



**Planning and Development Services**

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

<https://msd.utah.gov/msd-home/pds/>

**Kearns Planning Commission**

**Public Meeting Agenda**

**\*\*AMENDED\*\***

**Monday, May 6, 2024 5:30 P.M.**

**Location**

**Join meeting in WebEx**

Meeting number (access code): 961 841 420

<https://slco.webex.com/meet/wgurr>

**Join meeting in WebEx (download available at <https://www.webex.com/downloads.html> for Windows, Android, and Apple devices)**

**Tap to join from a mobile device (attendees only)**

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**Join from a video conferencing system or application**

Dial [wgurr@slco.webex.com](mailto:wgurr@slco.webex.com)

You can also dial 173.243.2.68 and enter your meeting number.

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**Anchor Location KEARNS ATHLETIC TRAINING AND EVENT CENTER  
5658 SOUTH COUGAR LANE  
MEETING ROOM**

*UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707.  
TTY USERS SHOULD CALL 711.*

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and MSD staff regarding land use applications and other items on the Commission’s agenda. In addition, it is where the Planning Commission takes action on these items, which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

**BUSINESS MEETING**

- 1) Welcome and approval of the agenda. (Motion/Voting)
- 2) **Commissioner Discussion and Staff Assignments:** this standing agenda item allows Planning Commissioners the opportunity to raise and discuss important issues related to current and long range planning in Kearns. The Commission may direct assignments to planning staff related to discussion items. (Discussion and Staff Direction: Planning Staff)

- 3) Approval of the March 4, 2024 Planning Commission Meeting Minutes. (Motion/Voting)
- 4) **Presentation Regarding the Implementation of Moderate Income Housing Strategy E:** Staff will present the findings of the Accessory Dwelling Unit (ADU) Survey that was live during summer and fall of 2023. Staff will also discuss Utah moderate income housing planning and implementation requirements, literature related to accessory dwelling unit regulation, and relevant case studies. Following the presentation, staff will answer any questions, and the Commission may discuss any additional thoughts they have related to Strategy E of the Moderate Income Housing Plan. **Planner:** Kayla Mauldin (Discussion)
- 5) Other Business Items. (As Needed)

### **PUBLIC HEARING(S)**

**OAM2024-001140 - Miscellaneous Amendments to Titles 18 and 19 of Kearns Code:** Staff are bringing forth several proposed amendments for Planning Commission consideration. These proposed revisions are intended to clarify language, remove language inconsistencies, and address any other conflicts that have arisen during the application of the ordinance. Staff will give a brief presentation to the Commission prior to opening the public hearing. Following the public hearing, the Commission may make a recommendation to the Council regarding the changes. **Planner:** Kayla Mauldin (Motion/Voting)

**OAM2024-001135 –** Proposed amendments to Section 19.28.060 “Lot Coverage” in single family residential zones, Section 19.48.030 “Specifications” and Section 19.48.040 “Standards for Parking in R-1 and R-2 Residential Zones” to consider modifications to the maximum amount of impervious surface allowed in front yards and to clarify the standards for parking motor vehicles and recreational vehicles in residential areas of Kearns. **Planner:** Curtis Woodward (Motion/Voting)

### **ADJOURN**

# Rules of Conduct for Planning Commission Meetings

## PROCEDURE FOR PUBLIC COMMENT

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission.
2. Unless altered by the Chair, the order of the procedure on an application shall be:
  - a. The supporting agency staff will introduce the application, including staff's recommendations and a summary of pertinent written comments and reports concerning the application
  - b. The applicant will be allowed up to 15 minutes to make their presentation.
  - c. The Community Council representative can present their comments as applicable.
  - d. Where applicable, persons in favor of, or not opposed to, the application will be invited to speak.
  - e. Where applicable, persons opposing the application, in whole or in part will be invited to speak.
  - f. Where applicable, the applicant will be allowed 5 minutes to provide concluding statements.
  - g. Surrebuttals may be allowed at the discretion of the Chair.

## CONDUCT FOR APPLICANTS AND THE PUBLIC

1. Speakers will be called to the podium by the Chair.
2. Each speaker, before talking, shall give his or her name and address.
3. All comments should be directed to the Commissioners, not to the staff or to members of the audience.
4. For items where there are several people wishing to speak, the Chair may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson. If a time limit is imposed on any member or spokesperson of the public, then the same time limit is imposed on other members or spokespersons of the public, respectively.
5. Unless otherwise allowed by the Chair, no questions shall be asked by the speaker or Commission Members.
6. Only one speaker is permitted before the Commission at a time.
7. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application.
8. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.
9. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.
10. No applause or public outbursts shall be permitted.
11. The Chair or supporting agency staff may request police support to remove offending individuals who refuse to abide by these rules.
12. After the public comment portion of a meeting or hearing has concluded, the discussion will be limited to the Planning Commission and Staff.

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**\*\*Notice of this meeting posted February 22, 2024 to <https://www.utah.gov/pmn/sitemap/notice/895087.html> \*\***

**MEETING MINUTE SUMMARY  
KEARNS PLANNING COMMISSION MEETING  
Monday, March 4, 2024 5:30 p.m.**

**Approximate meeting length:** 1 hour 8 minutes

**Number of public in attendance:** 3

**Summary Prepared by:** Wendy Gurr

**Meeting Conducted by:** Commissioner Taylor

**\*NOTE:** Staff Reports referenced in this document can be found on the State and County websites, or from Planning & Development Services.

**ATTENDANCE**

Commissioners	Public Mtg	Business Mtg	Absent
David Taylor (Chair)	x	x	
Joy Nelson	x	x	
Joe Hatch	x	x	
Laura Koester			x
Gray Thomas (Vice Chair)	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Gordon Bennett	x	x
Curtis Woodward	x	x
Bianca Paulino	x	x
Nathan Bracken	x	x

**BUSINESS MEETING**

**Meeting began at – 5:31 p.m.**

- 1) Welcome and Approval of the Agenda. (Motion/Voting)

*Commissioner Hatch motioned to approve the agenda, Commissioner Nelson seconded that motion.*

*Commissioner Taylor read the Chairs Opening Statement.*

- 2) **Commissioner Discussion and Staff Assignments:** this standing agenda item allows Planning Commissioners the opportunity to raise and discuss important issues related to current and long range planning in Kearns Metro Township. The Commission may direct assignments to planning staff related to discussion items. (Discussion and Staff Direction: Planning Staff)

*Mr. Bracken and commissioners had a brief discussion regarding a code enforcement issue regarding a potential rule change subdivision south of the oval, quite a few driveways that exceed the requirements. Looking with code enforcement there are several residents that don't meet the requirements are storm water permitting requirements with the county. Can increase the width of the driveways without meeting stormwater requirements. Potential ordinance change.*

## LAND USE APPLICATION(S)

**Hearing began at – 5:40 p.m.**

**CUP2024-001077** - James Woodruff is requesting conditional use approval to build a 50' communications pole for the Kearns Improvement District which will transmit data from water meters throughout Kearns. **Acres:** 0.03. **Location:** 6040 South Impressions Drive. **Zone:** R-1-8. **Planner:** Gordon Bennett (Motion/Voting)

*Greater Salt Lake Municipal Services District Planner Gordon Bennett provided an analysis of the Staff Report.*

### **PUBLIC PORTION OF MEETING OPENED**

**Speaker # 1:** District Engineer Kearns Improvement District

**Name:** James Woodruff

**Address:** 5450 West 5400 South

**Comments:** Mr. Woodruff said he is installing five poles in the district. This is one of their wells and to collect meter data from residents. It will record all the new meters and read by the pole and directed to the cloud, then to the district and residents. Will identify leaks and high flows with a quicker response time. Is on the west side toward the park and locate and have less of an impact.

*Commissioners, Mr. Woodruff, and counsel had a brief discussion regarding the plastic meter added to the meter, setting time to be read on a regular basis, freestanding painted pole, and no wires.*

*Commissioner Hatch recused himself, as his wife is on the board.*

*Commissioner Thomas motioned to open the public Meeting, Commissioner Nelson seconded that motion.*

*No one from the public was present to speak.*

*Commissioner Thomas motioned to close the public Meeting, Commissioner Hatch seconded that motion.*

### **PUBLIC PORTION OF MEETING CLOSED**

**Motion:** To approve application #CUP2024-001077 James Woodruff requesting conditional use approval to build a 50' communications pole for the Kearns Improvement District which will transmit data from water meters throughout Kearns as presented.

**Motion by:** Commissioner Thomas

**2<sup>nd</sup> by:** Commissioner Nelson

**Vote:** Commissioner Hatch recused himself, all other commissioners voted in favor (of commissioners present). Motion passed.

*Curtis Woodward said all the other poles will not come before the commission, because they are a permitted use and not in a residential area. Mr. Woodward will forward the other addresses to the commission.*

### **BUSINESS MEETING (Cont.)**

3) Approval of the February 5, 2024 Planning Commission Meeting Minutes. (Motion/Voting)

**Motion:** To approve the February 5, 2024 Planning Commission Meeting Minutes as written.

**Motion by:** Commissioner Hatch

**2<sup>nd</sup> by:** Commissioner Nelson

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

- 4) **Presentation of Town Center Survey Results and Draft Vision:** Planning staff will present the results of the 2023 Kearns Town Center Survey. They will also share the draft vision statement, values, and goals that were crafted based on responses and stakeholder feedback. **Planner:** Bianca Paulino (Presentation / Discussion)

*Ms. Paulino provided a presentation of the Town Center Survey Results and the Draft Vision.*

*Commissioners, staff, and counsel had a brief discussion regarding the vision statement with accessibility key to joining vibrant town center, walkability and cycling, all abilities inclusivity. Goals on transportation and 5400 south. Arts and culture within the town center and encouraged initiatives, grants for initiatives and procuring funding and use. Commercial property owners participation and maintenance responsibility, discussion regarding the elementary school and use of the property.*

*Commissioner Thomas motioned to open public comment, Commissioner Nelson seconded that motion.*

**Speaker # 1:** Citizen

**Name:** Roger Snow

**Address:** 5977 South Parkwood Drive

**Comments:** Mr. Snow said there needs to be emphasis on economic viability. Now becoming a city opportunity to bring in businesses. More opportunities to bring in developers, shops, and residential and keep local businesses, not just whitewashing.

*Commissioners and staff had a discussion regarding the Millcreek Town Center with the resources and any plans to chat with their mayor and how to rev up development. Spoke to Midvale as their main street had mixed use and will talk to different cities to attract development. Town Center website is up now and making sure none of the businesses are ran out. Updating the general plan and may want to prohibit different uses, redevelopment agency using tax increment financing to incentivize businesses and making the most of what they have.*

- 5) Other Business Items (as needed)

*No other business items to discuss.*

*Commissioner Thomas motioned to close the public comment and adjourn, Commissioner Hatch seconded that motion.*

**MEETING ADJOURNED**

**Time Adjourned – 6:39 p.m.**

**Meeting Body:** City of Kearns  
Planning Commission

**Meeting Date:** May 6, 2024

**Planner:** Kayla Mauldin, Senior  
Long Range Planner

**Project Name and File Number:**  
Miscellaneous Amendments to  
Titles 18 and 19 (OAM2024-  
00140)

**Project Type:**

- Amend Text Ordinance

**Areas Affected:** Entirety of the  
City of Kearns

**Key Findings:**

- The transition of Kearns from a Metro Township to a City necessitates minor amendments to ordinance language.
- Additional amendments seek to improve ordinance clarity and reduce contradictions.

**Staff Recommendation:**  
Planning staff recommends that the Planning Commission make a recommendation of adoption of Title 18 and 19 amendments to the Council, with or without revisions.



GREATER SALT LAKE  
**Municipal Services  
District**

## SUMMARY

On May 6<sup>th</sup>, 2024, planning staff will present miscellaneous amendments to Titles 18 and 19 to the Planning Commission for consideration. Following the scheduled public hearing, the Planning Commission may make a recommendation to the Council regarding the drafted amendments. Kearns adopted comprehensive revisions to Titles 18 and 19 in 2023. The minor amendments now being proposed by staff are part of an ongoing effort to keep Kearns Municipal Code user-friendly, responsive to community needs, and compliant with Utah State Code.

The following amendments are being proposed:

1. All instances of "Kearns Metro Township" within Titles 18 and 19 are replaced with "the City of Kearns".
2. The definition of "Bed and Breakfast" is updated in Sections 19.04.070 and 19.42.090 for consistency purposes.
3. New language is added to the specific use standards for Storage and Salvage Yards (19.42.330) to require surfaces of storage and salvage yards to be covered with an all-weather surface.
4. Setback standards specific to Mixed Use Planned Unit Developments (PUDs) are removed so that the PUD is subject to general perimeter setbacks and the right-of-way setbacks specified in the underlying zoning district.

## ATTACHMENTS

The following attachments are included as supplementary materials to the end of this staff report:

1. Proposed Amendments to City of Kearns Title 18.
2. Proposed Amendments to City of Kearns Title 19.

*\*The attachments only show portions of Titles 18 and 19 that are proposed for amendment. The remaining portions of Titles 18 and 19 will not be effected.*



## **BACKGROUND**

### Purpose of Proposed Amendments:

When comprehensive revisions to Kearns Titles 18 and 19, Subdivision and Zoning Ordinances, were adopted in 2023, the intent was to:

1. Ensure compliance with State Code and recent legislation;
2. Encourage conformity with the adopted General Plan;
3. Promote ease of use for staff and residents; and
4. Preserve community character.

It is imperative that Kearns continues to periodically update its Municipal Code so that it continues to meet the above-stated objectives. The miscellaneous amendments proposed to Titles 18 and 19 were identified by staff during the application of Kearns ordinances. These proposed amendments are minor in nature but contribute to the responsiveness and usability of Kearns Municipal Code.

### Amendment Timeline:

Kearns officially became a City on May 1<sup>st</sup>. This necessitated revision to ordinance language referring to “Metro Township”. Needed additional amendments had been identified and recorded by staff during the past several months. These amendments are being introduced for the first time at the Planning Commission meeting on May 6<sup>th</sup>, 2024. Planning staff’s presentation of the proposed amendments will be followed by a public hearing. After the public hearing, the Planning Commission may make a recommendation to the Council regarding the ordinance amendments. The Council is not expected to consider the proposed amendments until their June 2024 meeting.

### Methodology:

The proposed amendments to Titles 18 and 19 are minor in nature, and address “Metro Township” language or issues that staff discovered while applying the Subdivision and Zoning Ordinances. The full amendment language is available in Attachments 1 and 2, and additional detail is provided in Table 1 of this report.

### State Code Requirements:

State Code Section 10-9a-501:503 outlines the process for amending municipal land use ordinances. The Planning Commission is responsible for holding a public hearing to consider any proposed land use ordinance or amendment. The hearing must be noticed consistent with State Code §10-9a-205. Following the public hearing, the Planning Commission may make a recommendation to the Council regarding the adoption of the drafted ordinance amendments. Only the Council (as the legislative body) can make a final decision on the ordinances.

Decision-Making Authority:

The Kearns Council, as the municipality's legislative body, has the final authority to make a decision regarding the proposed ordinance amendments. However, the Council must first receive a recommendation from the Planning Commission. Following the May 6th public hearing, the Commission may make a motion to:

- Recommend adoption of miscellaneous amendments to Titles 18 and 19 as drafted;
- Recommend adoption of miscellaneous amendments to Titles 18 and 19 with revisions;  
or
- Recommend that the miscellaneous amendments to Titles 18 and 19 not be adopted.

**ORDINANCE CONTENT**

Proposed Amendments:

Four amendments are proposed in order to improve the clarity, effectiveness, and responsiveness of Kearns' Subdivision and Zoning Ordinances. Proposed amendments include:

1. Changing all instances of "Kearns Metro Township" to the "City of Kearns";
2. Clarifying the definition of "Bed and Breakfast";
3. Adding standards for all-weather surfacing materials and stormwater capture to "Storage and Salvage Yards"; and
4. Eliminating separate setback standards for Mixed Use Planned Unit Developments.

The full amended language can be read in Attachment 1 (Title 18 – Subdivision Ordinance) and Attachment 2 (Title 19 – Zoning Ordinance). Each of the proposed amendments is described in further detail in Table 1 (on the next page).

Table 1: Staff Recommended Miscellaneous Amendments to Titles 18 and 19.

Section	Identified Deficiency	Proposed Solution
Titles 18 and 19: Subdivision and Zoning Ordinances, Entirety	Ordinances include a handful of references to "Metro Township", a form of government which no longer exists in Utah.	Change all instances of "Kearns Metro Township" to "City of Kearns".
Sections 19.04.070 and 19.42.090: Bed and Breakfasts	Staff identified a contradiction between the definition of "Bed and Breakfasts" in Chapter 19.04 and the specific use standards for Bed and Breakfasts in Chapter 19.42. The definition allowed Bed and Breakfasts to have 2 or more guestrooms, while the specific use standards required a Bed and Breakfast to have between 5 and 15 guestrooms.	Change the definition of Bed and Breakfasts to include up to 15 guestrooms (19.04.070). Update the specific use standards to indicate the same. Lodging that does not fit the definition of Bed and Breakfast, including lodging with more than 15 guestrooms, would fall under the definition of "Hotel" and be subject to a different set of standards. Staff elected to preserve the more restrictive limit on guestrooms (up to 15) as had been articulated in the specific use standards).
Section 19.42.330: Storage and Salvage Yards	A standard related to surfacing and stormwater capture for storage and salvage yards was located in Section 19.42.340, but not carried over to 19.42.330 which directly addresses storage and salvage yards.	Copy the language related to all-weather surfaces and stormwater capture from 19.42.340 and add it to standards for 19.42.330. This change improves clarity for staff and applicants.
Section 19.18.040: Planned Unit Development Mixed Use	Setback provisions in 19.18.040 contradicted the standards of 19.18.030 and dictated a uniform setback regardless of the context of the underlying zoning district.	Eliminate the separate setback standards in 19.18.040. All PUDs would instead be subject to the 15' perimeter setback and the right-of-way setback specified in the underlying zoning district.

## STAFF ANALYSIS

### Compatibility with Existing Plans and Ordinances:

The proposed amendments are minor in nature and do not have a strong tie to the adopted General Plan. The amendment to the Mixed Use Planned Unit Development standards allows for the underlying zoning district to determine the project’s setbacks. This is important for maintaining context-sensitive development. Kearns zoning districts were developed based on the character areas (future land uses) determined in the General Plan.

### Consistency with State Code Requirements:

The proposed amendments maintain conformity with State Code; no provisions of State Code directly address the proposed amendments.

### Anticipated Impacts:

The proposed amendments are intended to improve clarity and responsiveness of the Subdivision and Zoning Ordinances. Table 2 details the expected impact of each amendment.

*Table 2: Anticipated Impacts of Proposed Miscellaneous Amendments to Titles 18 and 19.*

<b>Proposed Amendment</b>	<b>Anticipated Impact</b>
Titles 18 and 19: Subdivision and Zoning Ordinances, Entirety – elimination of “Metro Township” language.	NA. Amendments reflect the new name of the City of Kearns.
Sections 19.04.070 and 19.42.090: Bed and Breakfasts – definition clarifications.	NA. Bed and breakfasts are allowed to have up to fifteen (15) guest rooms in existing code. This amendment removes the requirement for the minimum number of guest rooms and reduces contradictions between the two sections addressing Bed and Breakfasts. There are no Bed and Breakfasts currently advertised in Kearns.
Section 19.42.330: Storage and Salvage Yards – addition of standards for all-weather surfacing and stormwater capture.	Staff currently require Storage and Salvage Yards to provide all-weather surfacing and to contain stormwater and runoff. The anticipated impact of adding this language into Section 19.42.330, instead of just referring to 19.42.340, is to improve clarity for future applicants.
Section 19.18.040: Planned Unit Development Mixed Use – elimination of conflicting setback standards.	This amendment eliminates contradictions related to setbacks within the Planned Unit Development Chapter. The proposed changes would require Mixed Use Planned Unit Developments to conform with the right-of-way setback inherent in the underlying zone. The anticipated outcome is more context-sensitive development.

## STAFF RECOMMENDATION

MSD Planning Staff has thoroughly reviewed the drafted amendments to Titles 18 and 19 of Kearns Municipal Code. Based on their review and analysis, staff finds that the proposed amendments:

1. Reflect the change of Kearns from a Metro Township to a City;
2. Minimize contradictions and inconsistencies between sections of code;
3. Improve clarity for applicants and planning staff; and
4. Enhance the code's responsiveness to the unique conditions of the City of Kearns.

Given the above findings, staff recommends the following action:

**Forward a recommendation of adoption of Title 18 and 19 amendments, as drafted in Attachments 1 and 2, to the Kearns Council. The recommendation may include revisions as deemed necessary following the public hearing.**

## NEXT STEPS

Following the public hearing and a recommendation by the Planning Commission, the Council may adopt, adopt with revisions, or not adopt the proposed amendments to Titles 18 and 19. The Kearns Council is expected to hear these items at its June meeting, contingent on a recommendation from the Planning Commission. These items represent text amendments ONLY, and do not include any revision to Kearns' official zoning maps.

## Attachment 2

### Title 18 Miscellaneous Changes

*The following amendments to Kearns Municipal Code Title 18 are proposed. Standards in Title 18 that are not presented in this document will not be effected by the proposed amendments.*

#### 18.04.040 Development Agreements

- A. The developer/property owner and the municipality may choose to enter into a development agreement that outlines the duties, responsibilities, obligations, commitments and promises of the developer/property owner and the commitments of the municipality.
- B. A development agreement does not exempt a developer/property owner from complying with this Title or any part of the Development Code unless such an exemption is clearly contained within the executed development agreement and the Council has approved the development agreement after the planning commission has held a public hearing and provided a recommendation.
- C. If a development agreement restricts an applicant 's rights under clearly established state law, the municipality shall disclose in writing to the applicant the rights of the applicant the development agreement restricts.
  - 1. It is the policy of ~~Kearns Metro Township~~the City of Kearns that if the municipality fails to disclose a restricted right in accordance with State Code, the entirety of the development agreement shall be considered null and void. The developer and municipality may choose to enter into a new agreement.
- D. The development agreement shall be recorded by the municipality in the Salt Lake County Recorder's Office. Recordation by the municipality may only take place after all of the necessary signatures are obtained, all approvals given, and all bonds and fees posted. The development agreement must be recorded prior to the recording of the final plat. The ~~Kearns Metro~~City of Kearns Council may approve a development agreement as a legislative action. Consideration of a development agreement is separate from any consideration of a preliminary or final subdivision application or plat.
- E. Any development agreement entered into by a developer/property owner and ~~Kearns Metro Township~~the City of Kearns shall comply with the provisions identified in Utah Code §10-9a-532.

### **18.10.040 Final Plat Required Information**

The final plat shall be prepared by a professional land surveyor licensed in Utah on a sheet of approved reproducible Mylar and made with approved waterproof black ink. The plat shall be oriented so that the top of the sheet is either north or east, whichever accommodates the drawing best. All text shall be a minimum of one-tenth inch in size. The plat shall contain all information required on the preliminary plat with the exception of contours and construction information, utilities (except existing and proposed fire hydrants), structures and fences (unless called monuments).

A. Description and Delineation. The final plat shall show:

1. The approved name of the subdivision;
2. North arrow and graphic scale. The minimum scale is 1"=100';
3. A legend defining all lines and symbols used on the plat;
4. Lot addresses, and approved street names and numbers;
5. The plat drawing shall agree with the boundary description;
6. Accurate angular and lineal dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features. Boundaries, lots and streets shown as solid lines, with outside subdivision boundary lines indicated as a heavier, more substantial line than lot, street and easement lines. Easements shown as dashed lines;
7. The lengths of lot lines and boundary lines shown as decimals of a foot with a precision of 0.00'; Bearings and angles will be shown as Deg/Min/Sec with a precision of 0°00'00". Additional precision may be necessary to meet closure requirements;
8. Bearings and distance to provide a mathematical closure of 0.01' on exterior subdivision boundary and 0.02' or less, on all lots and centerline of streets;
9. Basis of bearing between two or more public land survey monuments or between identified monuments in a recorded subdivision or street dedication plat;
10. Survey ties to public land survey monuments, and where applicable, to identified monuments in a recorded subdivision or street dedication plat, showing measured and record, if different;
11. The accurate location of all survey monuments and fire hydrants to be installed shown by the appropriate symbol. All United States, state, county or other official benchmarks, survey monuments or triangulation stations in or adjacent to the property, shall be preserved in precise position and in compliance with Utah Code, §17-23-14 and Salt Lake County Ordinance, Chapter 14.17;
12. The clearly labeled point of beginning;
13. The sum of the lot distances along the exterior of the plat shall equal the subdivision boundary distance;
14. Existing and proposed streets within two-hundred feet (200') of the proposed subdivision boundary. Dimension street width and identified street ownership;

15. Recording information of adjoining subdivisions. Ownership with parcel identification numbers of adjoining lots and parcels;
  16. The dimensioned relationship between existing and proposed utility easements with proposed lot lines. Include recording reference(s) of existing easements and provide a utility approval line for proposed easements;
  17. All curve data, including radii, internal angles, points and curvatures, tangent bearings and length of all arcs, identified at correct location or in a curve table;
  18. Centerline control on existing streets, matching the County 's record data. New street monuments will be installed per the Salt Lake County Surveyor 's monument permitting process as specified in Salt Lake County Ordinance, Chapter 14-17;
  19. The dedication to the municipality of all streets and highways included in the proposed subdivision. Where it is proposed that streets be constructed on property controlled by a public agent or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the municipal attorney;
  20. Subdivision monuments shall be installed prior to the improvement bond release by the subdivider 's engineer or land surveyor at such points designated on the final plat as approved by Planning and Development Services. Standard precast monuments, rings and lids shall be installed through the Salt Lake County Surveyor monument permitting process (Salt Lake County Ordinance, Chapter 14.17);
  21. Physical markers shall be placed at each outside boundary corner, in accordance with state statutes and industry standards; and verified to be in their correct location(s) according to the plat;
  22. Physical markers shall be placed at each lot corner in accordance with state statutes and industry standards; and
  23. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses of all property owners.
- B. Boundary Description. The boundary description shall include:
1. A caption with reference to current vesting deed(s), location by Quarter Section, Township & Range, Base & Meridian, and if applicable, existing lot(s) and subdivision(s);
  2. A survey tie to an existing Public Land Survey monument, or a recognized street or
  3. Subdivision monument;
  4. All necessary bearings, distances and curve data to complete the description and provide a mathematical closure of 0.01 ' (one hundredth) of a foot or less;
  5. Narrative (bound) calls to and along adjoining subdivisions, parcels, streets, and rights of way as necessary to define the intent of the description;



6. Recording reference to any additional easements required for property access where applicable; and
7. Total development area in square feet (0.00) and acres (0.000).

C. Standard Forms for the Following. ~~Kearns Metro Township~~The City of Kearns may adopt a template establishing the expected format of the final plat, which shall at a minimum require:

1. A Professional Land Surveyor 's certificate of survey;
2. The owner 's certificate of dedication;
3. A notary public 's acknowledgement;
4. The land use authority 's certificate of approval;
5. The health department 's certificate of approval;
6. Planning and Development Service 's certificate of approval;
7. The municipal attorney 's certificate of approval;
8. The municipal mayor 's certificate of approval, witnessed by the municipal clerk / recorder;
9. The County Surveyor 's record of survey acknowledgment block; and
10. A one and one-half by five-inch (1.5" x 5") space in the lower right-hand corner of the drawing for the Salt Lake County Recorder 's use.

### **18.18.050 Petition To Vacate A Public Street**

- A. In lieu of vacating some or all of a public street through a plat or amended plat in accordance with Utah Code, a legislative body may approve a petition to vacate a public street in accordance with this Section.
- B. Application. A petition to vacate some or all of a public street or municipal utility easement shall include:
  - 1. The name and address of each owner of record of land that is:
    - a. Adjacent to the public street or municipal utility easement between the two nearest public street intersections; or
    - b. Accessed exclusively by or within three hundred feet (300 ‘) of the public street or municipal utility easement.
  - 2. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated; and
  - 3. The signature of each owner due notice who consents to the vacation.
- C. Notice. If a petition is submitted containing a request to vacate some or all of a public street or municipal utility easement, the Kearns Council shall hold a public hearing, giving notice of the date, place, and time of the hearing as follows:
  - 1. At least ten (10) days before the public hearing, the legislative body shall ensure that notice is:
    - a. Mailed to the record owner of each parcel that is accessed by the public street or municipal utility easement;
    - b. Mailed to each affected entity;
    - c. Posted on or near the public street or municipal utility easement in a manner that is calculated to alert the public; and
    - d. Publish notice on the ~~Kearns Metro Township~~[City of Kearns](#) website and the Utah Public Notice Website until the public hearing concludes.

## Attachment 2

### Title 19 Miscellaneous Amendments

*The following amendments to Kearns Municipal Code Title 19 are proposed. Standards in Title 19 that are not presented in this document will not be effected by the proposed amendments.*

#### **19.04.050 Landscaping Definitions**

A. Landscaping terminology used in Title 19 is defined as follows:

1. “Active Recreation Area” means an area that is dedicated to active play where turf grass may be used as the playing surface. Examples of active recreation areas include sports fields, play areas, and other similar uses.
2. “Bubbler” means an irrigation head that delivers water to the root zone by “flooding” the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.
3. “Check Valve” means a device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow.
4. “Controller” means a device used in irrigation systems to automatically control when and how long sprinklers or drip systems operate.
5. “Drip Emitter” means drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.
6. “Grading Plan” means a plan that shows all finish grades, spot elevations, drainage as necessary and existing and new contours with the developed landscaped area.
7. “Ground Cover” means material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve inches (12”).
8. “Hardscape” means patios, decks and paths. Does not include driveways and sidewalks.
9. “Irrigation Plan” means a plan showing the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.
10. “Landscape Architect” means a person who holds a professional license to practice landscape architecture in the State of Utah. Per Utah Code, licensed landscape architects, licensed architects, licensed land surveyors, and licensed engineers can professionally stamp plans that fall under the practice of landscape architecture. This includes commercial landscape and irrigation plans. ~~Kearns Metro Township~~The City of Kearns has the authority to require that only a licensed landscape architect can stamp plans that fall under the practice of landscape architecture.

#### 19.04.070 Use Definitions

A. Uses identified in Title 19 are defined as follows:

1. “Accessory Equipment” means the portion of the system including equipment sites, transformers, switchgear, pedestals, terminals, meters, buildings (substations), and other similar equipment that is normally installed aboveground in accordance with accepted practices of underground systems.
2. “Accessory Structure” means a detached subordinate building or structure the appropriate use of which is subordinate and customarily incidental to the primary building or to the main use of the land and which is located on the same lot or parcel of land with the primary building or use. Accessory structures include detached garages or carports, garden or storage sheds, and children's playhouses, but do not involve the conduct of a business.
3. “Accessory Dwelling Unit, Attached” means a habitable living unit attached to a primary single-family dwelling and contained on one lot for the purpose of offering a long-term rental of thirty (30) consecutive days or longer. An “Accessory Dwelling Unit, Attached” may include an addition to the footprint of the primary dwelling.
4. “Accessory Dwelling Unit, Detached” means a habitable living unit detached from a primary single-family dwelling and contained on one lot for the purpose of offering a long-term rental of thirty (30) consecutive days or longer.
5. “Accessory Dwelling Unit, Internal” means an accessory dwelling unit created:
  - a. Within a primary dwelling;
  - b. Within the footprint of the primary dwelling at the time the internal accessory dwelling unit (IADU) was created; and
  - c. For the purpose of offering a long-term rental of thirty (30) consecutive days or longer.
6. “Accessory Outside Storage” means the accessory location of any goods, wares, merchandise, commodities, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours. The area used for outdoor storage shall not constitute more than fifteen percent (15%) of the lot area. With the exception of retail sales displays in an approved commercial area, outdoor storage shall be screened from public view by a minimum six-foot (6') high opaque fence or, when outdoor storage occurs in a front yard, side yard, or any other location within the public view, a fence or screening of a height and material determined by the Planning Commission. The presence of hazardous materials, junk, junk cars, or debris not usually appurtenant to permitted on-site uses is prohibited. “Outdoor storage” as defined herein does not include construction yards, storage yards, or other storage uses where the storage of items outside of an enclosed building is a primary characteristic of the use. See “Storage Yard.”
7. “Accessory Use” means a use clearly incidental and subordinate to the existing primary use and customarily related to the primary use and located on the same lot or in the same building as the primary use.
8. “Agricultural Building” means a structure that is primarily associated with and supports agricultural use or activity but shall not be used for human occupancy and complying with the requirements of Utah Code. To qualify as an agricultural building the structure shall meet all

requirements of Utah Code, and be clearly associated with and necessary to support an agricultural use or activity.

9. "Agricultural Products Processing" means the processing of non-animal agricultural products including but not limited to the processing, cleaning, sorting, grading, packaging, or milling of products intended for human or animal consumption or use.
10. "Agricultural Sales" means the retail or wholesale sale of agricultural or horticultural products grown or raised on site and not produced or purchased from another location for resale. This use does not include the commercial slaughtering, processing, packaging, or sale of meat, poultry and dairy, concentrated animal feeding operation, or similar uses.
11. "Agriculture" means the tilling of the soil, the raising and harvesting of crops, horticulture and gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit-packing plants, fur farms, animal hospitals or similar uses.
12. "Agritourism" means a commercial enterprise linking agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm, ranch, or business owner. This excludes guest ranches and other forms of overnight accommodation.
13. "Airport/Heliport" means an area used for the landing and takeoff of both fixed-wing aircraft and helicopters and buildings, structures, or other facilities associated with these activities, including taxiways, aircraft storage and tie-down areas, hangars, servicing, and passenger and freight terminals and used by commercial, private, or military aircraft.
14. "Animal Control or Rescue Facility" means a location, with buildings, structures, and holding facilities necessary to provide temporary housing and food for animals (primarily pets or companion animals) from abusive homes or homeless situations, rehabilitation (if the animal has health or behavior problems), or for treatment if the animal requires veterinary care. This may include publicly licensed facilities to detain and/or dispose of stray dogs, cats, and other animals.
15. "Animal Feeding Operation" means a facility that confines, feeds, and maintains domestic livestock in either an open or enclosed lot or space for a total of forty-five (45) days or more in any twelve (12) month period. The area(s) where the livestock are confined does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. An AFO may also be a Concentrated Animal Feeding Operation ("CAFO" see CAFO). An AFO may be subject to the requirements of the Utah Pollutant Discharge Elimination System (UPDES).
16. "Animal Hospital or Clinic" means facilities for the diagnosis, treatment and hospitalization of domesticated animals in indoor holding facilities but does not include any outdoor holding or boarding facilities.
17. "Animal Hospital or Clinic with Outdoor Holding Facilities" means facilities for the diagnosis, treatment, hospitalization, and boarding of animals (including large animals) that may include indoor and/or outdoor holding and boarding facilities.
18. "Apiary" means the assembly of one or more colonies of bees at a single location. For regulations regarding the keeping of bees, see Chapter 19.42 of this Title.

19. “Assembly Use” means a business where finished parts are assembled to develop a final product. These uses include computer and electronic assembly, and similar uses, but do not include vehicle or manufacturing type uses.
20. “Assisted Living Facility” means either (i) a Type I Assisted Living Facility, which is a residential facility that supports activities of daily living and social care to two or more residents who require protected living arrangements and are sufficiently mobile to exit the facility without the assistance of another person; or (ii) a Type II Assisted Living Facility, which is a residential facility with a home-like setting that provides an array of coordinated supportive personal and health care services available twenty-four (24) hours per day to residents who have been assessed under Utah Department of Health and Human Services rules to need any of these services.
21. “Athletic Clubs” means an indoor establishment that provides for aerobic exercises, weightlifting, bodybuilding, running, exercise equipment, game courts, swimming facilities, saunas, spas, showers, and lockers. See “Recreation Facility, Commercial” and “Recreation Facility, Private”.
22. “Bank” means the same as “Financial Institution.”
23. “Bar” means a commercial establishment open to the general public which sells and serves intoxicating beverages for consumption on the premises, subject to the Utah Alcoholic Beverage Control Act.
24. “Bed and Breakfast” means ~~dwelling~~s-a dwelling in which ~~two (2) or more rooms~~up to fifteen (15) ~~guest rooms~~ are rented out by the day, offering overnight lodging to travelers, and where one or more meals are provided by the host family, the price of which is included in the room rate.
25. “Breweries and Distilleries in association with a Restaurant” means a business which conducts the retail sale of beer or liquor which is brewed or distilled on the premises in compliance with applicable state and federal laws. Such establishments may also include restaurants as an accessory use.
26. “Breweries and Distilleries, Industrial” means an industrial use that brews ales, beers, meads, and/or similar beverages on site. Industrial breweries and distilleries are engaged predominantly in manufacturing and do not include a bar or restaurant. Industrial breweries and distilleries may include incidental retail sales when permitted by the Department of Alcoholic Beverage Services.
27. “Boardinghouse” means a building with not more than five guestrooms, where, for compensation, meals are provided for at least five but not more than fifteen persons.
28. “Campground” means a public area designated by a public agency for camping, or a private area licensed by the local governing body for camping. “Campground” also includes any lot or parcel of land upon which two or more sites are located, established or maintained for occupancy by recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes. This may include accessory facilities such as kitchens, pavilions, playgrounds, or storage for recreation equipment.
29. “Camping” means the use of any tent, trailer, lean-to, teepee, recreational vehicle, or similar non-permanent structure or vehicle for temporary living quarters for residential, recreation, education, or vacation purposes.

30. "Canopy" means a roofed structure supported by a building and/or supports extending to the ground directly underneath the canopy and providing a protective shield for service-station pump islands and walkways.
31. "Car and Light Truck Wash" means a facility with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of automobiles and light trucks. A car and truck wash may be able to accommodate more than one vehicle at a time.
32. "Carport" means a private garage not completely enclosed by walls or doors. For the purpose of this Title, a carport shall be subject to all of the regulations prescribed for a private garage.
33. "Cemetery" means land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities.
34. "Check Cashing" means cashing a check for consideration or extending a deferred deposit loan and shall include any other similar types of businesses licensed by the State pursuant to the Check Cashing Registration Act. Check cashing does not include the activities of depository institutions or persons who cash a check in a transaction that is incidental to the retail sale of goods or services for consideration that does not exceed the greater of one percent of the amount of the check or three dollars.
35. "Child Care" means the provision, day or night, of supplemental parental care, instruction, and supervision for a non-related child or children, on a regular basis, and for less than twenty-four (24) hours a day. The term does not include babysitting services of a casual, non-recurring nature, or in the child's own home or cooperative, or reciprocative childcare by a group of parents in their respective domiciles.
36. "Child Care Center" means a facility, operated by a person qualified and licensed by the State of Utah, which provides children with daycare and/or preschool instruction as a commercial business and complying with all applicable state standards and licensing and having regularly scheduled, ongoing enrollment for direct or indirect compensation that provides childcare for less than twenty-four (24) hours per day. "Commercial Daycare Facilities" excludes the following:
  - a. Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning;
  - b. Facilities operated in connection with a fitness center, shopping center, or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; or
  - c. Special activities or programs, including athletics, crafts instruction, and similar activities, are conducted on a periodic basis by civic, charitable, private, or governmental organizations.
37. "Child Care, Home" means the same as "Home Daycare" and includes the following:
  - a. "Child Care, Licensed Family" means the provision of childcare for sixteen or fewer children, including the provider's children who are under the age of thirteen, in the home where the caregiver resides, in the absence of a child's parents, for four (4) or more hours but less than twenty-four (24) hours, on a regularly scheduled, ongoing basis. A "Child Care, Licensed Family" is subject to licensing by the Utah Department of Health and Human Services.

- b. “Child Care, Residential” means the provision of childcare for eight or fewer children, including the provider’s children, who are under the age of thirteen, in the home where the caregiver resides, in the absence of a child’s parents, for less than twenty-four (24) hours, on a regularly scheduled, ongoing basis. A “Child Care, Residential” is subject to licensing by the Utah Department of Health and Human Services.
38. “Church, Synagogue, Mosque, Temple, Cathedral, or Other Religious Buildings” means a building, with accessory structures and uses, where persons regularly assemble for religious purposes and related social events and which building, with accessory structures and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.
39. “Club” means a building used, occupied, and operated by an organized association of persons for social, fraternal, religious, or patriotic purposes, whose activities are confined to the members and their guests, but shall not include any organization, group, or association, of which the principal activity is to render a service usually and ordinarily carried on as a business. A club may also be a bar, subject to the Utah Alcoholic Beverage Control Act.
40. “Commercial Plant Nursery” means a business where young plants or trees are raised for experimental horticultural purposes, for transplanting, or for sale.
41. “Commercial Recreation” means recreational facilities operated as a business and open to the general public for a fee, such as golf driving ranges and baseball batting ranges.
42. “Community Garden” means the production of a harvestable product, planted, grown, and cultivated in the soil by an identifiable group of community members. Includes products grown and managed by a community or neighborhood organization for local consumption or sale.
43. “Concentrated Animal Feeding Operation” An Animal Feeding Operation (AFO) is a “Concentrated Animal Feeding Operation” (“CAFO”) if it meets the regulatory definition of CAFO or if it is designated as a CAFO by the State of Utah. A CAFO is defined in 40 CFR 122.23 Appendix B as “an animal feeding operation where more than one thousand (1,000) ‘animal units’ (as defined by the regulation) are confined at the location; or more than three-hundred (300) animal units are confined at the facility and either one of the following conditions are met: pollutants are discharged into navigable waters through a man-made ditch, flushing system or other similar man-made devices; or pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.” (“Animal unit”, for the purposes of an AFO being designated as a CAFO by the State of Utah, means a unit of measurement for any animal feeding operation calculated as per the Utah Administrative Code (UAC) R317-8-3.5 and used to determine if an operation meets the definition of a concentrated animal feeding operation). A CAFO is subject to the requirements of the Utah Pollutant Discharge Elimination System (UPDES).
44. “Contractor’s Office” A facility providing building construction and maintenance, including carpentry, plumbing, roofing, electrical, air conditioning, and heating, within a fully enclosed building, and that may include the open storage of associated building materials, equipment, or vehicles.
45. “Contractor’s Storage Yard” means the same as “Storage Yard”.



46. “Corral” means a space, other than a building, less than one acre in area or less than one hundred feet in width, used for the confinement of animals.
47. “Correctional Facility” means any facility operated by or contracting with the Department of Corrections to house offenders in either a secure or non-secure setting; which includes any facility operated by a municipality or a county to house or detain criminal offenders, any juvenile detention facility, and any building or grounds appurtenant to the facility or lands granted to the state, municipality, or county for use as a correctional facility.
48. “Court” means an occupied space on a lot, other than a yard, designed to be partially surrounded by group dwellings.
49. “Crematorium” means a building that contains cremation chambers and a holding facility for human or pet remains, and which may receive remains from funeral establishments.
50. “Critical Infrastructure Materials” means sand, gravel, or rock aggregate.
51. “Critical Infrastructure Materials Operations” means the extraction, excavation, processing, or reprocessing of critical infrastructure materials.
52. “Critical Infrastructure Materials Operator” means a natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, affiliate, subsidiary, and related parent company, that:
  - a. Owns, controls, or manages a critical infrastructure materials operations; and
  - b. Has produced commercial quantities of critical infrastructure materials from the critical infrastructure materials operations.
53. “Dairy” means a commercial establishment for the manufacture or processing of dairy products.
54. “Drive-Thru and Drive-Up Facilities” means an establishment designed or operated to provide drive-through or drive-up service to patrons remaining in vehicles. “Drive-Thru and Drive-Up Facilities” may include other forms of service, such as conventional seating.
55. “Duplex” means the same as “Dwelling, Two Family.”
56. “Dwelling, Manufactured Home” means a transportable factory-built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, that: (a) in the traveling mode, is eight body feet (8’) or more in width or 40 body feet (40’) or more in length, or when erected on site, is 400 or more square feet (400+ sq.ft.); and (b) is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. A manufactured home shall be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, lateral forces, and frost protection in compliance with the ~~Kearns Metro Township’s~~City of Kearns’s Building Code, as adopted. All appendages, including carports, garages, storage buildings, additions, or alterations shall be built in compliance with the ~~Kearns Metro Township’s~~City of Kearns’s Building Code, as adopted.

### 19.18.040 Planned Unit Development Mixed Use

- A. In a PUD, vertical mixed-use is allowed in zones that allow both residential and commercial and/or office uses, provided it meets the following requirements, in addition to the other requirements in this Chapter. For purposes of this section, vertical mixed-use means commercial or office uses sharing the same building as residential uses. PUDs in mixed-use zones shall comply with the standards of that zone.
- B. The property is abutting or contiguous to a corridor as defined in the general plan, or major or minor arterial street.
- C. Commercial uses shall only be allowed on the first floor of buildings fronting on the street. Office uses may only be allowed on the first and second floor of buildings fronting on the street. Entrances to the first floor of these buildings shall front on the street. Windows shall make up at least fifty percent (50%) of street-facing facades of these floors. These floors shall have architectural differentiation from the other floors in the building.
- D. Parking is not allowed between the building(s) and the street.
- E. ~~The front yard setback shall be fifteen feet (15'), except as provided in Subsection (E), and the side and rear yards shall be twenty feet (20') minimum.~~ Corner lots are deemed to have two (2) front yards.
- F. ~~The front yard setback is the build-to-line. At least fifty percent (50%) of the front elevation of the building(s) must be built within ten feet (10') of the build-to-line or as approved by the Planning Commission. A build-to-line is defined as the line at which construction of a building façade is to occur on a lot, running parallel to the front property line, and ensuring a uniform (or more or less even) building façade line on the street.~~

#### **19.42.090 Bed And Breakfast Inn**

A bed and breakfast inn, where allowed as a permitted or conditional use in the applicable zone, is also subject to the following standards:

- A. The structure shall have a residential appearance;
- B. The structure shall be limited to a maximum of two (2) stories in height;
- C. The structure ~~must contain a minimum of five (5) guestrooms, but not more than fifteen (15)~~may contain no more than fifteen (15) guestrooms.
- D. Guests using the accommodations or lodging must pay compensation;
- E. A bed and breakfast inn may not provide cooking facilities in any individual guestroom;
- F. The access to the site and the on-site parking shall be available for use and maintained, including snow removal, throughout the entire year; and
- G. A bed and breakfast inn located in the C-1, C-2, C-3, and NMU zones may include a restaurant and conference rooms.

#### **19.42.330 Storage And Salvage Yards**

A. Storage yards and salvage yards, when listed as a permitted or conditional use in the applicable zone, are subject to the following requirements:

- 1. No portion of the storage area shall be located within three hundred feet (300') of any residential zone or use lot line.
- 2. Any outdoor storage area shall be completely enclosed by a fence or wall no less than six feet (6') in height, constructed of a sturdy, durable material and sufficiently opaque to ensure that the stored material is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight feet (48') in width providing access to the storage area for vehicles but may not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and may contain only approved signs.
- 3. Each salvage or storage yard must include a masonry wall along the entirety of each street frontage. This wall shall be constructed at the front setback line required for buildings in the underlying zone. The storage or salvage area may not be closer to the street than the front facade of the building. The Director may accept a landscaped berm in lieu of the masonry wall if the height, width, and berm landscaping fully screen the storage or salvage areas. A berm allowed in lieu of a masonry wall shall include live plant material that covers no less than fifty percent (50%) of the berm with grasses, bushes, ground cover or tree canopies. Trees and bushes must be at least twenty five percent (25%) evergreen.

3.4. The surface of the storage or salvage yard shall be covered with an all-weather surface. Any stormwater or other runoff from the site shall be contained on the site and disposed of through an on-site drainage system, in conformance with applicable regulations to enforce the requirements of the National Pollutant Discharge Elimination Systems (NPDES) permit.

- 4.5. Stored materials may not be stacked higher than six feet (6') and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case may salvage or junk be stored at a height exceeding the height of the storage area fence or wall. Operational vehicles and motorized equipment are not subject to the height requirement for storage. No inoperable vehicle or equipment may be stored within the outdoor storage areas. Permitted salvage yards are the only allowable storage areas for inoperable vehicles or equipment.
- 5.6. Outdoor storage shall be kept and maintained in a neat and orderly manner. Outdoor storage may not include dirt, manure, gravel, rocks, sand, bark, or similar materials, unless the items are stored in bags, on pallets, or on other individually sealed containers.
- 6.7. A management office shall be provided on site. A caretaker unit may be permitted for security personnel or on-site operator.
- 7.8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety. ~~Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.~~ Product, salvage, or other storage shall be stored in rows with a continuously looping drive aisles with a minimum width of twenty feet (20').
- 8.9. Requests for a permit for a salvage yard shall also require submission of a detailed proposal identifying the predominant type of salvage to be received, the methods of separation and/or recycling, and ultimate destination of all salvaged, recycled, and waste materials. The applicant shall submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
- 9.10. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company and be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles may be applied as a dust control method, or otherwise allowed to be discharged upon the ground.
- 10.11. Vehicle parts may not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
- 11.12. In order to protect surrounding areas, business operations, including loading and unloading operations shall be limited to daylight hours.

### 19.56.060 Permit Procedures

- A. Application. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following submittals and information are required:
1. Plans drawn to scale showing the location, dimensions, and elevations of proposed landscape alterations;
  2. Plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes;
  3. Location of the foregoing in relation to SFHA's;
  4. Elevation, in relation to mean sea level, of the lowest floor (including basement and crawlspace) of all new and substantially improved structures;
  5. Elevation, in relation to mean sea level, to which any nonresidential structure (if applicable) shall be floodproofed;
  6. A certificate from a registered professional engineer that the nonresidential floodproofed structure (if applicable) shall meet the floodproofing criteria of this chapter and the NFIP Regulations;
  7. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
  8. All other information that may reasonably be required by the Floodplain Administrator;
  9. Reasonable fees in accordance with the adopted fee schedule; and
  10. ~~Kearns Metro Township~~[The City of Kearns](#) shall become the owner of all Floodplain Development Permits and shall maintain a record of all such information in accordance with this chapter and the NFIP Regulations.

**Meeting Body:** Kearns Planning Commission

**Meeting Date:** May 6, 2024

**Planner:** Curtis Woodward

**Project Name and File Number:**  
Residential Parking Amendments - OAM2024-001135

**Project Type:**

- Amend Text Ordinance

**Areas Affected:** This amendment primarily affects properties in single- and two-family residential zones, but some clarifications are generally applicable to the entire City.

**Key Findings:**

The proposal does not conflict with the state code.

The proposal clarifies residential parking restrictions in harmony with their original intent.

The proposal provides reasonable flexibility for optional additional front yard parking while maintaining at least 40% permeable surface on residential lots.

**Staff Recommendation:** Staff requests a positive recommendation from the planning commission for the amendments clarifying paved and gravel parking and the optional exceptions to the front yard coverage limits.



GREATER SALT LAKE  
**Municipal Services  
District**

**SUMMARY**

The proposed ordinance amendments are intended to clarify the requirements for paved and gravel parking surfaces in single and two-family residential zones, and to provide an avenue for administrative relief under certain conditions to the 50% front yard coverage limit for front yard parking areas in the City of Kearns.

**ATTACHMENTS**

1. Formal Ordinance
2. Options considered by Planning Staff with explanatory notes
3. Sample Properties/Photographs

**BACKGROUND**

Project Purpose:

Planning staff with the MSD have been tasked with proposing adjustments to the parking requirements for single-family residential zones to address two issues:

First, the Kearns code currently restricts the amount of parking (paved and gravel) in the front yard to no more than 50% of the front yard area. In addition, no single yard may be covered by more than 50% impervious surface. However, due to lot size, configuration, etc. many homeowners in Kearns have limited options for providing additional on-site parking for growing family needs and/or recreational vehicles. Some homeowners have unknowingly paved parking pads in the front yard only to find that they are in violation of the code.

Second, there is some ambiguity in the Kearns code regarding the configuration of parking areas in a front yard, as well as the parking regulations that apply to recreational vehicles as opposed to personal vehicles. Clarity is needed as to where gravel parking is appropriate, and where personal vehicles and recreational vehicles may be parked.

### Project Timeline:

February, 2024 - multiple violations of the 50% front yard pavement limit were identified within the Parkwood Estates Subdivision and letters were sent to each property owner. Many of the property owners pointed out that many other lots in Kearns had paved parking in excess of 50% of the front yard.

March, 2024 – MSD planning staff were asked to evaluate properties in Kearns and consider reasonable options for additional paving in front yards that were in harmony with the intent of the original ordinance.

April, 2024 – MSD planning staff were asked to clarify the parking requirements for recreational vehicles and to clarify the circumstances under which gravel parking was acceptable. Optional ordinances were drafted and reviewed by staff, with preferred options being chosen.

### Methodology:

The original thinking was that the maximum coverage could possibly be adjusted to account for the majority of lots where additional paved parking had been installed – possibly raising the limit from 50% to 60% or 65%. Using aerial imagery, planning staff evaluated the lots in Parkwood Estates to calculate the front yard coverage in paved surface for each lot. We found that several of the lots exceeded 70% coverage in the front yard, and raising the limit high enough to account for all those yards would almost have the same effect as eliminating the limit altogether.

As an alternative, planning staff began to consider allowing exceptions to the standard through an application and review process. Questions that arose during the drafting process were: Under what criteria should exception requests be considered? Also, what limitations should be in place as to the extent to which the front yard coverage area may be increased? Staff considered such issues as storm drainage containment, aesthetic considerations, and whether specific design standards could be approved for an entire subdivision as opposed to one lot at a time.

As for the parking surface and RV parking clarifications, staff focused on 3 issues:

1. Eliminating conflict between the generally applicable parking surface standards in 19.48.030 and the parking surface standards in 19.48.040,
2. Clarifying where gravel parking may be utilized, and,
3. Clarifying the configuration of paved and gravel parking areas on residential lots.

### Decision-Making Authority:

Ordinance amendments are legislative decisions approvable by the Kearns City Council. The Kearns planning commission is a recommending body given the responsibility to hold a public hearing and vote on a recommendation to the Council.

## **ORDINANCE CONTENT**

### Sections:

The drafted ordinance amendment includes changes to the following Sections:

1. *19.28.060 Lot Coverage*

2. 19.48.030 Specifications (from Chapter 19.48 Off Street Parking and Mobility Standards)
3. 19.48.040 Standards for Parking in R-1 and R-2 Residential Zones

Existing Ordinance:

The existing sections of code, with areas of emphases/change highlighted in yellow are shown below.

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.

19.48.030 Specifications

Any parking facility or portion thereof shall meet the following specifications:

- A. Use of Off-Street Parking, Stacking, and Loading Facilities. All vehicular parking areas, stacking areas, and loading areas required by this Chapter shall only be used for those designated purposes.
- B. Location. Except as otherwise permitted through on-street or public parking credits, all off-street parking areas shall be provided on the same lot as the use it serves, or no farther than three hundred feet (300') from the primary entrance of a building or structure to the nearest point of the parking facility along publicly available sidewalk or walkways designated on the site plan.
  1. Access to parking spaces shall be from private roadways or aisles and not from public streets.
- C. Space and Aisle Dimensions. Parking stalls and aisles shall comply with the dimensional regulations presented in Figure 19.48.030, according to the angle of the parking and the flow of traffic.
  1. Parking stalls adjacent to a column, wall, or other obstruction must have an additional two feet (2') of width to accommodate ingress/egress from the vehicle.
- D. Surfacing. All off-street parking, stacking, loading areas and drive approaches from the alley or street shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent material.



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.
- E. Driveways, General. Adequate ingress and egress to the parking area shall be provided by clearly defined driveways.
1. Distance from Lot Line. All driveways, including the entry radius of the drive approach that serve a single primary building or principal use, shall be at least one foot (1') from an abutting lot line.
  2. Sidewalk Continuity. Sidewalks shall extend through driveway approaches and driveways shall be built to the grade of the sidewalk so that driveways do not create curb cuts in the sidewalk.
  3. Driveway Surface. There shall be a hard-surfaced driveway from the public or private right-of-way to the required parking space. The drive surface must be a permanent, durable, hard surface such as concrete (including permeable concrete), asphalt (including permeable asphalt), brick, pavers, stone, or block. A pervious surface may be used, subject to applicable municipal ordinances and policies.

#### 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. 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. Front Yard Parking. Parking or storage of motor vehicles in the unpaved portion of the front yard of a residential use or residentially-zoned property is prohibited. A legal driveway in the front yard may be used for parking, provided the public sidewalk is not blocked.
- D. Recreational Vehicles. Recreational vehicles parked or stored on residential property in any R-1 or R-2 zone shall:
  - 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.

Proposed Solution:

- 1. Change the maximum paved surface coverage of 50% for any given yard (in 19.28.060) to a maximum cumulative coverage of 60% impervious surface on the entire lot, including buildings and all paved surfaces.
- 2. Allow for exceptions to the 50% front yard parking area maximum subject to:
  - A. Compliance with the cumulative lot coverage maximum of 60%,
  - B. Approval of the municipal engineers regarding drainage, and
  - C. A minimum landscape area of 500 square feet is provided in the front yard, unless an alternative landscape standard is proposed and approved for an entire platted subdivision.
- 3. Clarify that paved parking spaces and paved driveways may be used to park or store motor vehicles and recreational vehicles.
- 4. Clarify that gravel parking spaces are allowed between a driveway and the nearest side lot line and/or in a rear or side yard provided they are accessible via paved driveway and not within the clear view area of a corner lot.

**STAFF ANALYSIS**

Compatibility with Existing Plans and Ordinances:

The proposed changes were drafted with subdivision drainage engineering in mind. Generally, subdivision drainage calculations account for an “assumed” maximum impervious surface area on residential lots. This is the reason for the proposed maximum cumulative coverage of buildings + paved area of 60% of the lot.

Additionally, some of the proposed changes are to eliminate any inconsistency between different sections of the parking chapter of the Kearns code – specifically the overall parking specifications and the R-1 & R-2 parking restrictions.

Consistency with State Code Requirements:

There are no anticipated conflicts with State Code requirements.

Anticipated Impacts:

There will likely be a few non-conformities created by the new restriction on the location of gravel parking in front yards. MSD planning staff will need to define the internal review process for the exception requests that will come in from front yard parking; including instructions for applicants that can be posted on the web site. Code enforcement officers will need to be trained so they can inform residents of options available under the new code.

### **STAFF RECOMMENDATION**

MSD Planning Staff has reviewed the drafted ordinance amendment OAM2024-001135. In addition, the draft was sent to Salt Lake County Flood Control Engineering for comment. Based on their review and analysis, staff finds that:

1. The proposed ordinance does not conflict with the provisions of state code.
2. The proposed ordinance will clarify the residential parking restrictions while keeping in harmony with their original intent.
3. The proposed ordinance provides reasonable flexibility for optional additional front yard parking while maintaining at least 40% permeable surface on residential lots to allow on-site storm drain retention.

Given the above findings, staff recommends the planning commission forward a favorable recommendation for approval to the Kearns City Council of the ordinance amendment outlined in OAM2024-001135.

### **NEXT STEPS**

Upon receiving a recommendation from the planning commission, the ordinance will be referred to the Kearns City Council for review and decision. The Council may approve, approve with amendments, or deny the requested ordinance amendments. If the ordinance is approved by the Council, it will be publicly posted, and the on-line ordinance edited to reflect the changes.

# **ATTACHMENT 1**

## **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 ___
Council Member Butterfield	voting ___
Council Member Snow	voting ___
Council Member Peterson	voting ___
Council Member Schaeffer	voting ___

## 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. 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.]~~

## **ATTACHMENT 2**

### **OAM2024-001135**

#### Issues

1. Currently, the Kearns code restricts the amount of parking (paved and gravel) in the front yard to no more than 50% of the total area of said front yard. In addition, no single yard area (front, side, or rear) may be covered by more than 50% impervious surface. However, due to lot size, configuration, etc. many homeowners in Kearns have limited options for providing additional on-site parking for growing family needs and/or recreational vehicles. Cul-de-sac lots generally have less front yard area (sq. ft.) than typical rectangular lots. In addition, a large number of lots do not have adequate space in the side yard to provide reasonable access to a rear yard or to provide side yard parking.

Question: what is the best option for allowing additional on-site parking for lots in Kearns while keeping in harmony with the purpose of the zoning ordinance and avoiding drainage issues? Should the 50% front yard coverage area be increased to another amount, or should there be a way to apply for exceptions in certain circumstances?

2. The Kearns code does not specify the configuration of parking areas in a front yard, as long as the 50% coverage is not exceeded. The current code allowing for recreational vehicles to be parked on a gravel parking pad do not specify where that gravel parking pad may be.

Question: should parking vehicles parallel to the street in front yards be prohibited? Should gravel parking for recreational vehicles be restricted to side yards and rear yards or at least not directly in front of the home?



## Front Yard Coverage Option 1

This option is to simply increase the maximum impervious surface in a front yard from 50% to 60% (or some other percentage as determined by the Council). This would offer relief to some of the lots in Parkwood Estates, but some of those lots are over 70% covered, so adopting a cap that would make all those lots legal would almost mean waiving the cap altogether.

### 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 sixty percent (60%) of the yard area between the main building and the front or rear 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 sixty percent (60%) impervious surface rule as long as that driveway does not exceed twenty feet (20') in width.

### 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. Paved or gravel parking areas or driveways may not occupy more than sixty percent (60%) of the area of a front or rear yard. Any lot less than forty feet (40') wide may install one driveway that exceeds the sixty percent (60%) parking or driveway rule as long as that driveway does not exceed twenty feet (20') in width.

## Front Yard Coverage Option 2

This option changes the lot coverage from 50% of front and rear, to 60% of the total lot. Then in the parking section, there is flexibility given to allow the front yard to exceed 50%, provided the total lot coverage still complies with the 60% cap, the engineering division verifies a subdivision drainage problem won't result, and there is a minimum landscape area of 500 square feet somewhere in the front yard. Smaller yards in an R-1-6 zone would have a total front yard of at least 1500 square feet (60' wide by 25' deep). This would put the maximum front yard coverage ratio on these smaller lots at approximately 67% - assuming they meet the other criteria.

### 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. 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 .

### 19.48.040 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 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. A landscape planting area of at least 500 square feet is maintained in the front yard.

D. Front Yard Parking. Parking or storage of motor vehicles in the unpaved portion of the front yard of a residential use or residentially-zoned property is prohibited. A legal driveway in the front yard may be used for parking, provided the public sidewalk is not blocked.

E. Recreational Vehicles. Recreational vehicles parked or stored on residential property in any R-1 or R-2 zone shall:

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.

### Front Yard Coverage Option 3

This option combines some elements from option 1, with the “exception” principle of option 2. However, the exception allows for an entire subdivision to be approved with alternative set of standards for front yard coverage, and front yard landscaping. As with option 1, the “cap” is raised to 60%, and as with option 2, the engineering division must verify that drainage will not be a problem. Rather than set a minimum amount of landscaping to be at 500 square feet, it allows for the landscaping minimums to be determined as part of the package of front yard standards. This particular exception would probably be the least likely to be utilized in existing subdivisions, because it would require the majority of homeowners in the subdivision to approve of the new standards. However, in the case of Parkwood Estates, where almost every homeowner has a front yard violation, this option might be the ideal solution.

#### 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 sixty percent (60%) of the yard area between the primary building and a front or rear 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.

#### 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 or gravel parking areas or driveways may not occupy more than sixty percent (60%) of the area of a front or rear yard. Any lot less than

forty feet (40') wide may install one driveway that exceeds the sixty percent (60%) parking or driveway rule as long as that driveway does not exceed twenty feet (24') in width.

- C. A platted subdivision may be approved by the planning commission with alternative standards for paved parking surfaces and driveways that exceed the above limits under the following conditions:
  - 1. The municipal engineer verifies that the subdivision drainage system will not adversely be impacted by the alternative standards;
  - 2. The majority of property owners within the platted subdivision agree to the alternative standards; and,
  - 3. Specific elements for landscaping and other design features are included with the alternative standards.
- D. Front Yard Parking. Parking or storage of motor vehicles in the unpaved portion of the front yard of a residential use or residentially-zoned property is prohibited. A legal driveway in the front yard may be used for parking, provided the public sidewalk is not blocked.
- E. Recreational Vehicles. Recreational vehicles parked or stored on residential property in any R-1 or R-2 zone shall:
  - 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.

## Parking Configuration Option 1

This option separates the rules for front yard parking from side and rear yard parking. It specifies that all motor vehicles and recreational vehicles (defined in code as to include trailers) in a front yard must be parked on an approved parking surface as described in the standards (19.48.030.D). The option for parking on a compacted gravel pad is only allowed in the side or rear yard. It is important to note that "front yard" is defined as the "space on the same lot with a building between the front line of the building and the front lot line, and extending across the full width of the lot." If the intention is to allow a gravel parking pad between the driveway and side lot line as long as it is not directly in front of the home, this option will not work.

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

- C. (or D) Front Yard Parking. Parking or storage of motor vehicles or recreational vehicles in the front yard of a residential use or residentially-zoned property is prohibited unless they are parked on a legal parking surface in accordance with 19.48.030.D, provided the public sidewalk is not blocked.
- D. (or E) Side or Rear Yard Parking. Motor vehicles or recreational vehicles parked or stored in a side yard or rear yard on residential property in any R-1 or R-2 zone shall be parked or stored on a paved surface or on a parking pad which is constructed of six inches of compacted gravel which is kept weed free.

## Parking Configuration Option 2

This option separates the rules for recreational vehicles from other vehicles. Cars and trucks will need to be parked on a paved surface, while recreational vehicles may be on a paved surface or gravel pad. One caveat is that recreational vehicles in a front yard must be parked perpendicular to the dwelling on a paved surface or gravel parking pad. However a gravel parking pad in the front yard is only allowed between the paved driveway and an interior (not facing a street) side lot line. They may be parked facing any direction in a side or rear yard on a paved or gravel surface.

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

- C. (or D) Motor Vehicle Parking. Parking or storage of motor vehicles (other than recreational vehicles) in the unpaved portion of the front yard of a residential use or residentially-zoned property is prohibited. A legal driveway in the front yard may be used for parking, provided the public sidewalk is not blocked.

- D. (or E) Recreational Vehicles. Recreational vehicles parked or stored on residential property in any R-1 or R-2 zone shall:
1. Be parked or stored perpendicular to the front lot line on a paved surface in the front yard, or six-inch thick gravel parking pad located between a paved driveway and interior side lot line; or,
  2. Be parked in a side yard or rear yard of a dwelling on a paved surface or six-inch thick parking pad that is kept weed free.

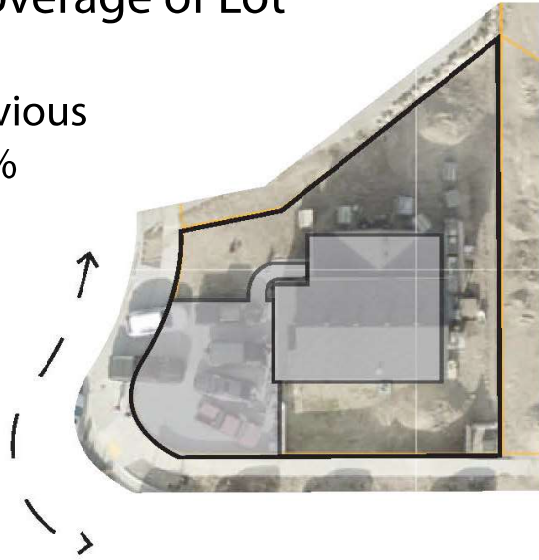
### Parking Configuration Option 3

This option would be to focus on the types of parking surfaces (paved vs. compacted gravel), including which yard each type may be in, what type of vehicles may be parked on each type, and which direction each parking spot must face (parallel or perpendicular to the street).

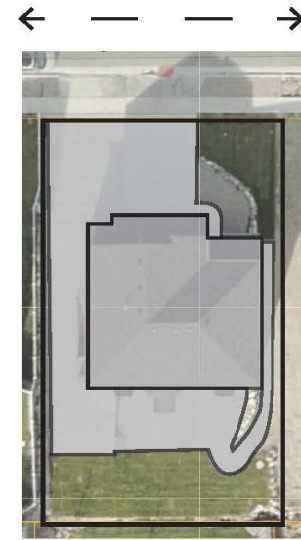
- C. (or D) Paved Parking. Paved parking spaces within or adjacent to the driveway may be used to park or store motor vehicles and recreational vehicles in a front, side, or rear yard, provided that no parking space is allowed within the clear view area of intersecting streets. Parking or storage of motor vehicles in the unpaved portion of the front yard of a residential use or residentially-zoned property is prohibited. A legal driveway in the front yard may be used for parking, provided the public sidewalk is not blocked.
- D. (or E) Gravel Parking.. A parking pad consisting of six inches of compacted gravel may be located between a paved driveway and an interior (not facing a public street) lot line in a front yard. Motor vehicles and recreational vehicles may be parked or stored on said gravel parking pad provided the parking pad is kept weed free. 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.

# Existing Conditions: Total Impervious Surface Coverage of Lot

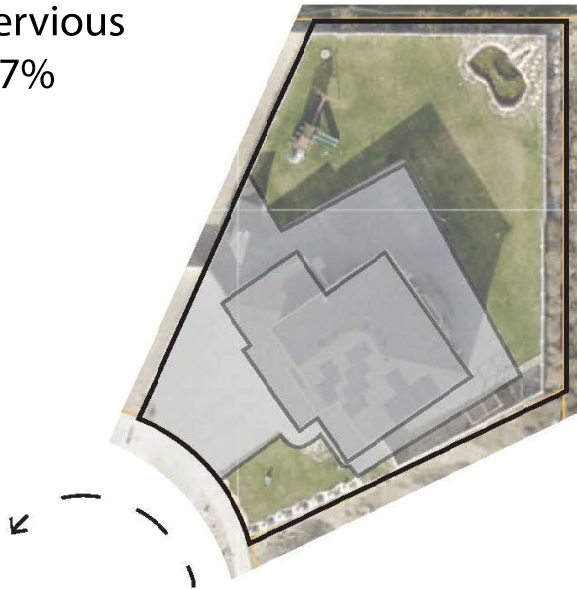
(A) Total Impervious Surface: 43%



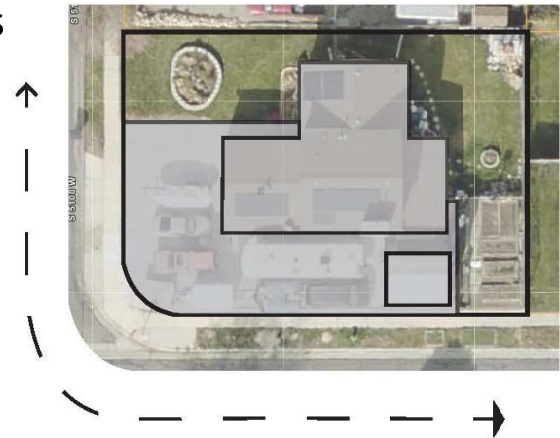
(B) Total Impervious Surface: 70%



(C) Total Impervious Surface: 47%



(D) Total Impervious Surface: 60%



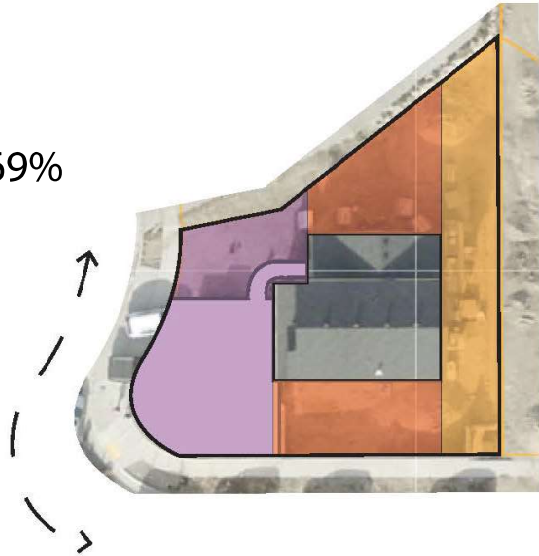
Impervious Surface





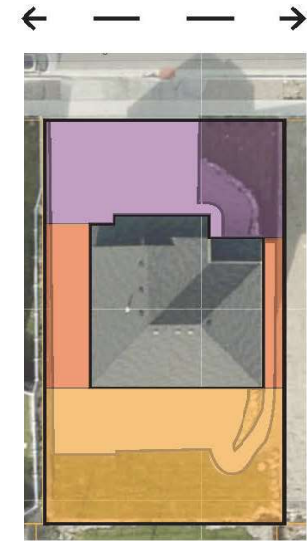
# Existing Conditions: Yard(s) Coverage of Lot

(A) Front Yard  
Coverage : 69%



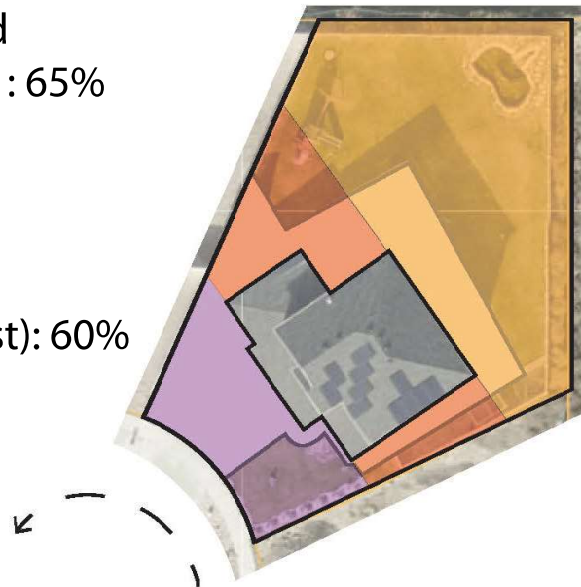
(B) Front Yard  
Coverage : 60%

Side Yard  
Coverage  
(East): 100%



(C) Front Yard  
Coverage : 65%

Side Yard  
Coverage  
(Northeast): 60%



(D) Front Yard  
Coverage : 54%

Side Yard  
Coverage  
(South): 100%



Front Yard



Side Yard

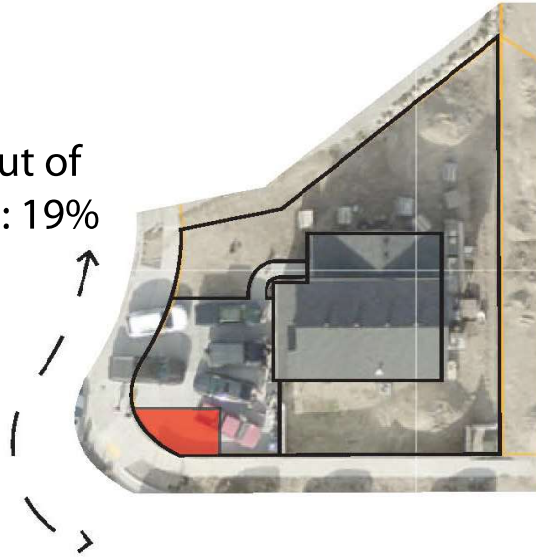


Back Yard



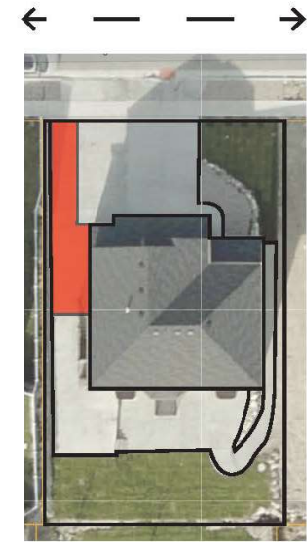
# Current Code Requirements

(A) Front Yard  
Coverage Out of Compliance: 19%



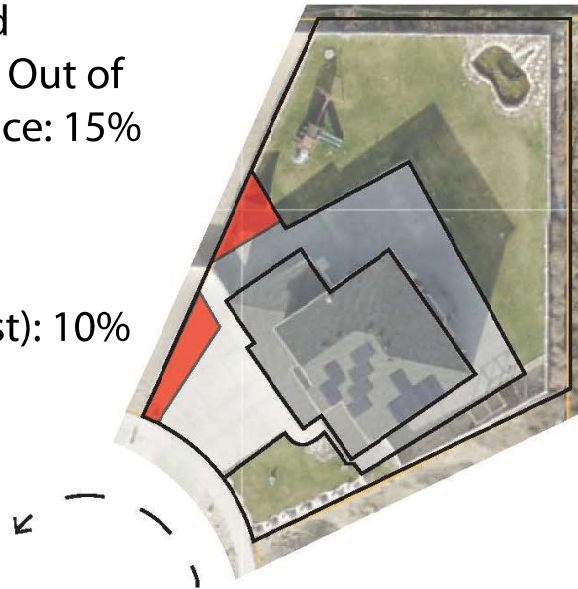
(B) Front Yard  
Coverage Out of Compliance: 10%

Side Yard  
Coverage  
(East): 50%



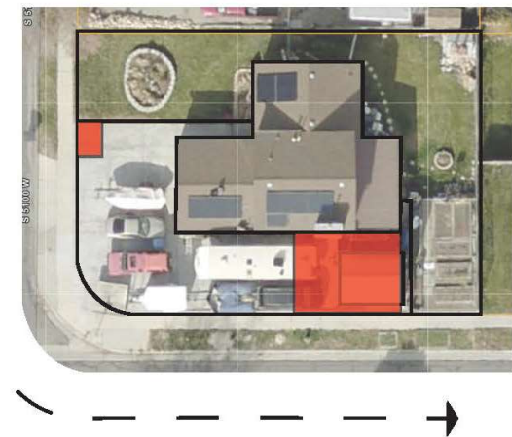
(C) Front Yard  
Coverage Out of Compliance: 15%

Side Yard  
Coverage  
(Northeast): 10%



(D) Front Yard  
Coverage Out of Compliance: 4%

Side Yard  
Coverage  
(South): 50%

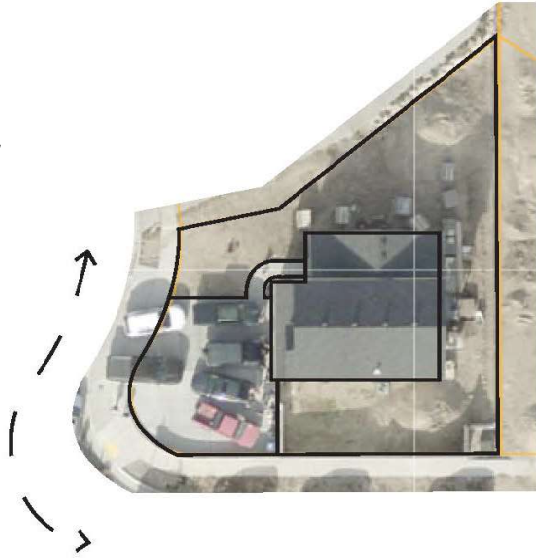


Amount of Pavement Out of Compliance



# Proposed Code Requirements

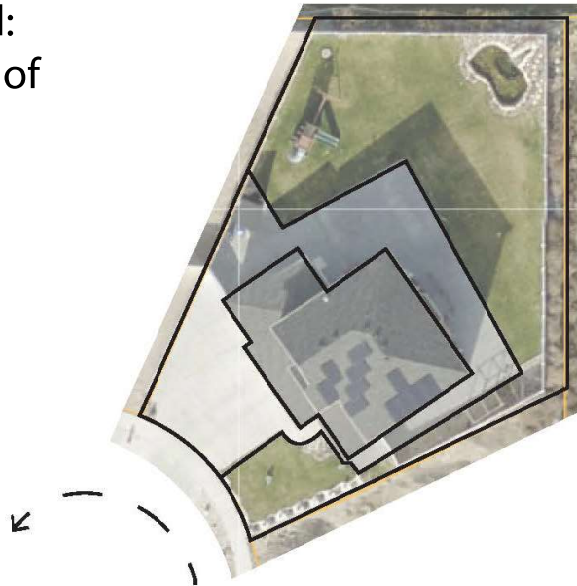
(A) Front Yard:  
500+ sqft of  
pervious  
surface



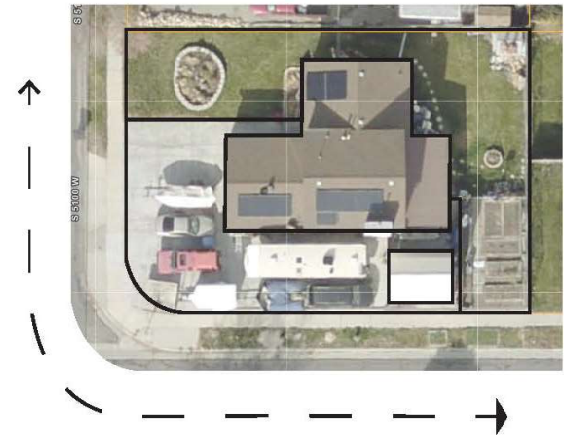
(B) Front Yard  
Coverage Out of  
Compliance: 10%  
  
Front Yard:  
500+ sqft of  
pervious  
surface



(C) Front Yard:  
500+ sqft of  
pervious  
surface



(D) Front Yard:  
500+ sqft of  
pervious  
surface



Amount of Pavement Out of Compliance

