

## ORDINANCE 2026-O-02

Ordinance No. 2026-O-02

Date: April 13, 2026

### AN ORDINANCE OF THE KEARNS CITY COUNCIL AMENDING SIDE YARD SETBACK REQUIREMENTS FOR THE R-1-6, R-1-7 AND R-1-8 SINGLE- FAMILY RESIDENTIAL ZONES

#### RECITALS

**WHEREAS**, the City of Kearns (“**Kearns**”) is a municipality and has authority to adopt a land use ordinance amendment pursuant to Utah Code § 10-20-501 in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Chapter 20 Utah Code; and

**WHEREAS**, the Kearns City Council (“**Council**”) deems it necessary to amend its land use ordinances regarding side yard setbacks for certain single-family residential zones (R-1-6, R-1-7 & R-1-8) to allow for greater flexibility in allowing for the construction of garages for homes without garages to alleviate the over usage of on-street parking, and for the protection and preservation of the public health, safety, and general welfare;

**WHEREAS**, the City of Kearns Planning Commission held a public hearing on April 6, 2026, to consider the proposed ordinance amendment to Section 19.28.040.A of the Kearns Municipal Code regarding side yard setbacks in accordance with Utah Code §§ 10-20-205 and 10-20-502 and

**WHEREAS**, after holding the public hearing, the Planning Commission recommended that the Council approve the proposed ordinance amendment.

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

1. Amendment. Section 19.28.040.A of the Kearns Municipal Code is hereby repealed and replaced to read as set forth in **Exhibit A** of this Ordinance.
2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
3. Direction to Staff. Staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; and (b) to finalize and post

the ordinance to Municode, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.

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

**PASSED AND ADOPTED** this 13<sup>th</sup> day of ~~XXX~~ April 2026.

CITY OF KEARNS COUNCIL

  
By: Jesse Valdez, Mayor

ATTEST

  
Diana Baun, Recorder

Voting:

Mayor Jesse Valdez	voting <u>aye</u>
Council Member Chrystal Butterfield	voting <u>aye</u>
Council Member Lorrin P. Colby Jr.	voting <u>aye</u>
Council Member Lyndsay Longtin	voting <u>aye</u>
Council Member Patrick Schaeffer	voting <u>aye</u>

(Complete as Applicable)

Date ordinance summary was posted to the Utah Public Notice website per Utah Code §10-3-711: April 15, 2026

Effective date of ordinance: April 15, 2026

## EXHIBIT A

Section 19.28.040.A of the Kearns Municipal Code is amended to read as follows:

*A. Required Yards:*

1. *Dwellings: The minimum yard requirements for a primary residential dwelling are as follows:*

<i>Table 19.28.040A - Primary Residential Dwelling Setbacks.</i>				
<i>Zone</i>	<i>Front Yard</i>	<i>Side Yard, Interior</i>	<i>Side Yard, Corner Lot</i>	<i>Rear Yard</i>
<i>R-1-3, R-1-4, R-1-5</i>	<i>20 Feet</i>	<i>5 Feet<sup>1</sup></i>	<i>20 Feet</i>	<i>20 Feet<sup>3</sup></i>
<i>R-1-6, R-1-7, R-1-8</i>	<i>25 Feet</i>	<i>8 Feet Per Side or Side Yard Setback Split<sup>2</sup></i>	<i>20 Feet</i>	<i>25 Feet<sup>3</sup></i>
<i>R-1-10</i>	<i>30 Feet</i>	<i>10 Feet</i>	<i>20 Feet</i>	<i>30 Feet<sup>3</sup></i>
<i>R-1-43</i>	<i>30 Feet</i>	<i>15 Feet</i>	<i>20 Feet</i>	<i>30 Feet<sup>3</sup></i>

1. *Unless attached to a dwelling on an adjacent lot.*
2. *Side yard setbacks must: (a) be 8 feet per side; or (b) total a cumulative 16 feet for both side yards, provided that no side yard setback on either side is less than 5 feet.*
3. *Homes with a garage existing prior to the adoption of this ordinance may maintain a 15 feet rear setback.*

**SUMMARY OF**  
**CITY OF KEARNS COUNCIL**  
**ORDINANCE NO. 2026-O-02**

On April 13, 2026, the City of Kearns Council enacted Ordinance No. 2026-O-02, amending certain side yard setbacks in the R-1-6, R-1-7 and R-1-8 single-family residential zones.

  
By: Jesse Valdez, Mayor

ATTEST

  
Diana Baun, Recorder

Voting:

Mayor Jesse Valdez	voting <u>aye</u>
Council Member Chrystal Butterfield	voting <u>aye</u>
Council Member Lorrin P. Colby Jr.	voting <u>aye</u>
Council Member Lyndsay Longtin	voting <u>aye</u>
Council Member Patrick Schaeffer	voting <u>aye</u>

A complete copy of Ordinance No. 2026-O-02 is available in the office of the City of Kearns Recorder, 860 West Levoy Drive, Suite 300, Taylorsville, Utah.