~~shall~~may not exceed the sum of:
1. One hundred percent (100%) of the estimated cost of the infrastructure improvements as~~be~~ established by (1) the Municipal Engineering Division's estimated cost of completion or (ii) a licensed contractor's bid;- and
  2. Ten percent (10%) of the amount of the bond to cover administrative costs incurred by the City to complete the improvements.
- ~~C.D.~~ The performance bond shall also secure any required improvements on individual lots within the subdivision which are required in this Chapter.

~~D.E.~~ The performance bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit from a financial institution located in the State of Utah.

~~E.F.~~ A performance bond agreement shall be entered into by the Municipal Engineering Division ~~Planning and Development Services~~ and the subdivider~~applicant~~:

1. The performance bond agreement shall include a provision that the performance bond shall expire within thirteen (13) months from the date issued if the bonded improvements are not completed, and that the Municipal Engineer ~~Director~~ can grant an extension(s) of this period upon a showing of good cause.
2. If the project has not been completed by that date, then the performance bond shall be considered foreclosed upon.
3. If the project is not timely completed, all remaining funds shall be thereafter remitted to the Municipal Engineering Division ~~Planning and Development Services Division~~ as set forth in the performance bond agreement. period in subsection (F)(1) may be extended only if special circumstances warrant an extension, as determined by the ~~Director after consultation with the~~ Municipal Engineering Division.

~~F. A performance bond may be partially released if the performance to which it relates has been satisfactorily completed, except that not less than ten percent (10%) of the performance bond shall be retained to ensure completion of the entire performance which shall be in addition to the 10% that must be retained as a warranty for all bonded improvements that have been installed.~~

G. The ~~Director or designee~~ Municipal Engineer may establish objective procedures consistent with this Section relating to the administration of performance bonds, including fund management, default and collection.

#### **18.16.030 Final Disposition and Release**

A. Upon completion of the work for which a performance bond has been posted, including warranty work related thereto, the developer shall submit to the Municipal Engineering Division ~~Director or designee, one copy of~~ a written request for release.

~~A.B.~~ A performance bond may be partially released if the infrastructure improvement category to which it relates has been satisfactorily completed, except that not less than ten percent (10%) of the performance bond shall be retained to ensure completion of the entire performance which shall be in addition to the 10% that must be retained as a warranty for all bonded improvements that have been installed.

~~C.~~ After receipt of the notice and request under Subsection A of this Section, within five (5) days t~~The~~ Municipal Engineering Division shall accept or reject the improvements within fifteen (15) days after receiving an applicant's written request under Subsection

(A), Notwithstanding the foregoing, if inspection of the subdivision improvements during that fifteen (15) day period is impeded by winter weather conditions such that a full and complete inspection of the improvement or warranty work is not reasonably possible, the Municipal Engineering Division shall within a reasonable time thereafter, make a preliminary inspection of the improvements and shall submit a report to the Director or designee setting forth the condition of the facilities.

1. Notify the applicant in writing before the end of the applicable time period described in Subsection described in Subsection C that, because of winter weather conditions, the land use authority will require additional time to accept or reject the performance of warranty work; and

4-2. Complete the inspection of the performance of warranty work and provide the applicant with an acceptance or rejection as soon as practicable.

B.D. The Municipal Engineer ~~Director or designee~~ shall ~~receive the report and, within seven (7) days of the inspection,~~ authorize release of a portion of the performance bond corresponding to the work completed and approved if the Municipal Engineering Division finds, based on objective inspection standards, that the condition of the improvements is satisfactory.

E. The portion of the bond ~~to which may~~ be held as a ~~durability-warranty~~ bond under Sections 18.16.050 and 18.16.060 of this Chapter may not be released until the ~~durability-warranty~~ period for all of the approved subdivision improvement plans has expired and an inspection has been conducted by the Municipal Engineering Division that finds, based on objective inspection standards, that the condition of the improvements is satisfactory.

1. An applicant may request that the ten percent (10%) of the performance bond held as a warranty be released if they have first posted a separate warranty bond prior to that release.

4-2. In lieu of posting a separate warranty bond, the applicant may choose to authorize the municipality to hold ten percent (10%) of the performance bond for the duration of the warranty period.

G.F. A bond may not be released if ~~, after consulting with the Municipal Engineering Division, the Director~~ the Municipal Engineer:

1. Finds that the installation of required subdivision improvements does not meet the City's adopted standards or if the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability;

2. Finds that any other terms of the bond agreement have not been satisfied; or

3. As built plans, including profile drawings, have not been filed and corresponding GIS data (as required) has not been submitted.

~~D.G.~~ If the Municipal Engineering Division determines that the installation of required subdivision improvements does not meet the municipality's adopted standards, the Municipal Engineering Division shall provide the applicant with a list of required corrections within fifteen (15) days. The list of required corrections must comprehensively and with specificity list the reasons for the determination.~~If the bonds are not released, the reasons shall be given to the applicant in writing within seven (7) days from the time of the inspection.~~

~~E.H.~~ In the case of a dispute over the release of a performance bond under this Section, the ~~Director~~ Municipal Engineer may refer the matter to the Kearns Council for subsequent action to secure performance.

~~F.I.~~ Such bonds shall be processed and released in accordance with the procedures set forth in Chapter 3.56 of Municipal Code.

#### **18.16.040 Default**

- A. Upon substantiating a finding under Subsection B of this Section, the Director with approval of the Council may, with due notice to the developer:
  1. Declare the performance bond forfeited; and
  2. Install or cause the required improvement to be installed using the proceeds from the performance bond to defray the costs.
- B. A performance bond may be forfeited under Subsection A of this Section if the Director finds that a developer has failed or neglected to:
  1. Satisfactorily install the required improvements;
  2. Make required corrections;
  3. Make payment to Planning and Development Services for administration and inspections; or
  4. Otherwise failed to carry out the activity for which the performance bond was required.
- C. The developer is responsible for work beyond the limits of the bond amount.
- D. Any funds remaining after completion of the required improvements will be returned to the developer.

#### **18.16.050 Warranty Period**

A. The warranty period does not begin until each of the following actions have been taken:

1. The applicant requests a final inspection of all of the improvements in the approved subdivision improvement plans;
2. All of the subdivision improvements in the approved subdivision improvement plans have been inspected and accepted as complete by the Municipal Engineering Division; and
3. The applicant posts a warranty bond, subject to Section 18.16.060, in the amount of 10% of the estimated cost of the infrastructure improvements as established by the Municipal Engineering Division's estimated cost of completion or a licensed contractor's bid. The applicant may indicate in writing that ten percent (10%) of the performance bond be retained as the warrant in lieu of posting a separate warranty bond.

B. The applicant may request partial releases of the performance bond as subdivision improvement categories are completed in accordance with Section 18.16.030 of this Chapter. Such requests shall follow the same process described in Section 18.16.030, except that the applicant shall clearly indicate in the request the completed subdivision improvement categories, overall percentages of completion of the work covered by performance bond(s) for the project, and other relevant information reasonable requested by the Municipal Engineer to support the partial release(s). While partial releases may be granted, the warranty period for all of the subdivision improvements does not begin until all of the subdivision improvements are complete, inspected and accepted by the Municipal Engineering Division. A partial release does not start a warranty period for those improvements associated with the release.

C. Where an applicant chooses to complete the work prior to recording the plat instead of posting an improvement bond, the subdivision plat may not be recorded until the subdivision improvements are completed, inspected by the Municipal Engineering Division, accepted by the Municipal Engineering Division, and the warranty bond is posted in accordance with Section 18.16.060.

#### **18.16.050 Warranty Bond, Phase 1: Reclamation**

- ~~A. Prior to conducting any development activity, the developer shall file with Planning and Development Services a reclamation bond to ensure that the site can be made safe in the event the developer is unable to complete the required improvements.~~
- ~~B. The amount of the reclamation bond for public improvements such as curb, gutter, sidewalk, road construction and surfacing, flood control and fire hydrants shall be not~~

~~less than ten percent (10%) of the Municipal Engineering Division's estimated cost of completion.~~

~~C. The reclamation bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit from a financial institution located in the State of Utah.~~

~~D. At the end of the construction phase of the project, when the Municipal Engineering Division has approved and accepted the required improvements, the reclamation bond becomes the durability bond, with the final disposition and release subject to the same standards as the durability bond.~~

#### **18.16.060 Warranty Bond, ~~Phase 2: Durability~~**

~~A.~~ The Planning and Development Services Division shall retain a durability-warranty bond in the amount of not less than ten percent (10%) of the initial amount of the performance bond or the applicant's reasonable proven cost of completion. The durability-warranty bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit. The durability-warranty bond shall be for the purpose of warranting the improvements and shall be for a period of:

~~B.A.~~ One (1) year after final acceptance of the improvement or warranty work; ~~or~~

~~1. Two (2) years after final acceptance of the improvement or warranty work, if the Director:~~

~~a. Determines for good cause that a lesser period would be inadequate to protect the public health, safety, and welfare; and~~

~~b. Has substantial evidence of any of the following:~~

~~(1) Prior poor performance of the applicant;~~

~~(2) Unstable soil conditions within the subdivision or development area; or~~

~~(3) Extreme fluctuations in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one-year period.~~

~~C. A determination under Subsection A2 of this section shall be made by the Municipal Engineering Division in consultation with the Director.~~

B. At the end of the warranty period, the Municipal Engineering Division shall conduct an inspection of the required improvements to ensure that:

1. The improvements have not failed or shown unusual depreciation;

2. No portion of the required work remains incomplete: or

3. The materials or workmanship used in constructing the improvements continue to comply with accepted standards of durability.

~~D.C.~~ If, after the warranty period, the durability of said improvements is found to be satisfactory, the retainage may be released following the procedure outlined under Section 18.16.030 of this Chapter.

~~E. The Director may authorize a release of fifty percent (50%) of the improvement durability bond prior to the warranty period, if determined appropriate based on a finding of:~~

- ~~1. The project has been completed and found acceptable and all monies have been released except for the durability bond;~~
- ~~2. An error in the initial amount of the performance bond or the original calculation of the durability bond; or~~
- ~~3. A fact that was previously unknown to the Municipal Engineering Division that is material in a determination that the municipality's public health, safety, and welfare would still be adequately protected.~~

~~D. If during or at the end of the warranty period the Municipal Engineering Division determines that the conditions under subsection B apply, the Municipal Engineering Division shall provide the applicant with a list of required corrections within fifteen (15) days. The corrections list must comprehensively and with specificity list the reasons for the determination.~~

~~F.E.~~ The person giving the durability warranty bond shall correct the improvements if at any time during the warranty period:

1. Any required improvement fails or shows unusual depreciation;
2. Certain work has not been completed or it becomes evident that certain work was not completed; or
3. The materials or workmanship used in constructing the improvements do not otherwise comply with accepted standards of durability.

~~G.F.~~ If the corrections are not made within a reasonable time, the Director, with review from the Kearns Council, in accordance with Section 18.16.040 of this Chapter, may declare the person in default and use the retainage to defray the cost of any required work.

#### **18.16.070 Fee In Lieu Of Required Improvements**

~~A. Where present conditions exist which make it unfeasible or impractical for the developer or property owner to install any required public improvements, the Director may~~

~~require the subdivider to pay to the municipality a fee equal to the estimated cost of such improvements as determined by the Municipal Engineering Division. Upon payment of the fee by the developer, the municipality shall assume the responsibility for future installation of such improvements.~~

~~The auditor shall establish a special account for such fees and shall credit to such account a proportioned share of interest earned from investment of municipal moneys. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties and money transfer requests shall be the responsibility of the Planning and Development Services Division.~~

## EXHIBIT B

### 18.14.150 Open Ditches and Canals, Permitted When

- A. Open ditches or canals may not be allowed within or adjoining a subdivision except along rear or side lot lines. The subdivider shall work with irrigation, drainage or ditch companies as to:
1. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision;
  2. The size of pipe and culverts required;
  3. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the Planning and Development Services Division.
- ~~B. Irrigation components, whether open or piped, require water master approval.~~
- ~~1. If existing irrigation components are suspected and not identified, then verification is required.~~
  - ~~2. If irrigation components are present, they are checked to comply with the ordinance.~~
  - ~~3. The Water Master's signature is required on any sheet in the final construction plans which show irrigation components.~~
  - ~~4. Final approval of the construction plans shall be withheld until Water Master's signature is confirmed.~~

## EXHIBIT C

### 19.50.190 Enforcement of Landscape Regulations

~~A. No building permit or occupancy permit may be issued for any lot or use subject to the requirements of this Chapter unless all the requirements of this Chapter have been fulfilled.~~

~~B.~~A. If weather or other factors prohibit the installation of landscaping at the time an occupancy permit is applied for, the applicant shall post a bond to guarantee the completion of the public landscaping, which shall be returned upon completion of required landscaping.

~~C.~~B. Failure to implement the landscape plan, or to maintain the lot or use in substantial conformance with the landscape plan, shall be cause for ~~revocation of the occupancy permit and/or~~ the application of fines and penalties, as established in this Code. In addition, all landscaping is subject to periodic inspection.

## EXHIBIT D

### 19.42.030 Accessory Dwelling Unit

#### B. Allowable Areas and Zones.

1. ADUs incorporated within the single-family residence Internal Accessory Dwelling Units (~~i~~ADUs) and Attached Accessory Dwelling Units (AADUs) shall be a permitted use on single family home lots in residential zones that require six thousand square foot (6,000 sq.ft.) minimum lot sizes or greater. IADU's and AADU's may only be constructed on lots with an area of 6,000 square feet or greater.
2. Detached Accessory Dwelling Units (DADU) are also permitted but may only be built on single family lots with an area of five thousand square feet (5,000 sq. ft.) or greater.
- ~~3~~2. In no case may an ADU be permitted in a townhome, a multi-family PUD or other attached residential unit type, or on any lot that cannot satisfy parking, setback, or lot coverage requirements.

#### C. Number of Residents. ADU's may not be occupied by more than ~~four (4)~~ persons.one family.

## EXHIBIT E

### 19.42.060 Animal Rights

Animal rights, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

- A. Parcels containing fewer than twenty thousand square feet (20,000 sq. ft.) are prohibited from keeping animals under the animal rights provisions in this Section.
- B. When a parcel with animal rights contains at least twenty thousand square feet (20,000 sq. ft.) but fewer~~less~~ than five and one-quarter (5.25) acres, that parcel may hold no more than one animal unit and their seasonal offspring for each ten thousand square feet (10,000 sq. ft.).
- ~~CB.~~ When a parcel or group of contiguous parcels with shared ownership contains more than five and one-quarter (5.25) acres, that parcel or group of parcels may hold no more than one (1) animal unit and their seasonal offspring for each five thousand square feet (5,000 sq. ft.).
- ~~DC.~~ No animals or fowl may be kept or maintained closer than forty feet (40') to any dwelling on an adjacent parcel of land. No barn, stable, coop, pen or corral shall be kept closer than forty feet (40') to any street.
- ~~ED.~~ All yards, barns, shelters, cages, areas, places, and premises where domestic livestock, animals, or fowl are kept shall be maintained in a clean and sanitary condition so that flies, dust, or odors do not disturb the health of any person or animal or create a nuisance to any adjoining property.
- ~~EE.~~ All pens, yards, shelters, cages, areas, and premises where animals are held or kept shall be maintained so that no flies, insects, or vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage or other noxious materials do not disturb health and safety of any person or animal.

## EXHIBIT F

### 19.34.050 Required Yards and Setbacks

A. Development in the M-1 or M-2 Zones shall comply with the yard and setback standards shown in Table 19.34.050 and all other applicable standards in this Title.

Table 19.34.050: Required Yards and Setbacks for M-1 and M-2 Zones.		
Standard	M-1	M-2
Front Yard <u>and Side Yard, Corner Lot</u> Setback (in feet)	Minimum: 20 Maximum: NA	Minimum: 25 Maximum: NA
Side Yard, <u>Interior Lot</u> Setback <del>—Interior Lots</del> (in feet)	Minimum: <u>200<sup>B</sup></u> Maximum: NA	Minimum: <u>200<sup>B</sup></u> Maximum: NA
<del>Side Yard Setback — Corner Lots (in feet)</del>	<del>Minimum: 20 Maximum: NA</del>	<del>Minimum: 25 Maximum: NA</del>
Rear Yard Setback (in feet)	Minimum: <u>250<sup>B</sup></u> Maximum: NA	Minimum: <u>350<sup>B</sup></u> Maximum: NA
Minimum Distance between Primary and Accessory Structures (in feet)	10	10
<u>Side Yard, Interior Lot and Rear Yard Setback (in feet) from a residential zone boundary</u>	<u>Minimum: 30<sup>C</sup></u> <u>Maximum: NA</u>	<u>Minimum: 30<sup>C</sup></u> <u>Maximum: NA</u>
<u>Side Yard, Interior Lot and Rear Setback (in feet) from a nonresidential or nonmanufacturing zone boundary</u>	<u>Minimum: 20</u> <u>Maximum: NA</u>	<u>Minimum: 20</u> <u>Maximum: NA</u>

B. Required Setback to Contain Roof Drainage. All buildings located closer than five feet (5') from a property line shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.

B.C. Residential Buffer. A six-foot (6') masonry wall is required between residential and non-residential uses in accordance with Section 19.50.050.B.

## **EXHIBIT G**

### **19.04.20 General Definitions**

A. General terms used in Title 19 are defined as follows:

1. "Affected Entity" means a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:
  - a. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
  - b. The entity has filed with the municipality a copy of the entity's general or long-range plan; or
  - c. The entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this Ordinance or Utah Code.
2. "Agent" means a person with written authorization to represent a property owner.
- 2.3. "Alteration" means any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls.
- 3.4. "Animal Rights" means the keeping of livestock and fowl on lots and parcels containing at least twenty thousand (20,000) square feet. The keeping of livestock and fowl is; limited to one animal unit and their seasonal offspring for each ten thousand square feet (10,000 sq.ft.).
- 4.5. "Animal Unit" means a proportionate combination of the following:
  - a. One (1) cow, or one (1) horse, or one (1) pig, or one (1) llama, or one (1) other similar large animal.
  - b. Four (4) adult sheep or feeder lambs, or two (2) alpacas (similar to llama).
  - c. Two (2) goats.
  - d. Ten (10) chickens, or ten (10) ducks, or ten (10) pigeons, or ten (10) similar small fowl, subject to the standards and requirements of this Title, Salt Lake County Animal Services, and Salt Lake County Health Department that ensure that domesticated fowl do not adversely impact the neighborhood

surrounding the property on which the domestic fowl are kept. For regulations regarding the keeping of chickens, see Chapter 19.42.

- e. Twelve (12) rabbits, or twelve (12) similar small animals.
- f. Two (2) large birds such as ostriches, or emus, or peacocks.
- g. Four (4) turkeys.
- h. The total animal units located on a given parcel or animal operation shall be determined by adding the animal units for each animal type. For the purpose of determining compliance, said definition shall not include the un-weaned offspring of any residing animal which is less than six (6) months in age.

~~5.6.~~ "Appeal Authority" means the same as "Land Use Hearing Officer."

~~6.7.~~ "Applicant" means the person who makes formal application for a license, permit, subdivision or submits any application pursuant to Titles 18 or 19 of Kearns Municipal Code.

~~7.8.~~ "Bench Mark" means a mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.

~~8.9.~~ "Boundary Line Agreement" means an agreement to establish the location of a boundary between adjoining properties where the location of the boundary is ambiguous, uncertain, or disputed.

~~9.10.~~ "Buffer, Riparian" means an area along the course of any watercourse or roadway or boundary line to be maintained without the disturbance of buildings or structures other than fencing, if allowed.

~~11.~~ "Business Day" means a day in which normal business operations are conducted. Saturdays, Sundays, Holidays and days Planning and Development Services are not open are not considered business days.

~~40-12.~~ "Clustering" means a development or subdivision design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

~~44-13.~~ "Concept Plat / Drawing" means a drawing that shows the overall concept of a proposed development, as further defined in these regulations.

~~42-14.~~ "Conditional Use" means a land use that has unique characteristics or negative effects that may not be compatible in an area without conditions to mitigate or eliminate the detrimental impacts. A land use listed as a conditional

use is a use of land for which a conditional use permit is required pursuant to this Title.

~~13-15.~~ “Conservation Easement” means an easement that perpetually prohibits further development or use inconsistent with, or harmful to, the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the [insert name of conservation easement holder], permit recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area in a manner which is inconsistent with, or harmful to, the preservation and protection of the restricted area.

~~14-16.~~ “Council” means the municipal council, unless otherwise clearly indicated.

~~15-17.~~ “Culinary Water Authority” means the department, agency, or public entity with the responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

~~16-18.~~ “Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

~~17-19.~~ “Development Code” means Titles 18 and 19 of Kearns Municipal Code.

~~18-20.~~ “Development Review Committee (DRC)” means Planning and Development Services staff, in consultation with agencies contracted with the municipality for engineering, health, fire, and surveying reviews and services. Comments from other affected entities, service providers or other reviewing agencies may also be solicited as needed.

~~19-21.~~ “Director” means the Greater Salt Lake Municipal Services District Director of Planning and Development Services.

~~20-22.~~ “Dwelling” means any building or structure, or portion thereof, intended for residential use.

~~21-23.~~ “Drive Approach” means an area of the public right-of-way located between the roadway and property adjacent to the public right-of-way that is intended to provide access for vehicles from the roadway to the adjacent property.

~~22-24.~~ “Driveway” means a path of ingress and egress constructed within and adjoining a roadway, connecting the roadway with adjacent or nearby property in accordance with Magna Municipal Code. A “driveway” is an unobstructed access

from a public or private right of way to an adjacent or nearby property that does not interfere with vehicular or pedestrian travel within the right of way.

25. "Driveway, Cross Access" means a service drive providing vehicular access between two or more contiguous sites, so the driver need not enter the public street system.

26. "Driveway, Multifamily" means a driveway providing access to more than four dwelling units.

27. "Driveway, Private" means a driveway limited to the use of the owner or a group of owners who share the use and maintain the access and those having express or implied permission from the owner or owners, but not by other persons.

28. "Driveway, Shared" means a driveway serving more than one lot.

23. "Dwelling" means any building or structure, or portion thereof, intended for residential use.

24-29. "Dwelling Unit" means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping. Buildings with more than one (1) kitchen or set of cooking facilities are considered to contain more than one (1) dwelling unit unless the additional cooking facilities are clearly accessory to a dwelling unit as determined by the development services director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to:

- a. A building design which allows all occupants ready access to all portions of the building including cooking facilities;
- b. No portion of the building containing cooking facilities may be separated from the remaining rooms to form a separate dwelling unit; and
- c. There is only one (1) electric and/or gas meter for the building.

30. "Easement" means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

25-31. "Expansion" means an increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

~~26-32.~~ “Facility Company” means a company not regulated by the public service commission that provides a service including but not limited to cable television or telecommunications.

~~27-33.~~ “Family” means one of the following groups of individuals, but not more than one group at the same time:

- a. An individual living alone; or
- b. Two (2) or more people, all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal guardianship and their foster children, and up to two (2) other unrelated persons who do not pay rent; or
- c. Up to four (4) related or unrelated individuals who live and cook together as a single housekeeping unit; or
- d. Two (2) unrelated individuals and any children of either of them living as a single housekeeping unit.

~~34.~~ “Good Cause” means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; or acts of nature adverse to performing required acts.

~~28-35.~~ “Grading” means any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

~~29-36.~~ “Graffiti” means inscriptions, drawings, paintings, or other visual defacing of buildings, structures, or natural features, without the consent of the owner thereof, and which is not otherwise authorized and permitted in municipal ordinances.

~~30-37.~~ “Guest” means a person paying for staying or receiving services at a bed and breakfast, hotel, motel, resort, or similar facility.

~~38.~~ “Guestroom” means a room that is designed for double occupancy by guests, for sleeping purposes.

~~34-39.~~ “Hard surface” means any asphalt or concrete surface of an approved thickness, or other approved surface, but excluding rock, gravel, grass, or dirt.

~~32-40.~~ “Health Department” means the Health Department of Salt Lake County, Utah.

- ~~33.41.~~ “Inoperable Vehicle” means a vehicle that is not currently registered or licensed in the Utah or in another state, or which has been dismantled or wrecked so that it is no longer considered street legal.
- ~~34.42.~~ “Land Trust” means a private non-stock, non-profit corporation that has as its purpose the preservation.
- ~~35.43.~~ “Land Use Application” means an application required by the zoning or subdivision ordinances.
- ~~36.44.~~ “Land Use Authority” means the person, board, commission, agency, or other body designated by the Magna Municipal Council to act upon a land use application.
- ~~37.45.~~ “Land Use Decision” means any final decision of the Council, Planning Commission, or final administrative decision of the Director or other official responsible for the enforcement of zoning and subdivision regulations.
- ~~38.46.~~ “Land Use Hearing Officer” means the “Appeal Authority” created pursuant to Utah Code §10-9a.701 to hear appeals to zoning decisions applying to the zoning ordinance as provided in Section 19.16.020 and for decisions by the Planning Commission. The Land Use Hearing Officer is also the appeal authority for subdivision appeals subject to Section 18.08.040 of Kearns Municipal Code. The Land Use Hearing Officer is also charged with the powers and duties enumerated in Section 19.12.040.C.
- ~~39.47.~~ “Legal Lot of Record” means any land parcel that existed, as recorded in the Office of the Salt Lake County Recorder, with a separate property identification number as provided by the Office of the Salt Lake County Recorder and Office of the Salt Lake County Assessor, prior to December 17, 1952, and all land parcels that were legally created for the purposes of development pursuant to the applicable zoning and subdivision requirements and the laws of the State of Utah after the date of the first Subdivision Ordinance enactment.
- ~~40.48.~~ “Local Jurisdiction” means the municipality, or other political subdivision adopting this Ordinance.
- ~~41.49.~~ “Membrane Covered Frame Structure” means a non-pressurized building wherein the structure is composed of a rigid framework to support a tensioned membrane that provides the weather barrier.
- ~~42.50.~~ “Minor Local Street” means a street, existing or proposed, often of limited continuity, the primary purpose of which is to provide access to property and serve the local needs of a neighborhood. A minor local street carries low volumes of traffic at the lowest speed limits.

~~43-51.~~ “Monument” means a permanent survey marker established by the Salt Lake County Surveyor and/or a survey marker set in accordance with the Salt Lake County Surveyor’s specifications and referenced to Salt Lake County survey monuments.

~~44-52.~~ “Municipal Engineering Division” means the division or personnel hired by or contracted with the municipality to provide engineering services. The “Municipal Engineering Division” is also referred to as the “Municipal Engineer” or “Municipal Engineering”.

~~45-53.~~ “Municipal Flood Control Division” means the division or personnel hired by or contracted with the municipality to provide flood control and water quality services.

~~46-54.~~ “Municipal Geologist” means the personnel hired by or contracted with the municipality to provide geologic hazard review and geology services.

~~55.~~ “Natural Condition” means the topography and vegetation of the area that is unaltered by clearing and grading during construction and protected in perpetuity.

~~56.~~ “Net developable acreage” is defined as land with all of the following:

a. An average slope less than thirty percent; and

a.b. Free from any identified natural hazards such as flood, avalanche, landslide, high water table and similar features. See Chapter 19.56 (Floodplain Hazard Regulations) and Chapter 19.58 (Geological Hazard Regulations).

~~47-57.~~ “Noncomplying Structure” means a building or other structure or portion thereof lawfully constructed in compliance with the zoning ordinance existing at the time of construction, that no longer conforms to the height, area, and/or yard regulations in the zone in which it is located due to changes to the zoning ordinance or to the subsequent public acquisition of land for public improvements. A “Noncomplying Structure” may also be referred to as “Nonconforming Structures”.

~~48-58.~~ “Nonconforming Use” means a use which lawfully occupied a building or land at the time the ordinance codified in this Title became effective and which does not conform with the use regulations of the zone in which it is located.

~~49-59.~~ “Nonconforming Lot” means a legally established lot or parcel that met the applicable area, width and other applicable requirements in effect at the time the lot or parcel was created, but which fails by reason of such adoption, revision or

amendment of the zoning ordinance, to conform to the present requirements of the zone in which it is located.

~~50-60.~~ “Owner” includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof having a majority fee simple interest in real property, or a majority interest through any other form of ownership.

~~61.~~ “Parcel of Land” means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person.

~~62.~~ “Pavement” includes the paved portion of a street, including paved shoulders and on street parking areas. “Pavement does not include curbs, gutters, park strips, sidewalks, trails, and driveways.

~~51-63.~~ “Paved” means ground covered with stone, brick, concrete, asphalt, or other approved surface, installed over a compacted base course, making a permanent surface that is firm, smooth, and level. A graded natural surface, or one covered with rolled stone or overlaid with compacted or loose gravel is not considered a paved surface.

~~52-64.~~ “Permitted Use” means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

~~53-65.~~ “Planning and Development Services” means the Planning and Development Services Department of the Greater Salt Lake Municipal Services District.

~~54-66.~~ “Planning Commission” means the municipal planning commission.

~~55-67.~~ “Portable Storage Container” means a transportable, weather-resistant, commercially leased or rented storage structure or container that is designed and used primarily for the storage of goods, items, and materials placed outside of the primary structure on a property. Portable Storage Container includes CONEX and other Shipping Containers. Portable Storage Container does not include yard waste containers, construction debris containers, or containers with a storage capacity less than two-hundred (200) cubic feet.

~~56-68.~~ “Pre-Existing Lot” means a lot that was created prior to the adoption date of this Ordinance, through a recorded subdivision plat, deed, sales contract, or survey, and a lot that met the zoning regulations in effect at the time of its creation. For the purposes of this Title, a pre-existing lot is a nonconforming lot and shall be regulated in the same manner as nonconforming lots.

~~57-69.~~ “Pre-Existing Structure” means a structure that was legally constructed prior to the adoption of this Ordinance. For the purposes of this Title, a pre-existing structure is a nonconforming structure and shall be regulated in the same manner as nonconforming structures.

~~58-70.~~ “Pre-Existing Use” means a use that was legally established prior to the adoption of this Ordinance and has not been abandoned for more than one year. For the purposes of this Title, a pre-existing use is a nonconforming use and shall be regulated in the same manner as nonconforming uses.

~~59-71.~~ “Primary Dwelling” means a single-family dwelling that:

- a. Is detached;
- b. Is occupied as the primary residence of the owner of record; and
- c. “Primary Dwelling” includes a garage if the garage:
  - (1) Is a habitable space; and
  - (2) Is connected to the primary dwelling by a common wall.

~~60-72.~~ “Provisional Parking” means an area or areas within a parking lot where parking spaces which are shown on the approved parking plan are landscaped rather than paved. Provisional parking is subject to the requirements of Chapter 19.48.

~~61-73.~~ “Public Works Operations” means the division or personnel hired by or contracted with the municipality to provide road construction and maintenance, snow removal and other related services.

~~62-74.~~ “Record of Survey Map” means a map of a survey of land prepared in accordance with Utah Code.

~~63-75.~~ “Recreational Vehicle” means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by or on another vehicle, including but not limited to truck campers, camper trailers, motorhomes, vehicles converted to have living facilities, or other vehicles used as sleeping or living accommodations.

~~64-76.~~ “Residential Roadway” means a public local residential road that:

- a. Will serve primarily to provide access to adjacent primarily residential areas and property;
- b. Is designed to accommodate minimal traffic volumes or vehicular traffic;

- c. Is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
- d. Has a posted speed limit of 25 miles per hour or less;
- e. Does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
- f. Cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
- g. Primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.

77. "Road" can be used interchangeably with the word street.

~~65-78.~~ "Road, Private" means the same as "Street, Private"

79. "Sanitary Sewer Authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

80. "Site plan" means an accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development, including but not limited to: topography; vegetation; drainage; flood plains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; utility easements and services; structures and buildings; lighting; berms, buffers and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.

~~66-81.~~ "Slope" means the level of inclination from the horizontal, determined by dividing, in fifty foot intervals, the average horizontal run of the slope into the average vertical rise of the same slope and converting the resulting figure into a percentage value.

~~67-82.~~ "Standards and Specifications" means the construction and design requirements and standards of the municipality for the construction and installation of public infrastructure and improvements. The documents shall be approved by the Municipal Engineer and approved by Resolution of the Council.

83. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of

permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Permanent construction" does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

84. "Stream, Ephemeral" means those channels, swales, gullies, or low areas that do not have flow year-round or are not shown on United States Geological Services (U.S.G.S.) topographic maps as perennial streams. These are generally channels that are tributary to perennial streams, other ephemeral streams, terminal low areas, ponds, or lakes. They are typically dry except during periods of snowmelt runoff or intense rainfall. (Contrast with "Stream, Perennial.")

85. "Stream, Perennial" means those streams, excluding ephemeral streams, or ditches and canals constructed for irrigation and drainage purposes, which flow year-round during years of normal rainfall, and that are identified on the appropriate United States Geological Services (U.S.G.S.) topographic maps as perennial streams. (Contrast with "Stream, Ephemeral.")

68-86. "Stream corridor" means the corridor defined by a perennial stream's ordinary high water mark.

69-87. "Street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-five feet wide, which has been made public by right of use and which affords the principal means of access to abutting property. Street does not include alleys or trails. May sometimes be referred to as road.

70-88. "Street, Private" means an access way, other than a driveway, similar to and having substantially the same or similar function as a public street, providing access to one or more properties, but held in private ownership. A "private street" is limited to the use of the owner or group of owners who share the use and maintain the street without the assistance of public entities. "Street, Private" and "Road, Private" can be used interchangeably.

71-89. "Streetlight" means a raised light installed within or adjacent to the street right-of-way, turned on or lit at a certain time every night. Modern lamps may also have light-sensitive photocells to turn them on at dusk and off at sunrise or activate automatically in foul weather.

~~72.90.~~ “Structure” means anything constructed or erected which requires location on the ground, or attached to something having a location on the ground.

~~73.91.~~ “Structural Alterations” means any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

~~74.92.~~ “Subdivision” means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

a. “Subdivision” includes:

- (1) The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
- (2) Except as provided in Subsection B, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

b. “Subdivision” does not include:

- (1) A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
- (2) A boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Utah Code § 10-9a-524 if no new parcel is created;
- (3) A recorded document, executed by the owner of record:
  - i. Revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or
  - ii. Joining a lot to a parcel;
  - iii. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Utah Code, § 10-9a-524 and § 10-9a-608, if:
    1. No new dwelling lot or housing unit will result from the adjustment; and

2. The adjustment will not violate any applicable land use ordinance;
- iv. A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
  1. Is in anticipation of future land use approvals on the parcel or parcels;
  2. Does not confer any land use approvals; and
  3. Has not been approved by the land use authority;
  4. A parcel boundary adjustment;
  5. A lot line adjustment;
  6. A road, street, or highway dedication plat;
  7. A deed or easement for a road, street, or highway purpose; or
  8. Any other division of land authorized by law.

75-93. "Subdivision Amendment" means an amendment to a recorded subdivision in accordance with Utah Code § 10-9a-608, that:

- a. Vacates all or a portion of the subdivision;
- b. Alters the outside boundary of the subdivision;
- c. Changes the number of lots within the subdivision;
- d. Alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
- e. Alters a common area or other common amenity within the subdivision.

94. "Subject Property" means the land area for which an approval is required to comply with this Ordinance.

76-95. "Substantial economic hardship" means a denial of all reasonable economic use of a property.

77-96. "Substantial improvement" means:

- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either:
  - (1) Before the improvement or repair is started; or
  - (2) If the structure is damaged and is being restored, before the damage occurred.

- b. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- c. The term does not, however, include either:
  - (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
  - (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

97. “Trails” means a system of public recreational pathways located within the municipality for use by the public for walking, biking and/or horseback riding as designated.

78-98. “Undevelopable” means strict application of this title prevents the minimum development necessary to establish a permitted or conditional use in the underlying zone on the property.

79-99. “Utility Company” means a company regulated by the public service commission that provides a service including but not limited to electricity, telephone, or gas.

80-100. “Utilities or Improvements” means all types of necessary utilities such as gas lines, culinary and secondary water lines, storm drainage systems, sanitary sewer systems, electrical power, cable, and telephone with all poles, wires, pipes, and structures as necessary to provide services, and surface improvements such sidewalks, curbs, gutters, and streets.

81-101. “Vehicle” means a self-propelled device used for transporting persons or things, including, but not limited to, automobiles, watercraft, motorcycles, snowmobiles, and recreation vehicles. Does not include heavy machinery.

82-102. “Vehicle, Commercial” means any motorized vehicle or trailer used for or intended for business use - including but not limited to the transportation of commercial equipment, merchandise, produce, freight, commodities, passengers, or animals - and which is characterized by any of the following:

- a. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting;

- b. Vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicles;
- c. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar feature;
- d. Vehicles with more than two axles; or
- e. Vehicles with a payload capacity of more than eight thousand five hundred (8,500) pounds.

83.103. "Waiver" means permission to depart from the requirements of an Ordinance with respect to the application of a specific regulation.

#### **19.04.030 Site Standard Definitions**

A. Site Development terms used in Title 19 are defined as follows:

1. "Active Recreation" means activities that involve inactive or less energetic activities often performed by leisurely walking or conducting small group gatherings that do not require physical activity.
2. "Arterial Street" means a street, existing or proposed, which serves or is intended to serve as a major traffic way and which is designated on the UDOT Functional Classification Map as a controlled-access highway, limited-access road, major street, parkway or by equivalent terms suitable to identify streets comprising the basic structure of the street plan.
3. "All Weather Surface" means a surface composed of gravel, stone, macadam, or other approved pervious material, with sufficient depth and compaction to permit vehicular traffic in extremely inclement weather.
4. "Alley" means a public or private way which affords a secondary means of access to abutting property.
5. "Basement" means any floor level below the first story in a building, except that a floor level in a building having only one (1) floor level shall be classified as a basement unless such floor level qualifies as a first story.
6. "Base Density" means the original density permitted under the property's zoning category, in dwelling units per acre.
7. "Buildable Area" means a lot or portion thereof possessing all of the following physical characteristics:
  - a. The area contains no territory having a slope of thirty percent (30%) or greater;
  - b. The area contains no territory which is located in any identified floodplain or within any recognized inundation zone, mudflow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;

- c. The engineering properties of the soil provide adequate structural support for the intended use; and
  - d. The area does not possess any other recognized natural condition which renders it unsafe for building purposes.
- 8. "Building" means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or chattels.
- 9. "Building Alteration" means any act or process that changes the architectural detail, function, or structural design of a building, including but not limited to the erection, construction, reconstruction, or removal of any building.
- 10. "Building Coverage" means the maximum horizontal area within the outer perimeter of the building walls, dividers, or columns at ground level or above, whichever is the greater area, including, without limitation, courts and exterior stairways, but excluding:
  - a. Uncovered decks, porches, patios, terraces, and stairways all less than thirty inches high; and
  - b. The outer four feet of completely open, uncovered, cantilevered balconies having a minimum of eight feet (8') of vertical clearance below.
- 11. "Building Envelope" means the building pad, building footprint, and height restrictions, which define the maximum building area in which all development must occur. The building envelope is the area that remains for placing a structure on a site after building line, setback, side yard, height and bulk regulations are observed.
- 12. "Building Facade" means the exterior of a building located above ground and generally visible from public points of view.
- 13. "Building Footprint" means the total area of the foundation of a structure, or the furthest exterior wall or supporting column of the structure. Decks, porches, patios, stairways, terraces, planter boxes and balconies that are both uncovered and less than thirty feet (30') tall, measured from the finished grade are not part of the building footprint.
- 14. "Building Height" means the vertical distance above the natural grade at any point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a level midway between the level of the eaves and the highest point of pitched or hipped roofs, or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For purposes of measuring height, the "level of the eaves" means the highest level where the plane of the roof intersects the plane of the outside wall on any side containing an eave. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet in horizontal dimension. The height of each stepped building segment shall be measured separately.
- 15. "Building Street Frontage" means the portion of the building directly fronting or adjacent to the street. Building Street Frontage is calculated by dividing the portion

of the building at the build-to-line or within a specified distance of the build-to-line by the street frontage.

16. "Build-to-Line" means the maximum distance a building may be setback from a property line or other designated location. The purpose of a build-to-line is to bring structures adjacent to streets and sidewalks to encourage pedestrian activity.
17. "Collector Street" means a street which carries traffic from local streets to the Arterial Street system, including the principal entrance streets of residence development and the primary circulating streets within such a development. A collector street may have prohibited movements and the number and spacing of driveways may be controlled.
18. "Cul-de-sac" means a minor street having one open end and being terminated at the other by a vehicular turnaround.
19. "Dedication" means the setting aside of land by an owner for any public use for the enjoyment of the public and owned by a public agency.
20. "Entrance" means the location of ingress to a room, building, or lot; a location of admittance.
21. "Exit" means the location of egress from a room, building, or lot.
22. "Fence" means any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line.
23. "Final Plat" means a plat map prepared in accordance with the provisions of this ordinance for the purpose of subdividing property. A final plat must be based on an accurate survey, and such survey marked on the ground so that streets, alleys, blocks, lots, and other divisions thereof can be identified.
24. "Frontage" means the uninterrupted linear or curvilinear extent of a lot, abutting on a street, measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line. The measurement of lot frontage shall not include irregularities in the street line and, in the case of a corner lot, shall extend to the point of intersection of the rights-of-way. If a lot has frontage on more than one street, only the frontage on one street may be used to satisfy the minimum lot frontage.
25. "Grade, Finished" means the topographic elevations where the earth meets the building, upon project completion. Excluded from this definition are window wells serving basement rooms. Also referred to as "final grade".
26. "Grade, Natural" means the topographic elevations representing the surface of the ground prior to grading, filling, or other site alterations for a project. When natural grade is not readily apparent, an approximation of preexisting conditions using grades on adjacent sites, retaining walls, prior survey maps, etc., may be used as a reference for determining natural grade. All such grade approximations shall require the concurrence of the Director. "Grade, Natural" is also referred to as "existing grade".

27. "Green Space" means open space maintained in a natural, undisturbed, or revegetated condition.
28. "Guarantee" means a bond, escrow or irrevocable letter of credit given by the applicant(a) to ensure the proper installation of public infrastructure and improvements.
29. "Intensity" means the concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, etc.; also, the size of buildings or structures, the most intense being higher, longer and/or wider.
30. "Lot" means a parcel of land occupied or proposed to be occupied by a building or buildings, together with such yards, open spaces, lot width, and lot areas as are required by this Title, having frontage upon a street or a right-of-way approved by a Land Use Hearing Officer, or upon a right-of-way not less than twenty feet (20') wide. Except as provided in this Title, not more than one (1) dwelling structure shall occupy one (1) lot.
31. "Lot, Corner" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.
32. "Lot, Double Fronting" means a lot having frontage on two (2) streets that are parallel or nearly so or do not intersect.
33. "Lot, Interior" means a lot other than a corner lot.
34. "Lot Line Adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record. "Lot Line Adjustment" does not mean a new boundary line that creates an additional lot or constitutes a subdivision or a subdivision amendment.
35. "Lot Line, Front" means the front boundary line of a lot bordering the street.
36. "Lot Line, Rear" means a lot line that is opposite and most distant from the front lot line. In the case of an irregular-shaped lot, the rear lot line shall be that lot line that is generally parallel to and at the maximum distance from the front lot line, having a length of at least ten feet (10').
37. "Lot Line, Side" means any lot boundary line not a front lot line or a rear lot line.
38. "Lot Width" means the distance between the side lot lines measured at the required front yard setback line. For a corner lot, the lot width is the distance between one of the front lot lines and the opposite side yard line at the required front yard setback line.
39. "Primary building" means the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing a principal use upon a lot.
40. "Major Local Street" means a street, existing or proposed, which serves or is intended to serve to connect minor local streets with collector streets while also

providing direct access to property. A major local street has more continuity for through-traffic than a minor local street.

~~41.~~ “Marginal Access Street” means a local street, parallel and adjacent to a minor arterial or minor collector street providing access to abutting properties and protection from arterial or collector streets.

~~41.42.~~ “Natural Open Space” means land in a predominately open and undeveloped condition that is suitable for any of the following: natural areas; wildlife and native plant habitat; important wetlands or watershed lands; stream corridors; passive, low-impact activities; little or no land disturbance; or trails for non-motorized activities.

~~42.43.~~ “Off Street Parking” means a site or a portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and providing vehicular access to a public street.

~~43.44.~~ “Organic Disposal Site” means a disposal site where settled or precipitated solid matter produced by water and sewage treatment processes is disposed of in compliance with the board of health requirements, using sanitary land-filling techniques, in a manner that does not create a nuisance or health hazard, that protects the environment, and will not cause a pollution source of water, air, etc.

~~44.45.~~ “Open Space” means an area of land or water set aside to be preserved or reserved for use by residents of the development. An expanse of lawn, trees, plants, or other natural areas. Any landscaped area of the site including: required yards, setbacks, walkways, and limited common areas. It does not include parking, driveways, or buildings with habitable space for primary uses, but may include buildings for the purpose of providing an amenity. Open space may be distributed throughout the development and need not be in a single large area. Open space may include sensitive areas, such as areas with 30% or greater slope, fault zones, floodplains, high water tables, and wetlands if they have been designed as an integral element of the project. Any additional amenity that is located on the roof of a building shall not be considered open space.

~~45.46.~~ “Parking Lot” means an open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

~~46.47.~~ “Parking Space” means space within a building, lot, or parking lot for the parking or storage of one automobile.

~~47.48.~~ “Passive Recreation” means activities that involve inactive or less energetic activities often performed by leisurely walking or conducting small group gatherings that do not require physical activity.

~~48.49.~~ “Preliminary Approval” means an approval, with or without recommended alterations, given to a preliminary plat by the Planning Commission and provides the necessary authority to proceed with the preparation and presentation of the final plat.

~~49-50.~~ "Preliminary Plat" means a map or plan of a proposed land division or subdivision. A drawing that shows the perimeter boundary, topography, lot layout arrangement, street layout, and other features of a proposed subdivision, as specified for a preliminary plat in the Ordinance.

~~51.~~ "Public Utility Easement" An area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility lines, mains, services, and minor facilities.

~~50-52.~~ "Retaining wall" means a wall designed and constructed to resist the lateral displacement and erosion of soils or other materials.

~~51-53.~~ "Setback" means a distance from a curb, property line, or structure within which building is prohibited.

~~52-54.~~ "Side Yard, Corner Lot" means a side lot line that abuts a street.

~~53-55.~~ "Side Yard, Interior Lot" means a side lot line that abuts a side or rear lot line of another lot.

~~54-56.~~ "Stealth Design" means the use of alternative support structures to blend or hide the communication equipment with the design, shape, or color of the structure. Examples of stealth design include field lights, clock towers, bell towers, water towers, flagpoles, windmills, monuments, etc.

~~55-57.~~ "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such usable or unused underfloor space will be considered as a story.

~~56-58.~~ "Story, First" means the lowest story in a building that qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade for more than fifty percent of the total perimeter, or not more than eight feet below grade at any point.

~~57-59.~~ "Story, Half" means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

~~58-60.~~ "Yard" means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as "provided herein.

~~59-61.~~ "Yard, Front" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

~~60-62.~~ “Yard, Rear” means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The “depth” of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

~~61-63.~~ “Yard, Required” means the open space around buildings which is required by the terms of this Title.

~~62-64.~~ “Yard, Side” means a space on the same lot with a building, between the side line of the building and the side lot line, and extending from the front yard to the rear yard. The “width” of the side yard shall be the minimum distance between the side lot line and the side lot line of the building. See “Side Yard, Interior Lot” and “Side Yard, Corner Lot”.

**SUMMARY OF**  
**KEARNS CITY**  
**ORDINANCE NO. 2025-O-**

On November 18, 2025, the Kearns Council enacted Ordinance No. 2025-O-\_\_, amending Chapter 18.16, and Sections 18.14.150, and 19.50.190 of Kearns Code to: eliminate reclamation bond requirements; bring performance and warranty bond procedures, and final disposition and release requirements into compliance with recent legislation; eliminate fees in lieu of the installation of subdivision improvements; eliminate the requirement for any entity to sign construction plans, thereby subjecting an applicant to requirements not adopted by Kearns city in violation of Utah Code; and eliminate language allowing the City to withhold permits or occupancy for the failure to install private landscaping.

\_\_\_\_\_  
By: Kelly Bush, Mayor

ATTEST

APPROVED AS TO FORM

\_\_\_\_\_  
Diana Baun, Recorder

\_\_\_\_\_  
Nathan Bracken, City Attorney

Voting:

Council Member \_\_\_\_\_ voting \_\_\_\_  
Council Member \_\_\_\_\_ voting \_\_\_\_  
Council Member \_\_\_\_\_ voting \_\_\_\_  
Council Member \_\_\_\_\_ voting \_\_\_\_  
Council Member \_\_\_\_\_ voting \_\_\_\_

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Kearns Recorder, 860 W. Levoy Dr., Suite 300, Taylorsville, Utah.