

CITY OF KEARNS

Ordinance No. 2025-O-07

Date: April 14, 2025

**AN ORDINANCE OF THE KEARNS CITY COUNCIL AMENDING SECTIONS 19.04.070 USE DEFINITIONS AND 19.42.350 VEHICLE AND EQUIPMENT REPAIR AND TABLE 19.34.030 TABLE OF USES FOR M-1 AND M-2 ZONES TO INCLUDE AND REGULATE THE RENTAL OF COMMERCIAL VEHICLES AND EQUIPMENT IN M-1 AND M-2 ZONES.**

RECITALS

**WHEREAS**, the City of Kearns (“**Kearns**”) is a municipality and has authority to adopt zoning regulations pursuant to Utah Code §§ 10-9a-503 and 10-9a-505; and

**WHEREAS**, the City of Kearns is a municipality and has authority to regulate land use standards in general pursuant to Utah Code Ann. Subsection 10-9a-104 (1); and

**WHEREAS**, the City Council finds that it is in the public interest to designate the appropriate zones and to adopt regulatory standards for the rental of commercial and construction equipment.

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

1. **Enactment.** 19.04.070.A.200, 19.42.350, and Table 19.34.030 of the Kearns Code of Ordinances are hereby amended as set forth in **Exhibit A**. The amendments made therein are indicated by the following: text being added to the existing code are shown in bold type and underlined, and text being deleted are contained in brackets and stricken through.
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.** Kearns 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 this 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 14<sup>th</sup> day of April 2025.

CITY OF KEARNS

  
By: Kelly Bush, Mayor

ATTEST:

  
Diana Baun, Recorder

Voting:

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

(Complete as Applicable)  
Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: April 18, 2025  
Effective date of ordinance: April 18, 2025

**SUMMARY OF  
CITY OF KEARNS  
ORDINANCE NO. 2025-O-07**

On April 14, 2025, the Kearns City Council enacted Ordinance No. 2025-O-07 to: change the definition of “vehicle and equipment repair, commercial and industrial” to “commercial vehicle and industrial equipment repair and/or rental,” and to amend table 19.34.030 to allow said use in the M-1 and M-2 zones, and to amend 19.42.350 of the use standards chapter to include equipment rental establishments.

CITY OF KEARNS

  
By: Kelly Bush, Mayor

ATTEST:

  
Diana Baun, Recorder

Voting:

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

A complete copy of Ordinance No. 2025-O-07 is available in the office of the Kearns City Recorder, 860 Levoy Drive, Suite 300, Taylorsville, Utah.

## EXHIBIT A

19.04.070.A

(200) “**Commercial and Industrial Vehicle and Equipment Repair and/or Rental**, [~~Commercial and Industrial~~]” means the repair, **rental** and/or service of commercial vehicles and trailers with a payload capacity of more than eight thousand five hundred (8,500) pounds as well as industrial or [~~other heavy~~] **commercial** equipment. Typical uses include semi-trailer truck repair, and the repair **and/or rental** of bulldozers, graders, dump trucks, cement mixers, and [~~similar heavy~~] **other industrial, commercial** and construction equipment.

Table 19.34.030: Table of Uses for M-1 and M-2 Zones.		
Use Categories	M-1	M-2
RESIDENTIAL USES:		
Rail-Transit Mixed Use	P	X
RETAIL AND SERVICE:		
Animal Control or Rescue Facility	P	X
Animal Hospital or Clinic with or without Outdoor Boarding Facilities	P	X
Child Care Center	P	X
Commercial Plant Nursery	X	P
Contractor’s Office	X	P
Vehicle and Equipment Repair – All Types	P	P
<b><u>Commercial and Industrial Vehicle and Equipment Repair and/or Rental</u></b>	<b><u>P</u></b>	<b><u>P</u></b>
FOOD AND DRINK:		
See Accessory Uses.		
RECREATIONAL:		
Open Space	P	P
See also Accessory Uses.		
LODGING:		
No Lodging Uses are allowed in the Manufacturing Zones.		
OFFICE:		
Office – Intensive or Medical	P	X

INDUSTRIAL:		
Agricultural Products Processing	X	P
Assembly Use	P	P
Breweries and Distilleries, Industrial	P	P
Freight Service	X	C
Industrial Flex Space	P	X
Machine Shop	P	P
Manufacturing, Heavy	X	C
Manufacturing, Light	P	P
Meat or Poultry Processing Facility	X	P
Recycling Processing Facility	X	P
Resource Recycling Collection Point	P	P
Self-Service Storage Facilities, Enclosed or Outdoor	P	X
Storage Yard	X	P
Underground Record Storage Vaults	X	C
Vertical Indoor Agriculture	P	P
Vehicle Assembly	X	P
Warehouse and Distribution Facilities	X	P
INSTITUTIONAL:		
Micromobility Support Infrastructure	P	P
Public Service Training Facility	P	P
Public Use	P	P
Public Utility, Major	X	P
Public Utility, Minor	P	P
Water Treatment Facility	X	P
Wireless Telecommunication Site, Facility, or Equipment Shelter	X	P
PLANNED UNIT DEVELOPMENTS, SUBJECT TO CHAPTER 19.18:		
Condominium Conversion Planned Unit Developments	P	P
Infill Development Planned Unit Developments	X	X

Residential Neighborhood Planned Unit Developments	X	X
Residential Community Planned Unit Developments	X	X
Mixed Use Planned Unit Development	X	X
Commercial Planned Unit Developments	C	X
SPECIALTY:		
Crematorium	P	P
Hospital	C	X
Laboratory, Medical or Dental	P	X
Laboratory, Research and Development	P	X
Park-and-Ride	P	P
Solar Energy System, Commercial	X	P
Wind Energy System, Commercial	X	P
ACCESSORY USES:		
Accessory Uses, including Employee Amenities and Accessory Outdoor Storage	P	P

**19.42.350 Vehicle And Equipment Repair and/or Rental**

- A. Purpose. The purpose of regulating vehicle repair **and/or rental** facilities is to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses.
- B. All minor, major, and commercial and industrial vehicle and equipment repair **and/or rental** uses are subject to the following minimum requirements:
1. A minimum site area of twenty thousand square feet (20,000 sq. ft.) is required.
  2. On- and off-site improvements shall be in conformance with the development standards of this Title.
  3. No part of the use may be located within one-hundred feet (100') of a residential zone.
  4. All vehicle and equipment repair activities shall be conducted within an enclosed building.
  5. The site shall be developed with permanent, related buildings. No trailers or temporary modular units are permitted **to be occupied on the site.**
  6. Except as provided in herein below, inoperable vehicles, tires, parts, and service equipment may not be stored outside.
  7. Inoperable vehicles and equipment awaiting service may be temporarily parked on site in accordance with the following standards:
    - a. Inoperable vehicles and equipment may not be located within any minimum required parking stalls and drive aisles and may not block any traffic flow;
    - b. Inoperable vehicles and equipment shall be screened from any adjacent streets by a building or solid masonry wall not less than six feet (6') in height;
    - c. Inoperable vehicles [~~and equipment~~] must be located on asphalt or concrete; and

- d. Inoperable vehicles may not be stored on the property longer than thirty (30) days.
8. Commercial and industrial vehicle and equipment repair **and/or rental** establishments must be located [~~along and have primary access from~~] **within 1500 feet of** an arterial or major collector street on the UDOT Functional Classification Map, **measured via the most direct vehicular route from the subject property boundary to right of way line.** Where a principal arterial has a frontage road, primary access from the frontage road is sufficient to meet this standard.