

KEARNS METRO TOWNSHIP ORDINANCE

Ordinance No. 2023-10-02

Date: October 12, 2023

AN ORDINANCE OF THE KEARNS METRO TOWNSHIP COUNCIL AMENDING CHAPTER 19.36, MIXED USE ZONES TO PROHIBIT NEW SINGLE FAMILY HOMES IN THE NEIGHBORHOOD MIXED USE (NMU) ZONE AND TO CORRECT A SCRIVENER'S ERROR THAT MISNUMBERED SUBSECTION 19.36.030.D.2

RECITALS

WHEREAS, the Greater Salt Lake Municipal Services District provides services to the five Metro Townships in the Salt Lake Valley, unincorporated areas, and the Town of Brighton; and

WHEREAS, the Kearns Metro Township is a municipality and has authority to regulate zoning and subdivisions in general pursuant to Utah Code Ann. Subsection 10-3c-103 (2); and

WHEREAS, the Kearns Metro Township has authority to adopt zoning regulations pursuant to Utah Code Ann. § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, ("MLUDMA"), Title 10, Section 9a, Utah Code, to protect public health, safety, and welfare; and

WHEREAS, the Kearns Metro Township Planning Commission held a public hearing on September 18, 2023, took public comment, and made a recommendation to approve the proposed ordinance changes; and

WHEREAS, the Council deems it necessary to amend its zoning ordinance to prohibit new single family homes in the Neighborhood Mixed Use (NMU) zone and to fix a scrivener's error that misnumbered Subsection 19.36.030.D.2.

BE IT ORDAINED BY KEARNS METRO TOWNSHIP COUNCIL as follows:

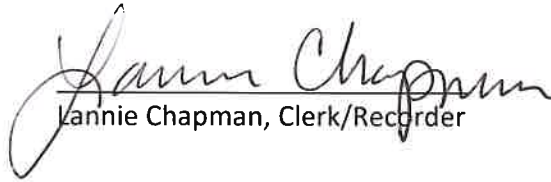
1. Chapter 19.36 of the Kearns Metro Township Zoning Ordinance is amended as set forth in Attachment #1:
2. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

PASSED AND ADOPTED this 9th day of October 2023.


KEARNS METRO TOWNSHIP COUNCIL:


By: Kelly Bush, Mayor

ATTEST:


Lannie Chapman, Clerk/Recorder

Voting:

Council Member Bush	voting	
Council Member Snow	voting	
Council Member Butterfield	voting	
Council Member Schaeffer	voting	
Council Member Peterson	voting	

A complete copy of Ordinance No. 2023-10-02 is available in the office of the Kearns Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.

<p>Date ordinance summary was posted on the Utah Public Notice Website:</p> <p><u>October 27, 2023</u></p> <hr/> <p>Effective date of ordinance: <u>October 27, 2023</u></p>
--

Attachment #1 - Proposed Ordinance

19.36.030 – Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.36.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to conditional use (“C”) approval and the other portion is subject only to permitted use (“P”) review, the entire development shall be reviewed and approved by the conditional use process.
- C. Abbreviations. The abbreviations used in the schedule mean:
1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
 2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
 3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.36.030 is prohibited in this zone.

Table 19.36.030: Schedule of Permitted Uses in the Mixed Use Zones.			
Use Categories	NMU	TC	CMU
RESIDENTIAL USES: ^d			
Accessory Dwelling Unit, Detached or Internal	P	X	X
Dwelling, Multiple Family	X	P	P
Dwelling, Single Family ^e	P X	X	X
Dwelling, Single Family Attached	P	X	P
Dwelling, Three- and Four-Family	P	P	P
Dwelling, Two-Family (Duplex)	P	X	X
Educational Facility with Residential Accommodation	X	X	P
RETAIL AND SERVICE:			
Bank, Credit Union, or Other Financial Institution	P	P	P
Car and Light Truck Wash	X	X	P
Child or Adult Care Facility	P	P	P
Laundry Cleaning, Automatic Self-Help	P	P	P
Laundry Cleaning Drop-Off	P	P	P
Liquor and/or Wine Store	X	P	P
Mobile Store	X	P	P
Personal Care Services	P	P	P
Personal Instruction Services	P	P	P
Post Office	P	P	P
Reception Hall, Reception Center	X	P	P

Retail Sales	P	P	P
Retail Shops or Galleries where Primary Product is Produced On-Site	P	P	P
Self-Service Gas Station, with or without Convenience Store	X	X	P
Shopping Center	X	C	C
<u>FOOD AND DRINK:</u>			
Bars and Clubs	X	P	P
Breweries and Distilleries, with or without restaurant	X	P	P
Food Truck, Mobile Restaurant, Food Cart	X	P	P
Restaurant, Fast Food	P	P	P
Restaurant, Sit Down with or without Alcohol	P	P	P
<u>LODGING:</u>			
Bed and Breakfast	P	P	P
Hotel/Motel	X	P	P
Short Term Rental	X	P	P
<u>OFFICE:</u>			
Offices – General, Professional, and Trade Services	P	P	P
<u>RECREATIONAL:</u>			
Commercial Recreation and Entertainment, Indoor	X	P	P
Outdoor Recreation, Small Scale	X	X	P
Theatres and Concert Halls (Indoor)	X	P	P
<u>INDUSTRIAL USES:</u>			
Light or Heavy Industry ^F	X	X	X
<u>INSTITUTIONAL USES:</u>			
Animal Hospital or Clinic	X	P	P
Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings	P	P	P
Community Garden	P	P	P
Educational Facility	P	P	P
Public or Quasi-Public Use	P	P	P
Public Park	P	P	P
<u>PLANNED UNIT DEVELOPMENTS, SUBJECT TO CHAPTER 19.18:</u>			
Condominium Conversion Planned Unit Developments	P	P	P
Infill Development Planned Unit Developments	C	C	C
Residential Neighborhood Planned Unit Developments	X	X	X
Residential Community Planned Unit Developments	X	X	X
Mixed Use Planned Unit Development	C	C	C
Commercial Planned Unit Developments	X	X	X
<u>SPECIALTY:</u>			
Medical, Urgent Care, and Dental Clinic	X	P	P
Mortuary or Funeral Home	X	P	P
Park and Ride	X	X	P

Parking Lot (not associated with other use)	X	X	X
ACCESSORY USES:			
Accessory Structures, Garages, Carports, and Structures subject to this Title.	P	P	P
Drive-Thru and Drive-Up Facilities	P	X	P
Home Occupation, subject to 19.42.	P	P	P
Sidewalk Displays and Sidewalk Cafes	P	P	P
NONCONFORMING USES:			
Pre-Existing Lot	P	P	P

D. Residential Uses:

1. In the TC and CMU Mixed Use Zones, residential uses are limited as follows.

- a. Units above a business: Residential dwelling units on the second story or above are permitted.
- b. Units behind a business: Residential dwelling units on the first story that are separated from the front lot line by a non-residential use in the same story are permitted.
- c. Units attached to a business on a multiple frontage lot: in no case may first-story dwelling units face onto a front lot line.

~~12.~~ In the NMU Zone, any new development shall include a mix of residential and non-residential uses. These uses may be mixed horizontally or vertically.

- E. Dwelling Units (Existing): Single-family Units, Dwelling Groups, and Mobile Homes legally built before the adoption date of this ordinance may remain as permitted uses in the Mixed Use Zones without being considered nonconforming.
- F. Light Industry, Mechanical Repair (Existing): Light Industry and Mechanical Repair uses, including Auto Repair uses, legally built before the adoption date of this ordinance may remain as a permitted uses in the TC and CMU Zones without being considered nonconforming.