

Public Hearing: Kearns Titles 18 & 19

MSD Long Range Planning . April 3rd, 2023 .

Public Hearing

Tonight's public hearing is being held to meet state code requirements and receive input from the public regarding drafted Titles 18 & 19 of Kearns Municipal Code.

Following the public hearing, the Planning Commission may make a recommendation to the Council regarding the adoption of these ordinances.



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Zoning & Subdivisions

What is Zoning?

"A police power measure in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards." (Sacramento, Calif.)

What is Subdivision?

"The process of laying out a parcel of raw land into lots, blocks, streets, and public areas." (Handbook for Planning Commissioners in Missouri)

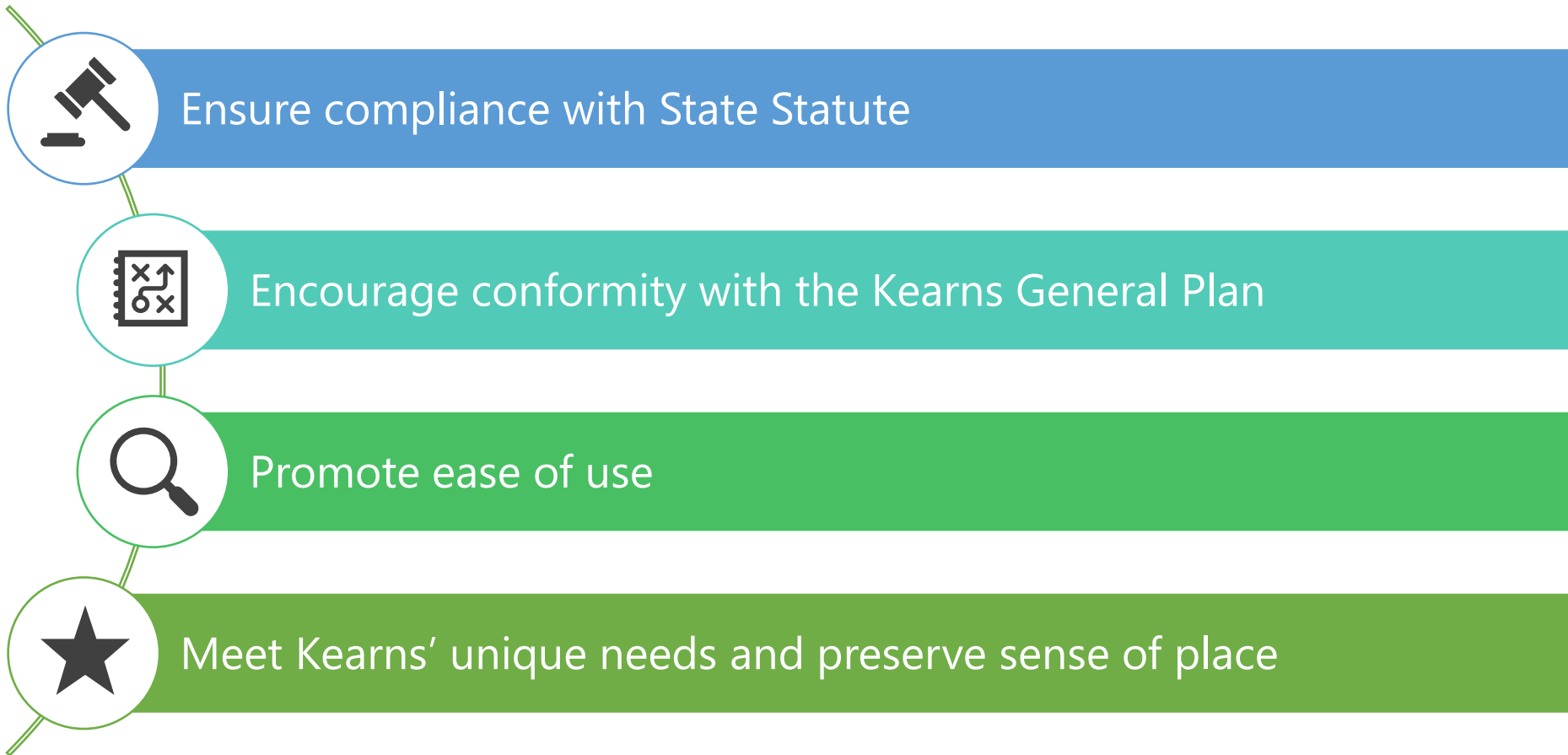
Includes the division of existing lots.

**Tools for protecting public health, safety, and welfare,
and for implementing the vision of the General Plan.**

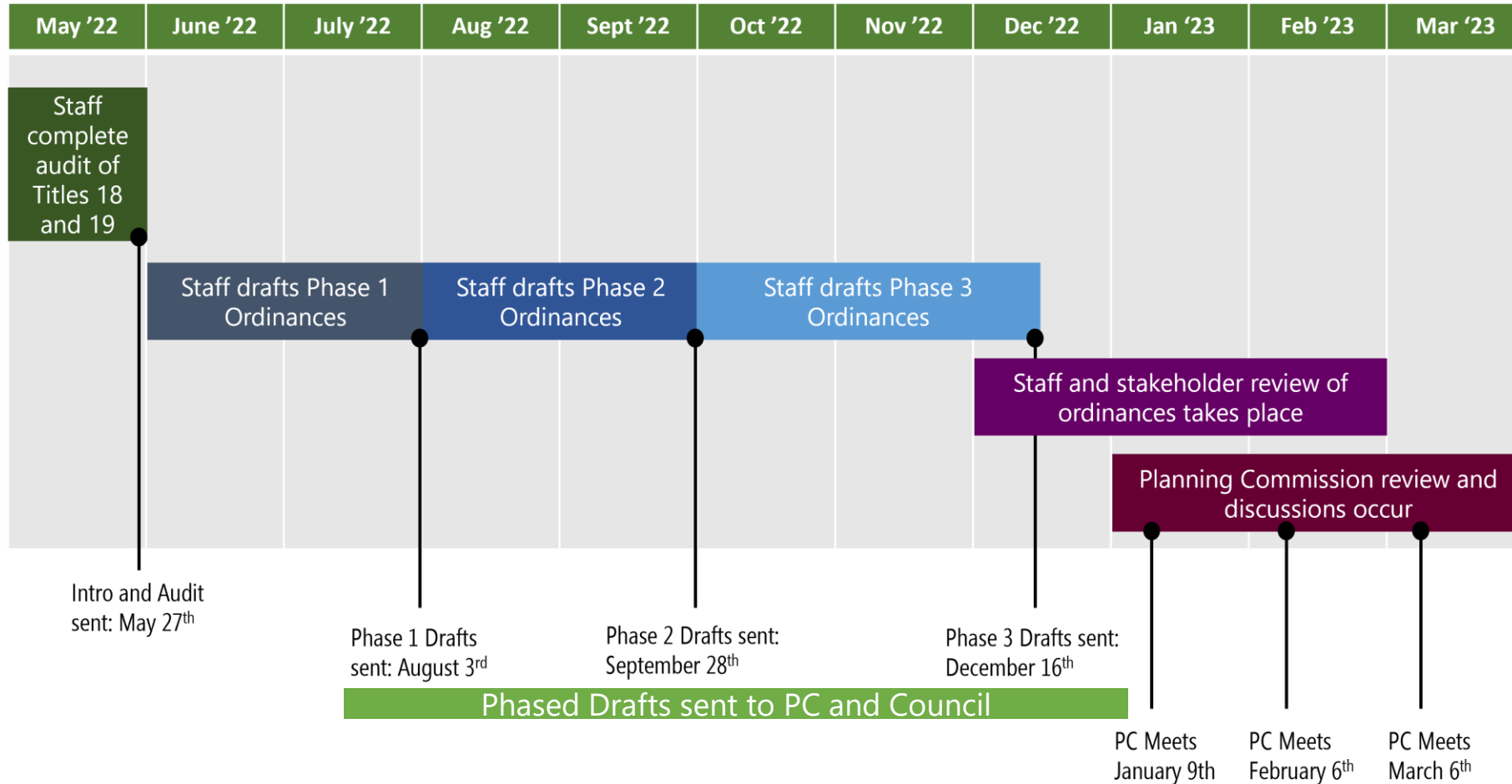


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Background: Project Purpose



Background: Project Timeline



Content: Subdivisions TOC

Title 18

- Chapter 18.02: Title, Purpose, and Applicability
- Chapter 18.04: Subdivision Plans and Plats Required
- Chapter 18.06: General Regulations
- Chapter 18.08: Procedure for Approval of a Subdivision
- Chapter 18.10: Documentation Requirements
- Chapter 18.12: Design Standards
- Chapter 18.14: Required Improvements
- Chapter 18.16: Performance Guarantees
- Chapter 18.18: Subdivision Amendments
- Chapter 18.20: Filing Professional Surveys
- Chapter 18.22: Health Department Regulations
- Chapter 18.24: Fees, Administration, and Enforcement
- Chapter 18.26: Violations and Penalties



Content: Zoning TOC

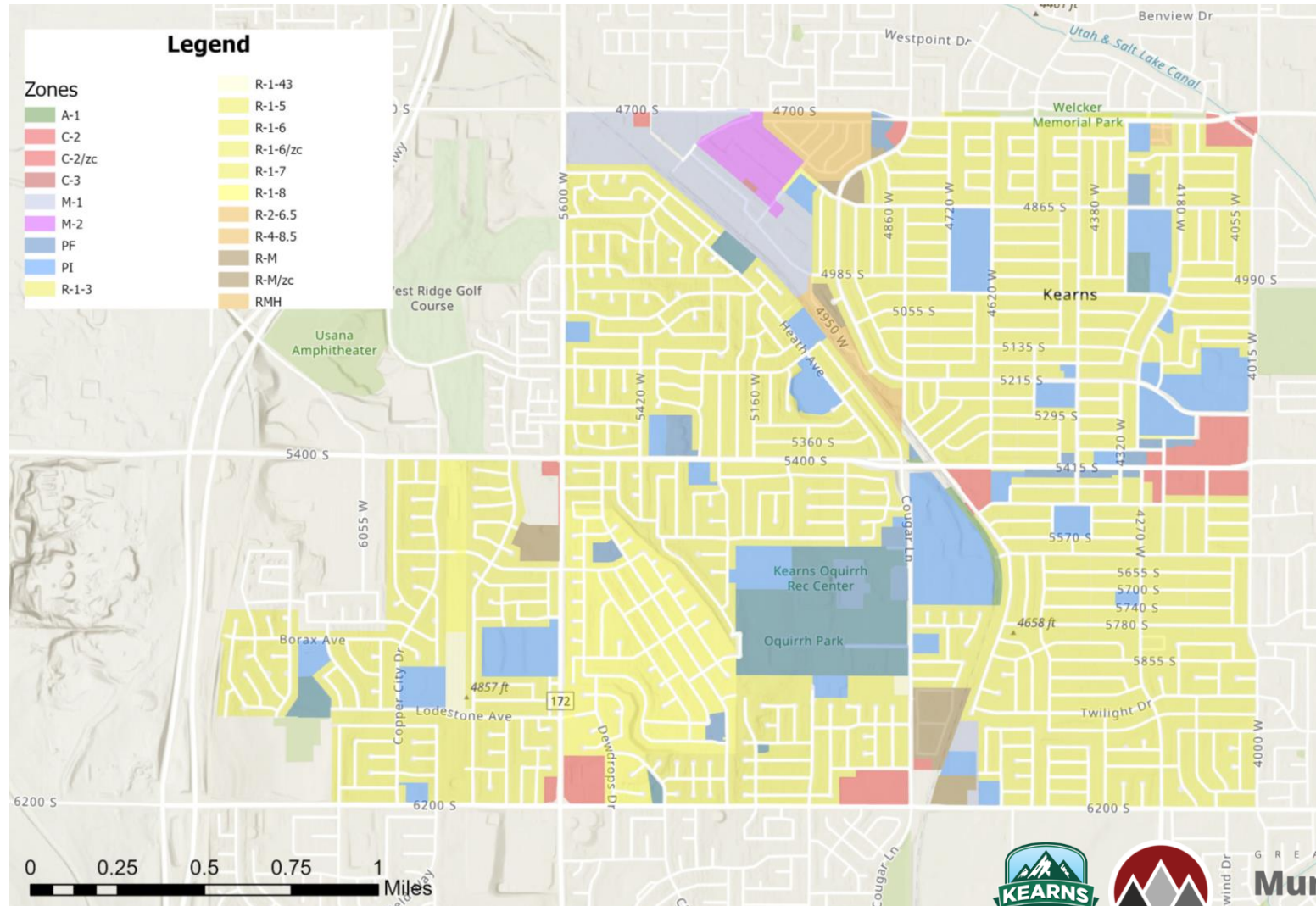
Title 19

- Chapter 19.02: Title, Purpose, and Applicability
- Chapter 19.04: Definitions
- Chapter 19.06: Nonconformities
- Chapter 19.08: Enforcement
- Chapter 19.10: Procedures for Analyzing Takings Claims
- Chapter 19.12: Administrative Bodies, Powers, and Duties
- Chapter 19.14: Zones, Zoning Map, and Boundaries
- Chapter 19.16: Land Use Processes and Procedures
- Chapter 19.18: Planned Unit Developments
- Chapter 19.20: Variance, Exceptions, and Appeals
- Chapter 19.22: Parks and Recreation Zone
- Chapter 19.24: RESERVED
- Chapter 19.26: Agricultural Zones
- Chapter 19.28: Single-Family Residential Zones
- Chapter 19.30: Med- and High-Density Residential Zones
- Chapter 19.32: Commercial Zones
- Chapter 19.34: Manufacturing Zones
- Chapter 19.36: Mixed-Use Zones
- Chapter 19.38: Public Facilities & Institutions Zones
- Chapter 19.40: Residential Mobile Home Park Zone
- Chapter 19.42: Specific Use Standards
- Chapter 19.44: Temporary Use Standards
- Chapter 19.46: Site Development Standards
- Chapter 19.48: Off-Street Parking and Mobility Standards
- Chapter 19.50: Landscaping, Screening, and Water-Efficiency Standards
- Chapter 19.52: Signs
- Chapter 19.54: RESERVED
- Chapter 19.56: Floodplain Hazard Regulations
- Chapter 19.58: Geological Hazards Ordinance
- Chapter 19.60: RESERVED (AOZ)



Zones: Kearns Current Zoning Map

Tonight's public hearing is concerning **text amendments ONLY**. No change to the zoning map is currently being proposed.



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Zones: Parks & Rec

Purpose: Create a new zoning district that can be used to protect existing or future parks and recreational spaces.



Zone	Primary Uses	Max Height	Min Lot Size	Future Application
Parks and Recreation Zone (PR)	Public or Commercial Recreation; Open Space; Trails; Community Gardens	35'-45' (depending on lot size)	NA	Could be applied at Oquirrh Park, KOPFC, and the Olympic Oval



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Zones: Agricultural

Purpose: Provide limited agricultural opportunities within primarily residential zones. (This is a legacy zone in Kearns; new applications of Agricultural Zones are unlikely)

Zones	Primary Uses	Max Height	Min Lot Size	Future Application
Agricultural Zone 1 (A-1)	Single-Family Residential; Small-Scale Agriculture; Gardening; Keeping of Chickens and Ducks	35'	10,000 sq.ft.	These are likely to remain legacy zones in Kearns. Existing agricultural lots can continue under this zone, but future applications are unlikely.
Agricultural Zone 2 (A-2)			1 acre	



Zones: Single-Family Residential

Purpose: Provide neighborhoods where single-family housing is the dominant use and residents experience a comfortable, healthy, safe, and pleasant environment.

Zones	Primary Uses	Max Height	Min Lot Size	Max Density	Future Application
R-1-3	Single-Family Residential; Accessory Dwelling Units; Home Occupations ; Day Cares; Parks; Schools	30-35' depending on slope	3,000 sq.ft.	11 du/acre	Residential neighborhoods throughout Kearns. Most single-family zones are already applied.
R-1-4			4,000 sq.ft.	9 du/acre	
R-1-5			5,000 sq.ft.	7 du/acre	
R-1-6			6,000 sq.ft.	6 du/acre	
R-1-7			7,000 sq.ft.	5 du/acre	
R-1-8			8,000 sq.ft.	4.5 du/acre	
R-1-10			10,000 sq.ft.	4 du/acre	
R-1-43			43,560 sq.ft.	1 du/acre	



Zones: Med- and High-Density Residential

Purpose: Promote a mix of housing opportunities and support the implementation of Kearns' Moderate Income Housing Plan.

Zones	Primary Uses	Max Height	Min Lot Size	Max Density	Future Application
Two-Family Residential Zones (R-2)	Single-Family Residential (including Townhomes); ADUs; Duplexes; Home Occupations	35'	6,000 sq.ft. (1 Dwelling) 3,250 sq.ft. per dwelling (2+ Dwellings)	12-16 du/acre	Locations currently zoned R-2; limited expansion
Four-Family Residential Zones (R-4)	Single-Family Residential (including Townhomes); ADUs; Duplexes; Triplexes; Fourplexes; Home Occupations	35'	5,000 sq.ft. (1 Dwelling) 3,000 sq.ft. per dwelling (2+ Dwellings)	20 du/acre	Locations currently zoned R-4; limited expansion
Multi-Family Residential Zone (RM)	Townhomes; ADUs; Duplexes; Triplexes; Fourplexes; Multi-Family Dwellings	50'	5,000 sq.ft. (1 Dwelling) 2,750 sq.ft. per dwelling (2+ Dwellings)	30 du/acre	Locations currently zoned RM; expansion as needed to support commercial centers



Zones: Commercial

Purpose: Provide places in Kearns for a wide range of commercial and retail trades / uses, offices, business and professional services, and other uses that contribute to economic stability and opportunity for residents.

Zone	Primary Uses	Max Height	Min Lot Size	Future Application
General Commercial (C-1)	Most Retail and Service Uses; Food and Drink; Offices; Recreation; Institutional Uses	45'	NA. There is a minimum project area of 3 acres in the C-2 Zone.	Commercial clusters throughout Kearns, including near the intersections of 4700 S / 4015 W and 5400 S / Northwest Ave
Shopping Center Commercial (C-2)	Most Retail and Service Uses; Food and Drink; Lodging; Offices; Recreation; Institutional Uses	60'		Existing commercial plazas in Kearns, including the Harmon's plaza at 6200 S / Cougar Lane.
Warehousing and Wholesale commercial (C-3)	Cemetery; Limited Institutional Uses	45'		Only at locations where C-3 is currently applied; this is a legacy zone and is not intended to be expanded.



Zones: Manufacturing

Purpose: Provide places in Kearns for industrial, warehousing, wholesale, and other uses that contribute to economic stability and opportunity for residents. Implement the vision of the Warehouse District Character Area (Kearns General Plan).



Zone	Primary Uses	Max Height	Min Lot Size	Future Application
Flex (M-1)	Light Industrial; Intensive or Medical Offices; Laboratories; Child Care; Open Space; Accessory Uses to Support Employees	60'	12,000 sq.ft.	Kearns' Warehouse District Character Area, as defined in the General Plan.
Heavy (M-2)	Heavy Industrial; Agricultural Products and Meat Processing; Storage Yards; Water Treatment Facilities; Solar and Wind Energy Systems	80'	25,000 sq.ft.	Locations where M-2 is currently applied; this is a legacy zone and is not intended to be expanded.



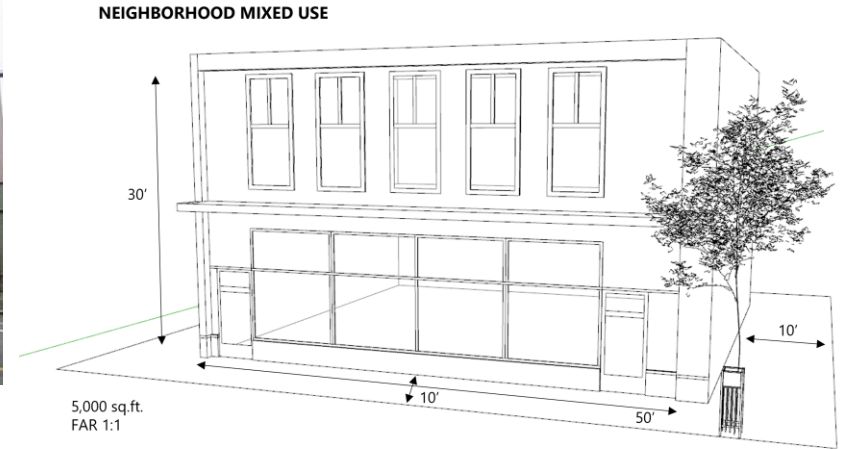
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Zones: Mixed-Use 1

Purpose: Allow for a small-scale, horizontal or vertical mixture of uses to serve the daily needs of neighborhood residents. Support the vision of the Neighborhood Mixed-Use Character Area.



Example of Neighborhood Mixed-Use Development (Portland Zoning Ordinance)



Zone	Primary Uses	Max Height	Min Lot Size	Max Density	Future Application
Neighborhood Mixed Use Zone (NMU)	Single-Family Residential (including Townhomes); ADUs; Duplexes; Triplexes; Fourplexes; Neighborhood Commercial Uses (Banks, Child Care, Laundry Cleaning, Post Office); Offices; Institutional Uses	35'	NA	15 du / acre	Neighborhood Mixed Use Character Area (Kearns General Plan) and other locations where neighborhood commercial and diverse housing choices are desired.

Zones: Mixed-Use 2

Purpose: Encourage infill development or redevelopment in the Town Center area, combining retail development with a variety of housing, offices, civic buildings, and other complementary uses.



Example of mixed-use in Holladay, UT (Niche Homes, 2019)

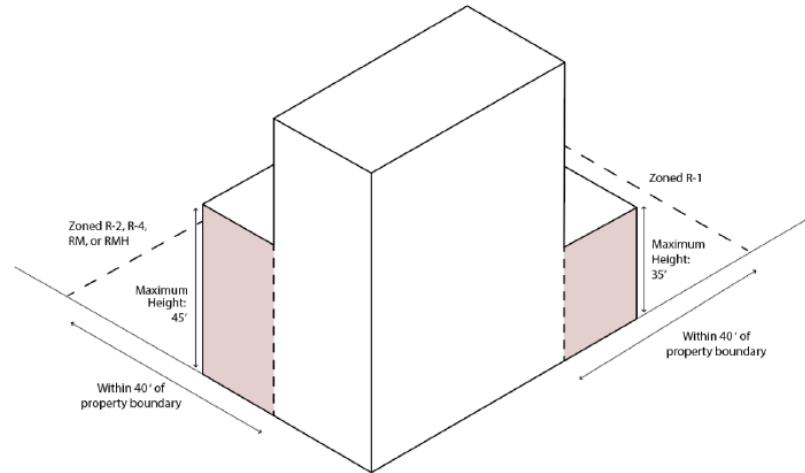


Zone	Primary Uses	Max Height	Min Lot Size	Max Density	Future Application
Town Center Zone (TC)	Multi-Family Residential; Triplexes; Fourplexes; Most Retail and Service Uses; Food and Drink; Lodging Accommodations; Offices; Recreation and Entertainment; Institutional Uses; Medical and Dental Clinics	55'	NA	25 du / acre	This zone is intended for application only in Kearns' Town Center area.

Zones: Mixed-Use 3

Purpose: Promote compact and walkable development, diverse housing options, and proximity to goods and services along transit corridors.

Figure 19.36.050 B: Step-down Heights Illustrated.



Example of four-story mixed-use along a major corridor (City of Vancouver, 2023)

Zone	Primary Uses	Max Height	Min Lot Size	Max Density	Future Application
Corridor Mixed Use Zone (CMU)	Multi-Family Residential; Townhomes; Triplexes; Fourplexes; Most Retail and Service Uses; Food and Drink; Lodging Accommodations; Offices; Recreation; Institutional Uses; Medical and Dental Clinics; Park & Ride; Drive-Thru Facilities	60'	NA	30 du / acre	This zone is intended for future application, as desirable, along Core Bus Routes. This may include limited application on 5400 S, 6200 S, and 5600 W.

Zones: Public Institutions & Facilities

Purpose: These zones designate space for public and quasi-public uses. The PF Zone provides areas for facilities on large tracts of land owned by public or quasi-public entities, while the PI Zone focuses on athletic facilities and locations for organized team sports.



Zone	Primary Uses	Max Height	Min Lot Size	Future Application
Public Facilities Zone (PF)	Child Care; Reception Centers; Institutional Uses; Park & Rides	35'	10,000 sq.ft.	For application in areas currently zoned PF or PI.
Public Institutions Zone (PI)	Child Care; Recreational Uses; Institutional Uses	35'	217,800 sq.ft. (5 acres)	



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Zones: Residential Mobile Home Park

Purpose: Provide appropriate areas for the development and preservation of mobile home parks and mobile home subdivisions, which provide additional opportunities for housing choice and affordability.



Zone	Primary Uses	Max Height	Min Lot Size	Future Application
Residential Mobile Home Park (RMH)	Mobile Home Park or Mobile Home Subdivision; Agriculture; Child Care; Community Garden; Parks	25'	The minimum lot area for a mobile home park or mobile home subdivision is 5 acres.	This zone is intended for application only at the existing mobile home park in Kearns.



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Key Changes: Subdivision Ordinance

1. All subdivision–related definitions were moved into the Definitions Chapter in Title 19 (19.04).
2. A new process was established that allows the Director (of MSD PDS) to act as the land use authority for subdivisions of 5 or fewer lots.
3. The Planning Commission is now designated as the land use authority for all other preliminary plat approvals.
4. An optional step was added in the subdivision application process, allowing applicants to meet with staff for a “Concept Review” prior to submitting an application.
5. Additional design standards were added to improve the quality of subdivisions (block length, cul-de-sac and flag-lot restrictions, frontage, fencing requirements).
6. Language related to performance guarantees was updated to reflect current state code requirements and to protect the municipality.



Key Changes: Specific-Use Ordinance

EXAMPLE

1. Use definitions were categorized, reduced, and re-defined. All standards were removed from the definitions (Chapter 19.04).
2. A new chapter was created to house standards for specific uses. This reduces redundancy in each zoning chapter and adds objective criteria as the community moves away from conditional uses.
3. Added standards improve compatibility between uses and elevate quality of development.

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 stories in height;
- C. The structure must contain a minimum of five (5) guestrooms, but not 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.



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Key Changes: Off-Street Parking Ordinance

1. Required off-street parking spaces for each use were organized into an easy-to-use table.
2. Maximum parking standards were added to reduce inefficient use of land.
3. New standards for bike parking and e-charging stations were added.
4. A process was added whereby the Director or Designee may waive or modify parking requirements to accommodate the reuse of existing buildings or structures.
5. Off-street loading and unloading standards were added.
6. Vehicle stacking standards were expanded.
7. New requirements were added for mobility and pedestrian circulation within parking lots.

Table 19.48.150: Off Street Parking Requirements.				
Use Category	Use	Minimum Spaces Required	Maximum Spaces Allowed	Additional Requirements
RESIDENTIAL				
Household Living	Single-Family	2 spaces per dwelling unit	NA - but no more than 50% of any front or rear yard space may be paved.	Spaces may be arranged one behind another
	Two-Family	1 space per dwelling unit	3 spaces per dwelling unit	
	Three- and Four-Family			
	Multi-Family	1 space per studio apartment; 1.5 spaces per 1 bedroom unit; 2 parking spaces per dwelling unit for any units with 2 or more bedrooms; plus guest parking as determined by Director or designee	2 spaces per dwelling unit for all unit types; no more than 1 guest space per 3 units	



Key Changes: Landscaping Ordinance

1. Landscape irrigation and efficient water usage standards were added.
2. Standards for the removal or replacement of existing trees were added / expanded.
3. A standard for the maximum area of turf on a property (35%) was set.
4. Screening and parking lot landscaping standards were expanded and enhanced.
5. New guidance for the landscaping of park strips was added, and turf / lawn was prohibited in park strips of less than 8' depth.
6. Standards were added related to the type of trees that could be planted (prohibiting noxious species or those that interfere with utilities).
7. Water-efficiency standards for car washes were added.
8. Weed abatement and tree-trimming standards were revised and moved from Title 9 to this Chapter.



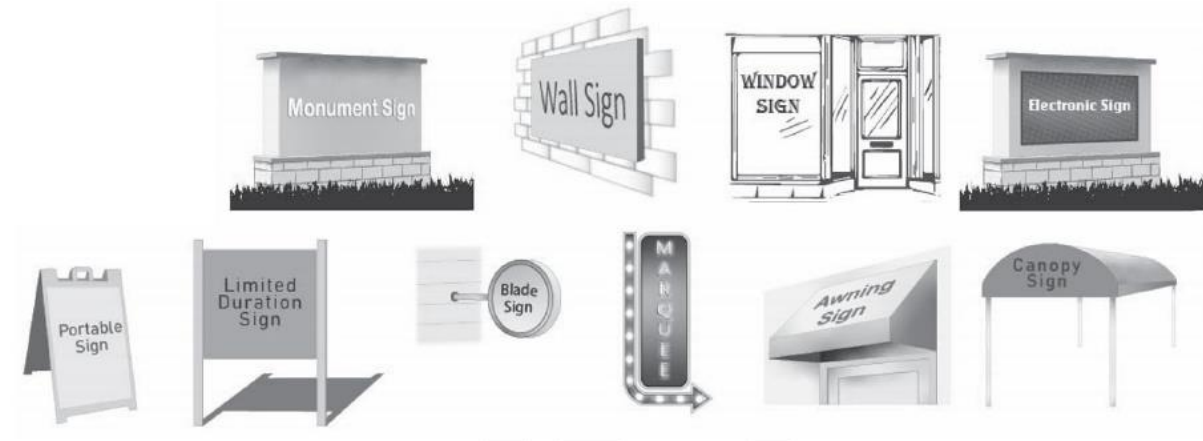
Water-efficient landscape examples (Localscapes, 2023).



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Key Changes: Sign Ordinance

1. Language was brought up-to-date with recent case law (content-neutrality).
2. Pole signs (previously called ground signs) were prohibited.
3. Requirements for a sign plan as well as assigned review authorities were clarified.
4. Lists of exempt and prohibited signs were expanded.
5. Additional sign types were defined, and illustrations added.
6. Standards for allowed sign types were added and expanded.
7. A section was included to allow for future sign plans and guidelines for specific areas within the municipality.



Review & Analysis: Drafting Methods

1

Project team members were assigned chapters to research and draft. They **reviewed model codes, planning best practices, general plans, and community existing conditions.**

2

Team members **reviewed each other's work at weekly meetings.** Drafts were revised accordingly.

3

Model ordinance chapters were sent to the **legal team for review** and further revision.

4

The team member assigned to each community reviewed the Model Ordinance Chapters and **tailored them to meet community needs.** They then worked with the PCs and Councils to revise drafts.



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Review & Analysis: Rounds of Revision





In addition to the Commission and Council, the drafted ordinances were reviewed by:

- MSD Current Planning Team (All Chapters)
- MSD and Kearns Legal Team (All Chapters)
- MSD Code Enforcement Team (19.48, 19.50)
- SLCo District Attorney's Office (Chapter 19.52)
- International Sign Association and Sign Research Foundation (Chapter 19.52)
- SLCo Engineering (Title 18 and Chapter 19.48)
- Salt Lake County Recorder's Office (Title 18)



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Staff Findings

Project Goals	Met?	Notes
Consistency with State Code Requirements (LUDMA)		All noticing requirements met; additional items from 2023 Legislative Session to be addressed.
Conformity with Kearns General Plan		Additional zoning districts added to support the land use vision of the Kearns General Plan. Other standards were modified to enhance walkability and community identity.
Ease of Use for Staff and Residents		Land use processes were clearly articulated. Graphics used where appropriate to illustrate key standards. Simple, non-legal language used to the extent possible. Ordinances were 'ground-truthed' by Code Enforcement and Current Planning.
Meet the Unique Needs and Preserve the Character of Kearns		Kearns unique circumstances were accounted for in the Ordinances. PF, PI, and RMH Zones were preserved. A new zoning district tailored to the Town Center was added. New pole signs and flag lots were prohibited based on PC feedback. An exception was made for park strip landscaping to accommodate unique utility circumstances.



Staff Recommendation

Staff recommends that the Planning Commission make a:

Recommendation of adoption with revisions which include:

- 1. Incorporating new State Code Language in HB 406 and 450;**
- 2. Modifying graphics as needed with referencing or further explanation; and**
- 3. Making any other grammar, formatting, or referencing revisions (as needed).**



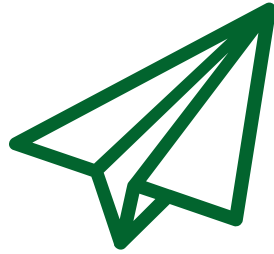
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Next Steps

1. Make any revisions as needed following the Planning Commission recommendation.
2. Schedule a Council meeting to consider and vote on the Title 18 and 19 revisions.
3. Once adopted, the Kearns Council will decide how to pursue map amendments. They could:
 - Approve map revisions on a case-by-case basis as property owners request re-zones.
 - Initiate a process to re-zone all or part of the community to a new or different zoning district.
 - (This is a separate process which would require additional noticing and public hearings)
4. Staff will begin collecting notes based on changing State Codes, interactions with the public, and PC and Council requests. Staff will recommend revisions to Titles 18 and 19 on an annual or another semi-regular basis.



Questions & Contact



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For information on other long-range planning efforts, visit <https://bit.ly/lrp-kearns>.



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