

## **ORDINANCE 2024-\_\_\_\_\_**

File No.OAM2024-001135

Date: MAY 13, 2024

### **AN ORDINANCE OF THE KEARNS CITY COUNCIL AMENDING ZONING PROVISIONS ON PARKING IN RESIDENTIAL AREAS**

#### **RECITALS**

**WHEREAS**, the City of Kearns adopted a zoning ordinance pursuant to Utah Code Ann. Subsection 10-9a-102(2) and has authority to amend said zoning ordinance when it determines it is necessary; 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 Council deems it necessary to amend its ordinances in order to clarify the parking restrictions for personal and recreational vehicles and to provide an avenue of administrative relief for property owners to provide additional parking area while accounting for the need to retain storm drainage on-site to the maximum extent feasible to protect and preserve the public health, safety and general welfare.

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

1. Sections 19.28.060, 19.48.030, and 19.48.040 are amended and read as attached hereto as **Exhibit A**. The amendments made Therein are designated by underlining the new words, with words being deleted designated by brackets with a line drawn through said words.
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 13TH day of MAY 2024.

KEARNS CITY COUNCIL

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By: Kelly Bush, Mayor

ATTEST

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Clerk/Recorder

Voting:

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

## EXHIBIT A

### 19.28.060 Lot Coverage

- A. No combination of buildings, including accessory structures and other structures, shall cover more than forty percent (40%) of the area of the lot or parcel of land.
- B. No accessory structure or group of accessory structures shall cover more than twenty-five percent (25%) of the rear yard.
- C. ~~Concrete, asphalt and other impervious surfaces may not cover more than fifty percent (50%) of the yard area between a structure and a property line. This includes both the required setback area and any other yard area between the primary building and the property boundary. Any lot less than forty feet (40') wide may install one driveway that exceeds the fifty percent (50%) impervious surface rule as long as that driveway does not exceed twenty feet (20') in width.~~ The combined coverage area of all impervious surfaces, including buildings, driveways, paved walkways, patios and other structures, may not exceed 60% of the area of the lot .

### (19.48.030.D)

- D. Surfacing. All required off-street parking, stacking, loading areas and drive approaches from the alley or street shall be hard surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent material. Optional parking spaces in R-1 and R-2 zones may be constructed of compacted road base or gravel in compliance with section 19.48.040.E
  - 1. Pervious Surfaces. Surfaces such as pervious asphalt, pervious concrete or turf blocks are permitted; subject to municipal policies pertaining to stormwater management. A maintenance plan, outlining responsible parties, procedures, and schedules for maintenance of pervious pavement or permeable surfaces must be submitted and approved by the Municipal Engineer.
  - 2. Exception for Outdoor Storage. Surfacing materials for outdoor parking areas associated with vehicle or container storage may be graded and compacted gravel, provided the subject area is at least one hundred feet (100') in driving distance from the nearest public street, no gravel is tracked off-site, and the paving surface is permitted in this Title.

### 19.48.040 Standards For Parking In R-1 And R-2 Residential Zones

- A. Residential Driveways. A driveway shall be provided for vehicular access from the street or right-of-way to the required parking spaces of any dwelling in an R-1 or R-2 zone.
  - 1. The number, location, and width of driveways shall comply with the specifications set forth in Sections 14.12.110 and 14.36.060 of this Code.

2. Driveways over one hundred fifty feet (150') in length are subject to approval by the Fire Authority.
3. The area within the front yard of any single- or two-family dwelling not occupied by a driveway or parking surface set forth above shall be landscaped in compliance with the applicable provisions of this Title.

B. Except as provided in subsection C, [Paved] paved or gravel parking areas or driveways may not occupy more than fifty percent (50%) of the area of a front or rear yard. Any lot less than forty feet (40') wide may install one driveway that exceeds the fifty percent (50%) parking or driveway rule as long as that driveway does not exceed twenty feet (20') in width.

C. Parking areas in the front yard may exceed 50% of the front yard area under the following conditions:

1. The combined coverage area of all impervious surfaces on the lot do not exceed 60% of the total lot area, and;
2. The municipal engineer verifies that the site plan as proposed will not adversely impact the municipal or local storm drain system, and;
3. Either:
  - a. A landscape planting area of at least 500 square feet is maintained in the front yard, or;
  - b. A front yard parking and landscape standard specific to a platted subdivision with approval of the majority of the homeowners is submitted for review and approved by the planning commission.

[C]D. [Front Yard]Paved Parking spaces within or adjacent to the driveway may be used to park or store motor vehicles and recreational vehicles in a front, side, or rear yard, provided that no parking space is allowed within the clear view area of intersecting streets. Parking or storage of motor vehicles in the unpaved portion of the front yard of a residential use or residentially-zoned property is prohibited, except where a gravel parking pad is installed in compliance with subsection 19.48.040.E. A legal driveway in the front yard may be used for parking, provided the public sidewalk is not blocked.

[D]E. Gravel Parking. [Recreational Vehicles.] A parking pad consisting of six inches of compacted gravel may be located between a paved driveway and the nearest side lot line in a front yard, provided the gravel parking pad is not within the clear view area of intersecting streets. Motor vehicles and [R]recreational vehicles may be parked or stored on said gravel parking pad provided the parking pad is kept weed free.  
[residential property in any R-1 or R-2 zone shall:] Parking pads consisting of six inches of compacted gravel may also be located in a side yard or rear yard provided they are accessible by paved driveway.

[1. Be parked or stored on a paved surface in the front yard, side yard, or rear yard of a dwelling. Additionally, a recreational vehicle may be parked or stored on a parking pad which is constructed of six inches of compacted gravel. This area must be kept weed free.]

**SUMMARY OF**  
**KEARNS CITY**  
**ORDINANCE NO. 2024-**

On MAY 13, 2024, the Kearns City Council enacted Ordinance No. 2024-\_\_\_\_, amending sections 19.28.060, 19.48.030, and 19.48.040 or the Kearns zoning ordinance to clarify the parking restrictions for personal and recreational vehicles and to provide an avenue of administrative relief for property owners to provide additional parking area while accounting for the need to retain storm drainage on-site to the maximum extent feasible.

**KEARNS CITY COUNCIL**

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By: Kelly Bush, Mayor

ATTEST

APPROVED AS TO FORM:

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Clerk/Recorder

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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. 2024-\_\_\_\_\_ is available in the office of the Greater Salt Lake Municipal Services District, 2001 South State Street, N3-600, Salt Lake City, Utah.