**KEARNS METRO TOWNSHIP**

Ordinance No. **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** Date: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

## AN ORDINANCE REVISING THE DENSITY LIMITS FOR PLANNED UNIT DEVELOPMENTS AND DWELLING GROUPS WITHIN THE KEARNS METRO TOWNSHIP CODE TO CONFORM TO THE KEARNS METRO TOWNSHIP GENERAL PLAN

WHEREAS, the Kearns Metro Township (**“Kearns”**)incorporated as a municipality in 2017; and

WHEREAS, Pursuant to Utah Code 10-2a-414, Kearns inherited the Salt Lake County Code, which included certain density limits for planned unit developments and dwelling groups; and

WHEREAS, the Kearns Council adopted a new general plan on October 22, 2020, which organizes Kearns into specific character areas and assigns new density limits to each character area; and

WHEREAS, the Kearns Council desires to revise the applicable density limits and make related revisions in the Kearns Code to account for the new character areas and conform to the general plan.

NOW, THEREFORE BE IT RESOLVED BY THE KEARNS METRO TOWNSHIP COUNCIL:

1. Section 19.04.190 is repealed and replaced with the following:

*19.04.190 Dwelling Group*

*"Dwelling group" means a group of two or more dwellings located on a parcel of land in one ownership and having any yard or court in common. A dwelling group does not include a single-family residence with an accessory dwelling unit authorized under Chapter 19.15.*

1. Section 19.04.215 is repealed and replaced with the following:

*19.04.215 Dwelling Unit*

*"Dwelling unit" means one or more rooms physically arranged to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping. Buildings with more than one kitchen or set of cooking facilities are considered to contain more than one dwelling unit unless the additional cooking facilities are clearly accessory to a dwelling unit as determined by the development services director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to:*

1. *A building design which allows all occupants ready access to all portions of the building including cooking facilities;*
2. *No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit; and*
3. *There is only one electric and/or gas meter for the building.*

*Notwithstanding these provisions, a single-family residence with an accessory dwelling unit authorized under Chapter 19.15 will constitute one dwelling unit.*

1. Section 19.14.055 is repealed and replaced with the following:

*19.14.055 Density*

*The allowable density for planned unit developments will be determined pursuant to Chapter 19.96.*

1. Section 19.32.055 is repealed and replaced with the following:

*19.32.055 Density*

*The allowable density for planned unit developments will be determined pursuant to Chapter 19.96.*

1. Section 19.40.100 is repealed and replaced with the following:

*19.40.100 Density*

*The allowable density for planned unit developments will be determined pursuant to Chapter 19.96.*

1. Section 19.44.110 is repealed and replaced with the following:

*19.44.110 Density*

*The allowable density for planned unit developments will be determined pursuant to Chapter 19.96.*

1. Section 19.48.100 is repealed and replaced with the following:

*19.48.100 Density*

*The allowable density for planned unit developments will be determined pursuant to Chapter 19.96.*

1. Chapter 19.60 is repealed in its entirety.
2. Section 19.62.130 is repealed and replaced with the following:

*19.62.130 Density*

*The allowable density for planned unit developments will be determined pursuant to Chapter 19.96.*

1. Section 19.64.130 is repealed and replaced with the following:

*19.64.130 Density*

*The allowable density for planned unit developments will be determined pursuant to Chapter 19.96.*

1. Chapter 19.70 is repealed.
2. Chapter 19.72 is repealed.
3. The following portions of Section 19.78.030 are revised as follows:

*19.78.030(B)*

*Open Space. Common and private open space shall be provided and shall cover no less than forty percent of the gross site area. Common open space shall be provided in the amount of at least twenty percent of the gross site area. For purposes of this chapter, gross site area is defined as the total area of a planned unit development excluding anything in the public right-of-way.*

*The required common open space shall be land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curb-gutter-sidewalk, driveways, or alleys and shall be accessible by all residents of the development. Buildings erected for the purpose of providing an amenity may be included as open space. Said open space may be an area of land or water set aside, or reserved for use by residents of the development, including an expanse of lawn, trees, plants, fully accessible landscaped roof areas, or other natural areas. Common open space also includes common walkways (but not curb-gutter-sidewalk), formal picnic areas, and recreational areas. Common open space may be distributed throughout the development and need not be in a single large area. Common open space may include sensitive areas, such as areas with thirty percent or greater slope, fault zones, flood plains, high water tables, and wetlands, if they have been designed as an integral element of the project.*

*Private open space is that space which is provided for each dwelling unit for personal use. Private open space is typically located immediately adjacent to or attached to the dwelling unit it is designed to serve and is for the exclusive use of the residents of the dwelling unit. Landscaped roof areas, balconies, or decks attached to individual units are considered private open space and are not to be calculated as part of required common open space.*

*~~The planning commission may reduce the open space requirements of this section in order to accommodate a density bonus provided for in this chapter.~~*

*~~19.78.030(E)(7)~~*

*~~Underground parking. Installation of underground parking adequate to meet fifty percent of the parking requirements of this section excluding guest parking, shall receive a twenty percent density bonus for the planned unit development.~~*

*19.78.030(K)*

*Site Plan. All developments shall be guided by a total design plan in which the following development standards may be varied to allow ~~density bonuses and~~ flexibility and creativity in site design and building location. The planning commission may require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan so that adjacent properties will not be adversely affected. The following criteria shall be used by the planning commission principally to assure the design objectives of this section are met.*

1. *Density. ~~Subject to the following density bonuses,~~* ***T****he density allowed for a development shall be ~~no greater than that allowed in the zone in which it is located~~* ***determined pursuant to Chapter 19.96****. Density shall be calculated using only net developable acreage. ~~A density bonus in the following amounts is allowed if either or both of the following conditions exist:~~*
   1. *~~For developments with underground parking that is adequate to meet the parking requirements of this chapter excluding guest parking, a density bonus of twenty percent is allowed pursuant to 19.78.030(5)(g); and/or~~*
   2. *~~For developments within one-quarter mile (improved walking distance) of a rail or Bus Rapid Transit (BRT) station, a density bonus of twenty percent is allowed. For developments within one-half mile (improved walking distance) of a rail or BRT station, but greater than one-quarter mile, a density bonus of ten percent is allowed.~~*

*~~19.78.030(K)(2)(c)~~*

*~~At the discretion of the planning commission, height for dwelling structures along corridors as defined in the general plan and not adjoining a residential zone, may be increased by an additional five feet to accommodate a density bonus provided for in this chapter.~~*

*19.78.030(K)(2)(d)* isrenumbered as subparagraph “(c).”

1. Chapter 19.96 is enacted with the following language:

*Chapter 19.96 – Density Limits for Planned Unit Developments and Dwelling Groups*

*19.96.010 – Purpose*

*The purpose of this chapter is to establish maximum density limits for planned unit developments and dwelling groups within the Kearns Metro Township.*

*19.96.020 – Density Limits*

*The maximum allowable density for planned unit developments and dwelling groups will not exceed the following maximum densities for the individual character areas identified in the Kearns Metro Township General Plan. There are no exceptions to these maximum density limits. The following density limits will control over any conflicts with the density limits in the general plan.*

1. *Warehouse District: 0.0 dwelling units per acre.*
2. *Mobile and Manufactured Home Community: 8.0 dwelling units per acre.*
3. *Commercial Redevelopment Opportunity: 0.0 dwelling units per acre.*
4. *Kearns Town Center:*

|  |  |
| --- | --- |
| *single-family dwellings* | *7.0 units per acre* |
| *two-family dwellings* | *12.0 units per acre* |
| *three-family dwellings* | *15.0 units per acre* |
| *four-family dwellings* | *18.0 units per acre* |
| *multi-family dwellings* | 1. *units per acre* |

1. *Recreation Hub: 0.0 dwelling unit per acre.*
2. *Neighborhood Mixed Use:*

|  |  |
| --- | --- |
| *single-family dwellings* | *7.0 units per acre* |
| *two-family dwellings* | *12.0 units per acre* |
| *three-family, four-family, and multi-family dwellings* | *15.0 units per acre* |

1. *Kearns Corner:*

|  |  |
| --- | --- |
| *single-family dwellings* | *7.0 units per acre* |
| *two-family dwellings* | *12.0 units per acre* |
| *three-family dwellings* | *15.0 units per acre* |
| *four-family dwellings* | *18.0 units per acre* |
| *multi-family dwellings* | *25.0 units per acre* |

1. *Walkable Commercial Center: 0.0 dwelling units per acre.*
2. *Moderate Income Housing Opportunities:*

|  |  |
| --- | --- |
| *single-family dwellings* | *7.0 units per acre* |
| *two-family dwellings* | *12.0 units per acre* |
| *three-family dwellings* | *15.0 units per acre* |
| *four-family dwellings* | *18.0 units per acre* |
| *multi-family dwellings* | *20.0 units per acre* |

1. *Lodestone Residential: 6.0 dwelling units per acre.*
2. *Olympic Oval District: 6.0 dwelling units per acre.*
3. *Western Hills: 6.12 dwelling units per acre.*
4. *Camp Kearns Residential: 6.06 dwelling units per acre.*
5. *Edgemont Park: 5.88 dwelling units per acre.*
6. *Special Utility Project: 0.0 dwelling unit per acre.*
7. *Major Transit Investment Corridor: 0.0 dwelling unit per acre.*
8. *Existing Commercial: 0.0 dwelling unit per acre.*
9. *Med-to-High Density Residential Character Area:* 
   1. *The following density limits will apply for R-M zones within the character area:*

|  |  |
| --- | --- |
| *single-family dwellings* | *7.0 dwelling units per acre* |
| *two-family dwellings* | *12.0 dwelling units per acre* |
| *three-family dwellings* | *15.0 dwelling units per acre* |
| *four-family dwellings* | *18.0 dwelling units per acre* |
| *multi-family dwellings* | 1. *dwelling units per acre* |

* 1. *The following density limits will apply for R-2-6.5 zones within the character area:*

|  |  |
| --- | --- |
| *single-family dwelling* | *7.0 units per acre* |
| *two-family dwelling* | *12.0 units per acre* |

* 1. *For R-1-6 zones within the character area: 6.0 dwelling units per acre.*

*19.96.030 – Compliance with Zoning Requirements*

*Nothing in this Chapter will negate the need for planned unit developments and dwelling groups to comply with applicable zoning requirements. If there is a conflict between the density limits of Section 19.96.020 and the applicable zoning requirements, the zoning requirements will control.*

1. Pursuant to Utah Code Ann. §§ 10-3-711 and –712, this ordinance will take effect twenty (20) days after its publication in a newspaper published and having general circulation in Salt Lake County or 30 days from the effective date of this ordinance, whichever is closer to the effective date.

[Execution on following page]

APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2021.

KEARNS METRO TOWNSHIP COUNCIL

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kelly Bush, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Nathan Bracken,

Metro Township Attorney

ATTEST

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sherrie Swensen, Clerk/Recorder

Voting

Council Member Bush voting \_\_\_

Council Member Butterfield voting \_\_\_

Council Member Peterson voting \_\_\_

Council Member Schaeffer voting \_\_\_

Council Member Snow voting \_\_\_

(Complete as applicable)

Summary of ordinance published in newspaper: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of publication:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Effective date of ordinance:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUMMARY OF**

**KEARNS METRO TOWNSHIP ORDINANCE NO. \_\_\_\_\_\_\_\_\_\_**

On \_\_\_\_\_\_\_\_\_\_\_\_\_, 2021, the Kearns Metro Township Council enacted Ordinance No\_\_\_\_\_\_\_\_\_\_\_\_\_\_, revising the density limits for planned unit development and dwelling groups within the Kearns Metro Township Code. A complete copy of this ordinance is available in the office of the Kearns Metro Township Clerk, located at 2001 South State Street, N2-700, Salt Lake City, Utah.

KEARNS METRO TOWNSHIP COUNCIL

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kelly Bush, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Nathan Bracken,

Metro Township Attorney

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sherrie Swensen, Clerk/Recorder

Voting

Council Member Bush voting \_\_\_

Council Member Butterfield voting \_\_\_

Council Member Peterson voting \_\_\_

Council Member Schaeffer voting \_\_\_

Council Member Snow voting \_\_\_