

Ordinance No.: 2022-11-02

Date: November 28, 2022

**AN ORDINANCE OF THE KEARNS METRO TOWNSHIP COUNCIL
AMENDING SETBACK REQUIREMENTS FOR DETACHED ACCESSORY
DWELLING UNITS**

RECITALS

WHEREAS, the Greater Salt Lake Municipal Services District provides services to the five Metro Townships in the Salt Lake Valley, unincorporated areas, and the Town of Brighton; and

WHEREAS, the Kearns Metro Township (“**Kearns**”) adopted each Salt Lake County ordinance in effect at the time of its incorporation pursuant to Utah Code § 10-2a-414(3) and has authority to amend or repeal the county ordinance when it determines it is necessary; and

WHEREAS, Kearns is a municipality pursuant to Utah Code § 10-3c-103 (2) and has authority to regulate detached accessory dwelling units under Utah Code § 10-9a-102; and

WHEREAS, Kearns has authority to amend land use ordinances pursuant to Utah Code § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Section 9a, Utah Code, to regulate the construction and location of detached accessory dwelling units; and

WHEREAS, the Kearns Council deems it necessary to amend its ordinances in order to allow for the conversion of previously built accessory buildings to accessory dwelling units and to allow Kearns residents a reasonable opportunity to build accessory dwelling units, and for the protection and preservation of the public health, safety, and general welfare.

BE IT ORDAINED BY THE KEARNS METRO TOWNSHIP COUNCIL as follows:

1. Amendment: Section 19.15.050 of the Kearns Municipal Code is hereby repealed and replaced in its entirety with the revised Section 19.15.050, including Figure 1 and Figure 2, attached hereto as **Exhibit A**.
2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
3. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

PASSED AND ADOPTED this 28th day of November 2022.

KEARNS METRO TOWNSHIP COUNCIL


By: Kelly Bush, Mayor

ATTEST


Sherrie Swensen, Clerk/Recorder

Voting:

Council Member Bush	voting <u>Y</u>
Council Member Butterfield	voting <u>Y</u>
Council Member Snow	voting <u>Y</u>
Council Member Peterson	voting <u>Y</u>
Council Member Schaeffer	voting <u>Y</u>

Date ordinance summary was posted on the Utah Public Notice Website: <u>December 6, 2022</u>
Effective date of ordinance: <u>December 6, 2022</u>

EXHIBIT A

19.15.50 Setbacks

- A. Internal Accessory Dwelling Units. Setback standards for internal ADUs shall be consistent with setback standards for a single-family dwelling in the zone.
- B. New Detached Accessory Dwelling Units. Side yard setbacks on detached ADUs shall be a minimum of five (5) feet. Rear yard setbacks shall be a minimum of five (5) feet. Detached ADUs shall also be a minimum of six (6) feet from the main dwelling. If existing public utility easements are greater than the required setback, the minimum setback shall be the public utility easement boundary.
- C. Existing Accessory Structures Built Prior to November 28, 2022. Side yard and rear yard setbacks on existing detached structures to be converted into an ADU shall comply with the accessory building setback standards at the time the structure was erected.

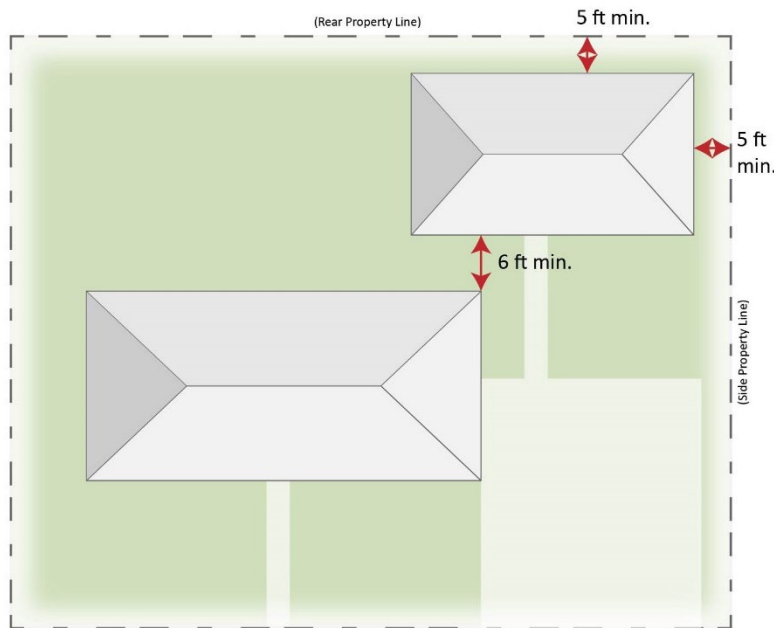


Figure 1: *New Detached ADU*

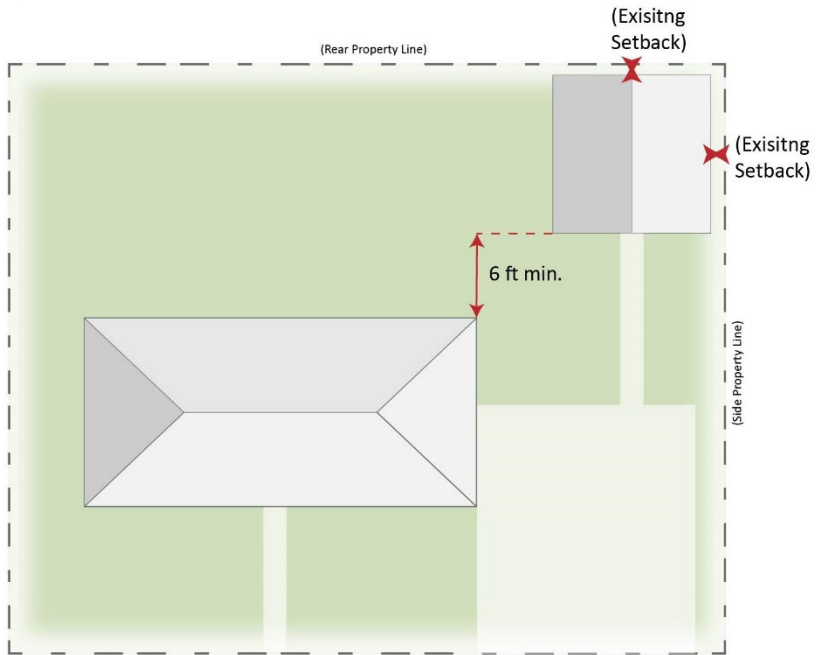


Figure 2: ADU in Existing Detached Structure

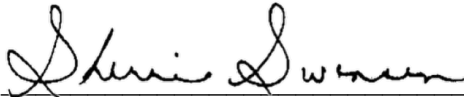
SUMMARY OF
KEARNS METRO TOWNSHIP
ORDINANCE NO. 2022-11-02

On November 28, 2022, the Kearns Metro Township Council enacted Ordinance No. 2022-11-02, which repeals and replaces Section 19.15.050 to amend setback requirements for detached accessory dwelling units.

KEARNS METRO TOWNSHIP COUNCIL

By: Kelly Bush, Mayor

ATTEST



Sherrie Swensen, Clerk/Recorder

APPROVED AS TO FORM:

METRO TOWNSHIP ATTORNEY

Voting:

Council Member Bush	voting ___
Council Member Butterfield	voting ___
Council Member Snow	voting ___
Council Member Peterson	voting ___
Council Member Schaeffer	voting ___

A complete copy of Ordinance No. 2022-11-02 is available in the office of the Kearns Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.