Public Meeting Agenda

Monday, November 26, 2018 6:15 P.M.

Location
KEARNS RECREATION CENTER
5670 SOUTH COUGAR LANE
MEETING ROOM
(385) 468-6700

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 County 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) Other Business Items (as needed)

PUBLIC HEARINGS

30737 – (Continued from 11/19/18) - Greg Houge on behalf of Craig Gunther is requesting a rezone approval to change the zoning from M-1 to RM. Parcel Area: 6.537 Acres. Location: 4702 West 6200 South. Zone: M-1. Planner: Curtis Woodward/David D. White

30807 – (Continued from 11/19/18) - Greg Anderson on behalf of Kearns Improvement District is requesting a conditional use approval to construct new two (2) million-gallon buried concrete drinking water tank adjacent to the existing one (1) million-gallon drinking water tank. Parcel Area: 1.76 Acres. Location: 5821 West 5400 South. Zone: R-1-8. Planner: Curtis Woodward/David D. White

30795 – (Continued from 11/19/18) - Amendment to 19.14.050 to allow exceptions to the minimum yard requirements for permanent structural additions to single family dwellings such as carports, awnings, and decks. Planner: Curtis Woodward

30798 – (Continued from 11/19/18) - Amendments to 19.04.315 and 19.80.035 to remove the “one vehicle” exception to the definition of “junk,” and to clarify the parking requirements to allow parking private vehicles on a compacted gravel parking area. Planner: Curtis Woodward

ADJOURN
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Rezone Summary and Recommendation

Public Body: Kearns Metro Township Planning Commission          Meeting Date: November 19, 2018

Request: Rezone from M-1 to RM to create a proposed future subdivision with lots to accommodate townhomes not to exceed 15 units per acre and managed by a Home Owners Association. A remaining parcel will be created that will remain M-1.

Property Address: 4702 West 6200 South
Current Zone: M-1                        Proposed Zone: RM
Planner: David White
Planning Staff Recommendation: Approval Subject to Conditions, see recommended draft motions.
Applicant Name: Greg Houge

PROJECT DESCRIPTION

Greg Houge on behalf of JLC Investments LLC / Craig Gunther is requesting a rezone approval to change the zoning from M-1 to RM.

SITE & VICINITY DESCRIPTION

See attached exhibits.

GENERAL PLAN CONSIDERATIONS

This request implements the goal and objectives of the adopted Kearns Community General Plan, which indicates this area as one which will see change to accommodate growth.

ISSUES OF CONCERN/PROPOSED MITIGATION

None.

NEIGHBORHOOD RESPONSE

PLANNING STAFF ANALYSIS

Follows the adopted Kearns Metro Township General Plan. Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be verified prior to final approval and signatures on any proposed future development and/or final plat.

PLANNING STAFF RECOMMENDATION

Approve: (Staff Recommends)
Motion to approve the rezoning of 4702 West 6200 South from M-1 to RM per the legal description in the public notice with the zoning condition that the maximum density will not exceed fifteen (15) residential units per acre, and the Kearns Metro Township Planning Commission Chair shall confirm with the staff that all state law, Kearns Township Ordinances, Requirements, and Condition(s) have been address in the draft ordinance for the Kearns Metro Township Councils review and consideration.

Other Motions:

Further Study:
Motion to table the rezoning of 4702 West 6200 South from M-1 to RM per the legal description in the public notice for additional information and study. Add any directions to the staff in this motion.

Deny:
Motion to deny the rezoning of 4702 West 6200 South from M-1 to RM per the legal description in the public notice does not meet the Kearns Metro Township General Plan. Add reason(s).
Add any directions to the staff in this motion.
Date: 11/12/2018

Location

Street: 4702 W 6200 S  
City: Kearns  
Zip: 84118  
Parcel No: 21-18-352-013-0000  
Metro Township: Kearns  
Comm. Council: Kearns  
Bus. Lic Area: 3

Property Ownership

Owner Name: JLC INVESTMENTS LLC  
Address: 1880 E DELANN LN  
City/State: HOLLADAY UT  
Zipcode: 84121

Regulations

Zone: M-1  
General Plan: Kearns  
Fault Area: N  
FEMA Zone: (X) AREA OF MINIMAL FLOOD HAZARD  
Liquefaction: VERY LOW  
Watershed: N  
Ground Water Protection Zone: N  
System Name: 

Property Information

Assessor Property Type: Vacant Lot - Ind  
Year Built: 

Service Districts

Fire Flow District:  
School District: Granite  
Water District: Kearns Improvement  
5350 W 5400 S  
Contact: Pamela Gill  
Phone: 968-1011  
Emergency: 

Sewer District: Taylorsville  
5350 W 5400 S
OVERALL DESCRIPTION (ZONE M-1) – STORAGE ETC. PROPERTY
BEGINNING AT A POINT SOUTH 89°55'59" EAST 285.99 FEET AND NORTH 00°04'01" EAST 33.00 FEET
AND NORTHERLY 21.63 ALONG A 5,679.65 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH
76°52'20" EAST AND CHORD BEARS NORTH 13°25'55" EAST AS SHOWN IN THAT CERTAIN WARRANTY
DEED RECORDED IN BOOK 8644 AT PAGE 6676) FROM THE SOUTHWEST CORNER OF SECTION 18,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENECE NORTH 89°35'25" EAST
105.17 FEET; THENECE SOUTH 84°19'56" EAST 152.83 FEET; THENECE SOUTH 89°55'59" EAST 442.54 FEET;
THENECE NORTH 0°32'00" WEST 447.99 FEET; THENECE SOUTH 89°56'16" WEST 573.61 FEET MORE OR
LESS TO THE EAST LINE OF THE DENVER AND RIO GRANDE WESTERLY RAILROAD; THENECE
SOUTHWESTERLY ALONG SAID EASTERLY LINE, 450.66 FEET ALONG THE ARC OF CURVE WITH A RADIUS
OF 5,679.65 FEET TO THE LEFT MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINS 284,736 SQUARE FEET OR 6.537 ACRES

REZONE TO ZONE RM DESCRIPTION – STORAGE ETC. PROPERTY
BEGINNING AT A POINT SOUTH 89°55'59" EAST 285.99 FEET AND NORTH 00°04'01" EAST 33.00 FEET
AND NORTHERLY 21.63 ALONG A 5,679.65 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH
76°52'20" EAST AND CHORD BEARS NORTH 13°25'55" EAST AS SHOWN IN THAT CERTAIN WARRANTY
DEED RECORDED IN BOOK 8644 AT PAGE 6676) FROM THE SOUTHWEST CORNER OF SECTION 18,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENECE NORTH
89°35'25" EAST 105.17 FEET; THENECE SOUTH 84°19'56" EAST 152.83 FEET; THENECE SOUTH 89°55'59"
EAST 307.48 FEET; THENECE NORTH 0°04'01" EAST 227.12 FEET; THENECE NORTH 89°28'00" EAST 132.67
FEET; THENECE NORTH 00°32'00" WEST 228.53 FEET; THENECE NORTH 89°56'26" WEST 573.61 FEET;
THENECE SOUTHERLY 450.66 FEET ALONG THE ARC OF A 5,679.65 FOOT RADIUS CURVE TO THE LEFT
(CENTER BEARS SOUTH 72°00'53" EAST AND THE CHORD BEARS SOUTH 15°42'44" WEST 450.54 FEET
WITH A CENTRAL ANGLE OF 04°32'46") TO THE POINT OF BEGINNING.
CONTAINS 254,239 SQUARE FEET OR 5.837 ACRES

TO REMAIN ZONE M-1 DESCRIPTION – STORAGE ETC. PROPERTY
BEGINNING AT A POINT SOUTH 89°55'59" EAST 285.99 FEET AND NORTH 00°04'01" EAST 33.00 FEET
AND NORTHERLY 21.63 ALONG A 5,679.65 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH
76°52'20" EAST AND CHORD BEARS NORTH 13°25'55" EAST AS SHOWN IN THAT CERTAIN WARRANTY
DEED RECORDED IN BOOK 8644 AT PAGE 6676) AND THENECE NORTH 89°35'25" EAST 105.17 FEET;
THENECE SOUTH 84°19'56" EAST 152.83 FEET; THENECE SOUTH 89°55'59" EAST 307.48 FEET FROM THE
SOUTHWEST CORNER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND
MERIDIAN; AND RUNNING THENECE SOUTH 89°55'59" EAST 135.06 FEET; THENECE NORTH 00°32'00"
WEST 228.53 FEET; THENECE SOUTH 89°28'00" WEST 132.67 FEET; THENECE SOUTH 00°04'01" WEST
227.12 FEET TO THE POINT OF BEGINNING.
CONTAINS 30,498 SQUARE FEET OR 0.700 ACRES
From: NoReply@slco.org <NoReply@slco.org>
Sent: Tuesday, November 20, 2018 2:54 PM
To: Kathy Hart <KHart@slco.org>
Cc: Trent Sorensen <TSorensen@slco.org>; Lupita McClenning <LMcClennen@slco.org>
Subject: SLCo.org Contact Form Submission - Contact Us Form Submission from - Michael Meldrum

Submission from website form received on Tuesday, November 20, 2018 2:54 PM

This message was submitted from the contact form at http://slco.org/development-services/contact-us/

From:
Michael Meldrum -

Message:

This message is for Curtis Woodward/David White. I am a parent of a student at Entheos Academy. I was not able to attend the meeting last evening 11/19/18. I have some questions and concerns that I would like to bring to your attention. I would like to request that the County Council receive a copy of my email.

What is the applicant proposing? What is the staff recommendation for the proposed zone change? I hope that it is negative due to many factors. First, the property appears that it may be in the airport overlay zone which either prohibits residential development outright or makes it a conditional use subject to the parameters of the underlying zone. I searched and could not find an airport overlay map on your website. Should there be one available I would be interested in seeing it.

What are the next steps? Could you please outline the process for me? Does this application comply with the County’s General Land Use Plan and Map? If not, has the applicant made the necessary application? Since there was no land use amendment are we to assume that it complies with said plan. I could not find a copy of the County’s Land Use Map online. Maybe I just missed it. I would like to see a copy for this area.

I am concerned about the possible density on the subject property. Is it multi-family, single-family, or some other conditional use? I am concerned with the safety and welfare of the students of Entheos Academy. I am concerned about the intensity and potential incompatibility that the proposal may have on adjacent properties. I will refrain from making site plan comments at this stage since all that was noticed was a zone change.

If possible, would you please include my name on the next notice for this property? My information is as follows:

Michael Meldrum

Taylorsville, Utah 84129
Conditional Use Summary and Recommendation

Public Body: Kearns Metro Township Planning Commission
Meeting Date: November 19, 2018

Request: A conditional use approval to construct new two (2) million-gallon buried concrete drinking water tank adjacent to the existing one (1) million-gallon drinking water tank
No change in zoning.

Property Address: 5821 West 5400 South
Parcel ID: 21-18-205-022-0000 Acreage: 1.76
Current Zone: R-1-8000
Planner: David White
Planning Staff Recommendation: Approval Subject to Conditions, see recommended draft motions.
Applicant Name: Greg Anderson

PROJECT DESCRIPTION

Greg Anderson on behalf of Kearns Improvement District is requesting a conditional use approval to construct new two (2) million-gallon buried concrete drinking water tank adjacent to the existing one (1) million-gallon drinking water tank.

SITE & VICINITY DESCRIPTION

See attached exhibits.

GENERAL PLAN CONSIDERATIONS

This request implements the goal and objectives of the adopted Kearns Community General Plan, which accommodates the public utilities that serve the Metro Township.

ISSUES OF CONCERN/PROPOSED MITIGATION

None.

NEIGHBORHOOD RESPONSE

PLANNING STAFF ANALYSIS

Follows the adopted Kearns Metro Township General Plan. Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be verified prior to final approval and signatures on any proposed future development and/or final plat.

PLANNING STAFF RECOMMENDATION

Approve: (Staff Recommends)
Motion to approve of a conditional use to construct new two (2) million-gallon buried concrete drinking water tank adjacent to the existing one (1) million-gallon drinking water tank at 5821 West 5400 South, and the Kearns Metro Township Planning Commission Chair shall confirm with the staff that all state law, Kearns Township Ordinances, Requirements, and Condition(s) have been address on the final site plan and building permit.

Other Motions:

Further Study:
Motion to table the conditional use to construct new two (2) million-gallon buried concrete drinking water tank adjacent to the existing one (1) million-gallon drinking water tank at 5821 West 5400 South for additional information and study. Add any directions to the staff in this motion.

Deny:
Motion to deny the conditional use to construct new two (2) million-gallon buried concrete drinking water tank adjacent to the existing one (1) million-gallon drinking water tank at 5821 West 5400 South the proposed explanation does not meet the Kearns Metro Township General Plan. Add reason(s). Add any directions to the staff in this motion.
Date: 11/12/2018

Location
Street: 5821 W 5400 S  Parcel No: 20-14-205-022-0000
City: Kearns  Metro Township: KEARNS
Zip: 84118  Comm. Council: Kearns
Bus. Lic Area: 3

Property Ownership
Owner Name: KEARNS IMPROVEMENT DISTRICT
  Address: PO BOX 18608
  City/State: KEARNS UT
  Zipcode: 84118

Regulations
Zone: R-1-8  FCOZ: N  RCOZ: N Over Pressure: 0.2
General Plan: Kearns
  Fault Area: N
  FEMA Zone: (X) AREA OF MINIMAL FLOOD HAZARD
Liquefaction: VERY LOW
  Watershed: N
Ground Water Protection Zone: N
System Name:

Property Information
Assessor Property Type: Public
  Year Built:

Service Districts
Fire Flow District:
  School District: Granite
  Water District: Kearns Improvement
    5350 W 5400 S
    Contact: Pamela Gill
    Phone: 968-1011
    Emergency:
  Sewer District: Kearns Improvement
    5350 W 5400 S
PLANT SCHEDULE

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Location</th>
<th>Qty</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Drip Irrigation</td>
<td>Plant Area</td>
<td>1000</td>
<td>Valves, Manifolds, etc.</td>
</tr>
<tr>
<td>2</td>
<td>Sprinkler Heads</td>
<td>Plant Area</td>
<td>150</td>
<td>Valves, Manifolds, etc.</td>
</tr>
<tr>
<td>3</td>
<td>Irrigation Valve</td>
<td>Plant Area</td>
<td>20</td>
<td>Valves, Manifolds, etc.</td>
</tr>
<tr>
<td>4</td>
<td>Irrigation Pipe</td>
<td>Plant Area</td>
<td>5000</td>
<td>Valves, Manifolds, etc.</td>
</tr>
<tr>
<td>5</td>
<td>Irrigation Tubing</td>
<td>Plant Area</td>
<td>1000</td>
<td>Valves, Manifolds, etc.</td>
</tr>
</tbody>
</table>

Schedule Note: Quantities are provided for Contractor's convenience only. Contractor is to verify all quantities. Contractor shall also verify that all items shown on the plans are shown on the schedule and shall report any discrepancies to the landscape architect before bidding.

MISC

<table>
<thead>
<tr>
<th>M</th>
<th>6'x6' Cast-in-place Concrete Mowstrip</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Install 48&quot; depth 4&quot; - 8&quot; washed Southtown Cobble (Nephi Sandstone) OR 6&quot; depth 4&quot; - 8&quot; washed Neo Cobble (Staker Parson). Install over DelWitt Pro-5 Weed Barrier.</td>
</tr>
<tr>
<td>SM1</td>
<td>Install 36&quot; depth 3&quot;x4&quot; - 1 1/4&quot; washed Southtown Cobble (Nephi Sandstone) OR 3&quot;x4&quot; - 1 1/4&quot; washed Neo Cobble (Staker Parson) over DelWitt Pro-5 Weed Barrier.</td>
</tr>
<tr>
<td>SM2</td>
<td>Install 36&quot; depth 3&quot;x4&quot; - 1 1/4&quot; washed Crushed Copper Canyon (Staker Parson) over DelWitt Pro-5 Weed Barrier.</td>
</tr>
<tr>
<td>SM3</td>
<td>Install 36&quot; depth 3&quot;x4&quot; - 1 1/4&quot; washed Crushed Wasatch Grey (Staker Parson) over DelWitt Pro-5 Weed Barrier.</td>
</tr>
<tr>
<td>B</td>
<td>2-4&quot; to 5&quot; boulders from Brown's Canyon Quarry. Submit Sample To Landscape Architect. For Approval. 20% 2-6&quot; Boulders 30% 3&quot; Boulders 30% 3-6&quot; Boulders 10% 4&quot; Boulders 10% 5&quot; Boulders Percentages are by quantity not weight</td>
</tr>
</tbody>
</table>

Notes:
1. See details and specifications for additional information.
Ordinance Amendment Summary and Recommendation

Public Body: Planning Commission  Meeting Date: November 19, 2018

Request: Amend the zoning ordinance of Kearns Metro to allow an approval process for carports, patio covers, decks, and other such “non-enclosed” structures to be closer to a property line than is currently allowed in the residential zones.

Planner: Curtis Woodward
Planning Staff Recommendation:

EXECUTIVE SUMMARY

On July 9, 2018, the Kearns Metro Township Council was approached by a homeowner in Kearns who was frustrated that they could not build a 2-car carport that would extend from the side of their house to the side property line. They had discussed the possibility with the County staff, who informed them that there was a minimum setback of 8 feet to a side property line. After listening to the homeowner’s concerns, the metro council directed planning staff to see what could be done in cases like these to offer some relief to people. Some of the concerns we have are:

1. Equity. The setback requirements from property lines are in large measure required based on health and safety concerns. Having a 10 to 20 foot distance between residences on adjoining parcels helps with firefighting efforts and first responder access to rear yards. The setback requirements are based on distance from building to property line so that both property owners share the responsibility evenly to keep this “fire break.” Under the concept of “equal protection under the law,” the rules that apply to one property owner must also apply to the others in the same zone.

2. Consistency/legality. If the zoning ordinance is to have a simpler approval process for certain types of exceptions, how do we determine what are the criteria and limitations of granting an exception? The Metro must be careful to avoid decisions that can be construed as arbitrary or capricious. The criteria should ideally be based on health, safety, and general welfare concerns, and take into account the potential negative consequences.

3. Authority. The zoning ordinance currently allows variances to setback requirements as set forth in State Code. The criteria for variances are clearly delineated and are based on establishing hardship conditions that are unique to a property, with the authority for variances being the land use hearing officer. The idea behind the proposed ordinance is to allow for certain exceptions that may not rise to the level of “hardship,” but perhaps ought to be allowed in certain circumstances. However, the question remains: if we are discussing “exceptions to the norm,” should those exceptions simply be written into the code as a “by right” use, or should there be a public hearing whereby circumstances are considered and a decision rendered by a public body? If the exceptions are written into the code, what are the new “acceptable” limits of construction on a residential lot, and are we comfortable with shifting the norm?

REVIEWING AGENCIES RESPONSE
According to the Chief Building Official, buildings closer than 5' to the property line must be “fire rated” to pass building code. With structures like carports and covered patios, this can be difficult to accomplish, but it is not impossible. Your typical metal awnings and carports are not made of fire rated materials and would not be permitted. His concern is that the ordinance be worded (and administered) such that people understand the zoning ordinance cannot override building code.

PLANNING STAFF RECOMMENDATION

UPDATE: Planning staff has made a slight change to the draft, based on further discussions with the Building Official regarding the side yard setback. For maintenance and water runoff control purposes, it appears that the prudent course of action would be to have the minimum side yard setback at 3 feet rather than 1 foot. Staff has made that change to the draft (attached) and recommends approval of the amended draft ordinance.

If there are concerns about specific provisions of the proposed ordinance, the planning commission may recommend an amended version to the Metro Council.

If there are concerns that cannot be addressed by amending the ordinance, the planning commission may recommend denial.

Potential motions:

A. Move to recommend approval of application 30795 to amend section 19.14.050 of the zoning ordinance as contained in the November 19, 2018 planning commission packet.

B. Move to recommend approval of application 30795 to amend section 19.14.050 of the zoning ordinance, with the following amendment(s) to the draft contained in the November 19, 2018 planning commission packet:
   1. __________________________________________
   2. __________________________________________
   (...etc.)

C. Move to recommend denial of application 30795 to amend section 19.14.050 of the zoning ordinance for the following reason(s):___________________________________________________

D. Move to continue action on application 30795 until the planning commission meeting of ____________________.
A. Dwellings: The minimum yard requirements for a private garage or dwelling are as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Front Yard</th>
<th>Side Yard (Interior)</th>
<th>Side Yard (Facing a public street)</th>
<th>Rear Yard Without Garage</th>
<th>Rear Yard With Garage</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1-3, R-1-4, R-1-5</td>
<td>20 feet</td>
<td>5 feet unless attached to a dwelling on an adjacent lot</td>
<td>20 feet</td>
<td>20 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>R-1-6, R-1-7, R-1-8</td>
<td>25 feet</td>
<td>5 feet one side and 11 feet on the garage or driveway side or 8 feet on each side</td>
<td>20 feet</td>
<td>30 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>R-1-10, R-1-15, R-1-21</td>
<td>30 feet</td>
<td>10 feet on each side</td>
<td>20 feet</td>
<td>Same as above</td>
<td>Same as above</td>
</tr>
<tr>
<td>R-1-43</td>
<td>30 feet</td>
<td>15 feet on each side</td>
<td>20 feet</td>
<td>Same as above</td>
<td>Same as above</td>
</tr>
</tbody>
</table>

B. Accessory Buildings: The minimum yard requirements for an accessory building, which may include a private garage that does not meet the setback requirements listed in subsection A above, are as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Front Yard</th>
<th>Minimum Side Yard (Interior)</th>
<th>Minimum Side Yard (Facing a public street)</th>
<th>Minimum Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1-3, R-1-4, R-1-5, R-1-6, R-1-7, R-1-8, R-1-10, R-1-15, R-1-21, R-1-43</td>
<td>Must be in the rear yard and 6 feet away from the dwelling</td>
<td>1 foot</td>
<td>20 feet</td>
<td>1 foot, except lots which rear upon the side yard of an adjacent lot, in which case the minimum setback shall be 10 feet from the adjoining side yard.</td>
</tr>
</tbody>
</table>

C. The minimum yard requirements for a main building other than residential are as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Front Yard</th>
<th>Minimum Side Yards</th>
<th>Minimum Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1-3, R-1-4, R-1-5</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
</tbody>
</table>
D. Subject to conditions 1 through 6 below, the minimum yard requirements for carports, decks, and covered patios shall be as follows:
Front Yard: 15 feet
Side Yard (interior): 3 feet
Side Yard (street facing): 10 feet
Rear Yard: 10 feet

Conditions of approval:
1. The structure is made of durable, permanent materials,
2. The structure is permanently attached to the dwelling,
3. The structure is approved by the building official,
4. The adjacent property owner approves in writing the placement of the structure,
5. The structure has no exterior walls or panels, and,
6. The structure is not within the clear view area of intersecting streets.


The allowable density for planned unit developments shall be determined by the planning commission on a case by case basis, taking into account the following factors: recommendations of metro township and non-metro township agencies; site constraints; compatibility with nearby land uses; and the provisions of the applicable general plan. Notwithstanding the above, the planning commission shall not approve a planned unit development with density higher than the following:

<table>
<thead>
<tr>
<th>Lot Type</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1-3</td>
<td>11.0 units per acre</td>
</tr>
<tr>
<td>R-1-4</td>
<td>9.0 units per acre</td>
</tr>
<tr>
<td>R-1-5</td>
<td>7.0 units per acre</td>
</tr>
<tr>
<td>R-1-6</td>
<td>6.0 units per acre</td>
</tr>
<tr>
<td>R-1-7</td>
<td>5.0 units per acre</td>
</tr>
<tr>
<td>R-1-8</td>
<td>4.5 units per acre</td>
</tr>
<tr>
<td>R-1-10</td>
<td>4.0 units per acre</td>
</tr>
<tr>
<td>R-1-15</td>
<td>2.5 units per acre</td>
</tr>
<tr>
<td>R-1-21</td>
<td>2.0 units per acre</td>
</tr>
<tr>
<td>R-1-43</td>
<td>1.0 units per acre</td>
</tr>
</tbody>
</table>

Except as otherwise specifically provided in this title no building or structure shall exceed the following height (see Section 19.04.095 (A) for definition of “height”):

A. Main Buildings.
   1. Thirty feet on property where the slope of the original ground surface exceeds fifteen percent or the property is located in the hillside protection zone. The slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. Said box shall extend for a distance of fifteen feet or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet.
   2. Thirty-five feet on properties other than those listed in number one of this subsection.
   3. No dwelling shall contain less than one story.

B. Accessory Buildings.
   1. No building which is accessory to a single-family dwelling shall exceed twenty feet in height. For each foot of height over fourteen feet, accessory buildings shall be set back from property lines an additional foot to allow a maximum height of twenty feet.


No accessory building or group of accessory buildings shall cover more than twenty-five percent of the rear yard.
Ordinance Amendment Summary and Recommendation

Public Body: Planning Commission  
Meeting Date: November 19, 2018

Request: Amend the zoning ordinance of Kearns Metro to prevent rear yards from accumulating junk cars and to allow compacted gravel as an acceptable parking surface for residential vehicles.

Planner: Curtis Woodward

Planning Staff Recommendation:

EXECUTIVE SUMMARY

Zoning ordinance regulations currently in effect prohibit the outdoor storage of “junk,” as defined in the ordinance, in residential zones. Included in the definition of “junk,” is the following: “Junk, except as provided in subsections (B) or (C), shall also mean any dismantled, wrecked or inoperable motor vehicles or recreational vehicles or parts thereof which are stored or parked on property outside of an enclosed building and which remain in such condition for a period of time in excess of sixty days. An automobile, truck or bus shall be considered inoperable if it is not currently registered and licensed in this state or another state.” The exception allowed under (B) or (C) is that one unlicensed motor vehicle may be kept on a property for up to 2 years if it is otherwise operable, or up to 1 year if it is not operable and is kept in the rear yard. In recent weeks, the “exceptions” clause has been a source of frustration for people who register complaints about unsightly vehicles in neighbors’ yards. Enforcement of the “otherwise operable” section of the definition can be difficult, as County inspectors cannot legally force a property owner to prove the operability of a vehicle.

Another problem with the current code is that many homes in Kearns were built with a single-wide driveway or a double-wide driveway with no garage. Since paving an extra parking pad can be a financial burden, we are considering expanding the use of compacted gravel parking areas (currently only for RV parking) to include personal vehicle parking as well.

PLANNING STAFF ANALYSIS

The simplification of the “Junk” definition will certainly make the ordinance easier to understand and enforce. The exception clause was originally included by the County Commission based on feedback from people in Kearns and Magna who don’t have a lot of garage space in which to work on a “project” car. Allowing for one car was seen as a compromise between those who want neighborhoods cleaned up and those who have an auto repair or restoration project. The policy decision to make with this proposal is whether the public need for community cleanliness outweighs the personal freedom to have one inoperable vehicle sitting in a residential yard for up to 2 years.
19.04.315 - Junk.

A. “Junk” means any salvaged or scrap copper, brass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires, waste or other articles or materials commonly designated as junk. Junk, except as provided in subsections (B) or (C), shall also mean any dismantled, wrecked or inoperable motor vehicles or recreational vehicles or parts thereof which are stored or parked on property outside of an enclosed building and which remain in such condition for a period of time in excess of sixty days. An automobile, truck or bus shall be considered inoperable if it is not currently registered and licensed in this state or another state.

B. One truck with a capacity of one ton or less or automobile which is not currently licensed and registered in this state or another state but is otherwise operable may be stored on property for a period not to exceed two years if it is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal; or

C. One truck with a capacity of one ton or less or automobile which is inoperable may be stored in a side yard, except a side yard which faces on a street or a rear yard on property for a period not to exceed two years provided:

1. The automobile or truck is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal; and
2. The automobile or truck shall not be visible from any public street; and
3. The automobile or truck is entirely concealed by a covering which is maintained in good condition and which does not extend closer to the ground than the lowest point of the vehicle body.

D. All existing legal nonconforming motor vehicles as of the effective date of the ordinance codified in this section, or any amendment hereto, shall comply with the provisions of this section within one year from the date of the enactment of this section or any amendment thereto.

19.80.035 - Parking in R-1 and R-2 Residential Zones.

A. 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. The driveway shall be constructed of a durable, hard surface such as: concrete (including permeable concrete), asphalt (including permeable asphalt), brick, pavers, stone, or block. The number, location, and width of driveways shall comply with the specifications set forth in sections 14.12.110 and 14.36.060 of the County Code of Ordinances. Driveways over one hundred fifty feet in length are subject to approval by the fire authority. 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 regulating landscaping. In no case shall more than 50% of the area of a front or rear yard be paved for parking or driveways.

B. Private vehicles. Private vehicles parked on residential property in any R-1 or R-2 zone shall comply with the following:
1. If be parked or stored on a paved surface in compliance with section 19.80.030.C or 19.83.035.A, or on a parking pad which is constructed of 6 inches of compacted gravel, a private vehicle may be if located in the front yard, side yard, or rear yard of a dwelling.

2. If parked or stored on any other type of surface, private vehicles must be behind the front line of the dwelling and screened from view from public streets or neighboring properties with a six-foot tall (minimum) opaque fence.

C. Recreational Vehicles. Recreational vehicles parked or stored on residential property in any R-1 or R-2 zone shall comply with the following:

1. If be parked or stored on a paved surface in compliance with section 19.80.030.C or 19.83.035.A, a recreational vehicle may be if located 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.

2. If parked or stored on any other type of surface, recreational vehicles must be behind the front line of the dwelling and screened from view from public streets or neighboring properties with a six-foot tall (minimum) opaque fence.

D. Commercial vehicles. Commercial vehicles shall not be parked or stored on residential property in an R-1 or R-2 zone, except in the following circumstances:

1. Commercial vehicles may be parked on a property in conjunction with lawfully-permitted construction, maintenance, or site development activities so long as said activities are diligently pursued.

2. One commercial vehicle may be parked behind the front line of the dwelling and, screened from view from public streets or neighboring properties with a six-foot tall (minimum) opaque fence, provided it is parked on a paved surface in compliance with section 19.80.030.C or 19.83.035.A.

3. One commercial vehicle may be parked in the front yard or side yard of a dwelling, in the R-1 or R-2 zones upon issuance of a permit by planning and development services, as long as all of the following criteria are met:
   a. No other commercial vehicle is parked or stored on the property.
   b. The operator of the vehicle is required to be on call 24 hours a day to use the vehicle in response to an emergency;
   c. The commercial vehicle is parked on a paved surface in compliance with section 19.80.030.C or 19.80.035.A;
   d. The commercial vehicle is parked entirely on private property, not parked on or over the street or sidewalk; and
   e. The commercial vehicle does not exceed Class 5 (two-axle, six tire single unit trucks) in Federal Highway Administration vehicle classification.