

AN ORDINANCE OF THE KEARNS METRO TOWNSHIP COUNCIL
AMENDING CHAPTER 19.62 OF THE KEARNS METRO TOWNSHIP CODE
REGARDING C-2 COMMERCIAL ZONES AND ENACTING CONFORMING
CHANGES AS SECTION 19.02.150 TO IMPLEMENT THE KEARNS
GENERAL PLAN

RECITALS

WHEREAS, the Kearns Metro Township (“**Kearns**”) incorporated as a municipality in 2017; and

WHEREAS, Utah Code § 10-2a-414(3) provides that each Salt Lake County ordinance in effect on the date of Kearns’ incorporation will remain in effect as a Kearns ordinance “until the Kearns Council amends or repeals the ordinance;” and

WHEREAS, Title 19 of the Kearns Metro Township Code (the “**Code**”) governs conditional use permits filed within Kearns; and

WHEREAS, Utah’s Municipal Land Use Development Act (“**LUDMA**”), as found in Chapter 9a of title 10 of the Utah Code governs land use regulation amendments; and

WHEREAS, the Kearns Metro Township Council (the “**Council**”) adopted a new general plan for Kearns on October 22, 2020; and

WHEREAS, following the adoption of the general plan, the Council began an ongoing effort to update the portions of the Code it inherited from Salt Lake County to conform to the general plan; and

WHEREAS, the Council desires to update and amend Chapter 19.62 of the Kearns Code regarding C-2 zones to conform to the general plan by removing inapplicable conditional uses and designating the remaining conditional uses as permitted uses; and

WHEREAS, pursuant to Utah Code § 10-9a-602, the Kearns Metro Township Planning Commission has reviewed and recommended the below revisions to Chapters 19.02 and 19.62 of the Code after providing notice consistent with Utah Code § 10-9a-205 and holding a public hearing on June 14, 2021; and

WHEREAS, the Council has determined that the below revisions to Chapter 19.62 and other relevant portions of the Kearns Code will serve the best interests of the Kearns Metro Township and the general public.

NOW, THEREFORE BE IT RESOLVED BY THE KEARNS METRO TOWNSHIP COUNCIL AS FOLLOWS:

1. Chapter 19.02.150 is enacted to read:

Prohibited Uses

A land use is prohibited if it is not listed as a permitted or conditional use.”

2. Chapter 19.62 of the Code is hereby repealed and replaced in its entirety with the revised Chapter 19.62 attached hereto as **Exhibit A**.
3. This ordinance will become effective immediately publishing pursuant to Utah Code Ann. § 10-3-711(1) and Utah Code Ann. § 10-3-712.
4. Any provisions in Title 19 that are inconsistent with this ordinance are hereby repealed and this ordinance will control if there are conflicts with other provisions of Title 19.

[signatures on following page]

APPROVED and ADOPTED this 14th day of June, 2021.

KEARNS METRO TOWNSHIP COUNCIL

By: Kelly F. Bush, Mayor
Kelly Bush, Mayor

ATTEST

APPROVED AS TO FORM:

Sherrie Swensen
Sherrie Swensen, Clerk/Recorder

Matha S. Busc
METRO TOWNSHIP ATTORNEY

VOTING

Mayor Bush voting	Yea
Council Member Butterfield voting	Yea
Council Member Peterson voting	Yea
Council Member Schaeffer voting	Yea
Council Member Snow voting	Yea

(Complete as Applicable)

Summary of ordinance published in newspaper: _____

Date of publication: 07/15/2021

Effective date of ordinance: 06/14/2021

SUMMARY OF

KEARNS METRO TOWNSHIP ORDINANCE NO. 2021-06-01

On the 14th day of June, 2021, the Kearns Metro Township Council adopted Ordinance No. 2021-06-01, amending Chapter 19.62 of the Kearns Metro Township Code regarding C-2 Commercial Zones and enacting conforming changes as Section 19.02.150 to implement the Kearns Metro Township General Plan. The ordinance will go into effect immediately upon its publication.

KEARNS METRO TOWNSHIP COUNCIL

By: *Kelly F. Bush, Mayor*
Kelly Bush, Mayor

ATTEST

APPROVED AS TO FORM:

Sherrie Swensen
Sherrie Swensen, Clerk

Nathan S. Beas
METRO TOWNSHIP ATTORNEY

VOTING

Mayor Bush voting	Yea
Council Member Butterfield voting	Yea
Council Member Peterson voting	Yea
Council Member Schaeffer voting	Yea
Council Member Snow voting	Yea

A complete copy of Ordinance No. 2021-06-01 is available in the office of the Kearns Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.

EXHIBIT A

19.62.010 Purpose Of Provisions

The purpose of the C-2 zone is to provide areas in the county for community commercial development.

19.62.020 Permitted Uses

Accessory uses and buildings customarily incidental to permitted uses;
Addressograph shop;
Agency for the sale of new motor vehicles, trailers and campers, including the incidental sale of used motor vehicles, trailers and campers, provided this use is incidental and located on the same property as the primary use of new motor vehicle sales; agency for the rental of motor vehicles, trailers or campers;
Antique shop without outside display;
Arcade, provided the following conditions are met: <ul style="list-style-type: none">• An arcade shall not be located less than 200 feet from the nearest school, measured as the shortest pedestrian route from the entrance of the arcade to the property line of the school,• An arcade shall not be located within the same building as a private club, bar, or other business that serves alcoholic beverages, and,• If located within 1000 feet of the property line of a school, an arcade shall only be open between 3:00 p.m. and 10:00 p.m. Monday through Friday and between 9:00 a.m. and 10:00 p.m. Saturdays, Sundays and holidays;
Archery shop and range, providing the use is conducted within a completely enclosed building;
Art needlework shop;
Art shop and/or artist supply;
Athletic club and/or health club;
Athletic goods store;
Automobile repair, including incidental body and fender work, painting and upholstery and/or welding; automatic automobile wash;
Automobile service center, which is limited to tune-ups, lubrication and oil change, front-end alignment, brake repair, and muffler repair, providing there is not outside storage of parts or materials;
Automobile service station;
Awning sales and repair;
Baby formula service; baby diaper service; babysitter agency;
Bakery;
Baking, ice cream making and/or candy making;
Bank;
Barbershop;
Bath and massage (every massage technician shall be licensed by the state);
Beauty shop;

Bed and breakfast inn, which may include a restaurant and conference meeting rooms;
Bicycle shop;
Blueprinting and/or photo stating;
Bookstore;
Bowling alley, including billiard and/or pool tables;
Bus terminal;
Cafeteria; catering establishment;
Candy store; confectionery;
Carbonated water sales;
Cat and dog grooming, excluding overnight boarding;
Check cashing, provided that each check cashing business shall be located a minimum distance of six hundred feet from any other similarly licensed facility;
Class A beer outlet;
Class B beer outlet;
Class C fireworks store;
Clothes cleaning, dyeing and pressing;
Clothing store;
Coal and fuel sales office;
Copy service;
Costume rental;
Dancing;
Day care/preschool center;
Delicatessen;
Department store;
Dog training, provided all training is within a completely enclosed building;
Dramatics school;
Drapery and/or curtain store;
Dressmaking;
Drive-in refreshment stand;
Drugstore;
Dry goods store;
Egg candling and sales;
Electrical and heating appliances and fixture sales and repair;
Employment agency;
Film exchange;
Five-and-ten cent store;
Fix-it shop;
Flooring or floor repair shop;
Florist shop;
Fountain equipment supply;
Frozen food lockers;
Fruit or fruit juice store; fruit and/or vegetable stand;
Fur sales, storage and/or repair;
Furniture sales and/or repair;
Gift shop;

Greenhouse and nursery; plant materials; soil and lawn service;
Grocery;
Gunsmith;
Gymnasium;
Hardware store, including the sale of lumber, providing all storage of lumber is within a completely enclosed building;
Hardware store, not including the sale of lumber;
Health food store;
Hobby and/or crafts shop;
Home day care/preschool, subject to Section 19.04.293;
Home day care/preschool, subject to Section 19.04.293;
Home occupation;
Hospital supplies;
Hospital;
Hotel and apartment hotel;
House cleaning and repair; house equipment display;
Ice cream shop;
Ice vendor units and/or reach-in ice merchandiser units; electrical icemaker units; ice storage of not more than five tons' capacity;
Insulation sales;
Interior decorating store;
Janitorial service;
Jewelry store;
Key and lock service;
Laundry, automatic self-help type; laundry agency;
Leather goods sales;
Linen shop;
Luggage shop;
Machine tools sales;
Manicuring, pedicuring and electrolysis of hair;
Medical and dental clinic and laboratory;
Military store;
Milk distributing station and sale of dairy products, excluding processing or bottling;
Mini-storage units, secondary to the main use of the parcel;
Mobile lunch agency;
Mobile store provided it meets the following requirements: <ul style="list-style-type: none"> A. location on improved property including a main building with paved parking, and landscaping, curb, gutter and sidewalk if required by the county. B. A maximum display area of one hundred square feet outside the portable structure, a minimum of ten feet behind the property line, not on landscaped areas, and not obstructing access to the property. C. Compliance with the sign ordinance. D. The structures comply with the yard requirements of the zone. E. The mobile store including display area shall not be located within the clear view of intersecting streets.

F. Written approval from the property owner to locate on the site.
Monument sales, retail;
Mortuary, etc.;
Motel;
Motorboat sales;
Music store;
Neighborhood storage;
Newsstand;
Notions;
Novelty shop;
Numismatic shop; gold, silver and platinum dealer;
Nurses' agency;
Office, business or professional; office supply; office machines sales and repair;
Oil burner shop;
Open storage for recreational vehicles only (campers, snowmobiles, etc.), but not to include the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof, as in an impound lot or junkyard, etc., provided that such use: (1) must install a six-foot solid visual barrier fence or masonry wall around the entire storage area (chain-link with slats is acceptable); and (2) must be an accessory use only to a main use, such as a service station, carwash or similar use. Gravel or grass surfacing will be allowed for the storage area;
Optometrist and/or oculist;
Ornamental iron, sales only;
Package agency;
Painter and/or paint store;
Pest extermination and control office;
Pet shop;
Photographer and/or sale of photographic supplies;
Plumbing shop;
Popcorn and/or nut shop;
Printing shops;
Private nonprofit locker club;
Private post office box service;
Private school;
Public and quasi-public use;
Radio and television sales and repair and/or station;
Rail transit mixed-use, provided it meets the following requirements: <ul style="list-style-type: none"> A. The planning commission shall determine the density based on the specific development proposal, site location and surrounding land uses. B. The property is located within one-quarter mile of a rail station. C. Buildings and impervious areas shall not cover more than eighty percent of the site. D. Commercial uses shall be allowed on the first floor of buildings fronting on a public street.

<ul style="list-style-type: none"> E. Office uses shall be allowed on the first and second floor of buildings fronting on a public street. F. Parking is not allowed between the building and the public street. G. The front yard setback shall be fifteen feet and the side and rear yards shall be twenty feet minimum. Corner lots are deemed to have two front yards. H. The front yard setback is the build-to-line. At least fifty percent of the front elevation of the building must be built within ten feet of the build-to-line or as approved by the planning commission. I. The planning commission shall determine the amount of parking required based on projected transit usage and other guidelines found in Section 19.80.090, "Planning Commission Exceptions." J. All development in the rail transit mixed-use area shall conform to the Rail Transit Mixed Use Development Guidelines adopted by the planning commission. The planning commission has the authority to modify or waive guidelines as necessary during development review.
Reception center and/or wedding chapel;
Reiki business provided it meets the following requirements: <ul style="list-style-type: none"> A. Hours of operation shall be between 7:00 a.m. and 10:00 p.m. B. Each practitioner that is not an employee of the business licensee shall have a Salt Lake County business license. C. Neither clients nor practitioners shall appear on the premises in a state of nudity or semi nudity, as defined in the Sexually Oriented Business Chapter of Title 5 of this Code; and D. The premises shall not be used for any conduct that violates Section 58-47b-501 of the Utah Massage Therapy Practice Act (2013) or sexual conduct that violates Title 76 of the Utah Criminal Code.
Rent-all store, provided that there is not outside storage;
Residential facility for elderly persons;
Residential uses not on a ground floor;
Resource recycling collection point provided it meets the following requirements: <ul style="list-style-type: none"> A. A location on improved property including a main building with paved parking, and landscaping, curb, gutter and sidewalk if required by the county. B. All material shall be contained within an enclosed container. C. The structures or bins comply with the yard requirements of the zone. D. Written approval from the property owner to locate on the site. E. Maintenance of the site in a clean, neat and orderly manner.
Restaurant liquor license;
Restaurant;
Roofing sales;
Safe sales;
Secondhand shop;
Seed and feed store;
Sewing machine shop;
Shared parking;
Shoe shop; shoeshine shop; shoe repair shop;
Sign-painting shop;

State store;
Stationery and greeting card sales;
Swimming pool;
Tailor shop;
Tanning studio;
Taxi stand;
Taxidermist;
Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work;
Theater, indoor;
Theaters, outdoor, providing: <ul style="list-style-type: none"> A. A solid fence or masonry wall with a minimum height of six feet shall be constructed on all sides. B. Driveways and parking areas shall be provided with properly maintained dustless surfaces. C. Automobile off-street storage areas for automobiles awaiting entrance to the theater shall have a capacity of at least fifteen percent of the number of automobile parking spaces provided inside the theater. D. Minimum area for a single-screen theater shall be ten acres; minimum area for a two-screen theater shall be twelve acres.
Tire shop, sales only;
Tobacco shop;
Towel and linen supply service;
Transfer company, provided trucks no larger than two tons' capacity are used;
Travel bureau;
Unoccupied model buildings for display, accessory to a sales office;
Upholstery shop;
Variety store;
Veterinary, providing operation is completely enclosed within an air-conditioned building.
Wallpaper store;
Weather-stripping shop

19.62.030 Conditional Uses

Reserved