



**MAGNA CITY COUNCIL  
BUSINESS MEETING AGENDA  
December 10, 2024**

Webster Center  
8952 West Magna Main Street  
Magna, Utah 84044

**PUBLIC NOTICE IS HEREBY GIVEN** that the Magna City Council will hold a business meeting on the **10<sup>th</sup> day of December 2024** at the Webster Center, 8952 West Magna Main Street Magna, Utah as follows:

**\*\* Portions of the meetings may be closed for reasons allowed by statute. Motions relating to any of the items listed below, including final action, may be taken.**

Anticipated meeting duration: 1:10

**6:00 PM – PUBLIC MEETING**

1. CALL TO ORDER
2. Determine Quorum
3. Pledge of Allegiance

**4. PUBLIC COMMENTS (Limited to 3 minutes per person)**

Any person wishing to comment on any item not otherwise scheduled for a public hearing on this evening's agenda, should sign-up on the "Public Comment" form located at the entrance. Person's signing up to speak will be called up in the order that they signed-in on the "Public Comment" form. Persons addressing the City Council shall step-up to the microphone and give their name for the record. The City Council is interested in hearing directly from residents. In an effort to be both transparent and responsive, the City Council previously adopted rules to help govern public meetings. As such, Councilmembers cannot respond directly to comments during public comment. However, Magna City staff will be responsible for responding directly to citizens who request a response. Should an item on tonight's agenda generate a question you would like answered, there is a QR code at the front entrance. Please scan the QR code and send your question directly to city staff. The City Council will not interrupt the evening's agenda to take questions from the audience once the formal meeting has commenced. ***Comments should be limited to not more than three (3) minutes unless additional time is authorized by the Governing Body.***

**5. STAKEHOLDER REPORTS**

- A. Unified Police Department - *Chief Del Craig* (5 minutes)
- B. Pleasant Green Cemetery – *Sharon Nicholes* (5 minutes)

**6. CONSENT AGENDA**

- A. Approve Minutes of July 9, 2024, *Nicole Smedley, Recorder* (5 minutes)

7. **COUNCIL BUSINESS:** Discussion/Action Items

- A. Discussion and Possible Action to Consider **Ordinance 2024-O-16** amending the Magna Zoning Ordinance, Title 19 of the Magna Municipal Code, related to residential off-street parking regulations (**OAM2024-001231** – Applicant: Magna Staff) - **Brian Tucker, Planning Manager** (5 minutes)
- B. Discussion and Possible Action to Consider **Ordinance 2024-O-17** Amending Titles 18 and 19 to replace Magna Township with Magna or Magna City, as appropriate; clarifying when infrastructure and public improvements must be installed by a developer subject to the limitations on exactions in Utah Code; clarifying that Internal and Attached Dwelling Units may only be constructed on single family lots with 6,000 square feet or greater; amending the definition of Commercial Vehicles and clarifying the circumstances in which Commercial Vehicles may be parked in R-1 and R-2 zones; clarifying 1 acre minimum for new development in the A-1 zone; clarifying that a lot must include 20,000 square feet to have "animal rights"; requiring an "all weather surface" in Storage and Salvage Yards; requiring trees and landscaping to be trimmed to 14.5" above the street; and adding or clarifying definitions for "Off Premise Signs", "Animal Rights", "Alteration", "Clustering", "Expansion", "Grading", "Natural Open Space", "Net Developable Acreage", "Retaining Wall", "Site Plan", "Slope", "Stream", "Ephemeral", "Stream", "Perennial", "Stream Corridor", "Substantial economic hardship", "Undevelopable", and "Waiver" (**OAM2024-001293**– Applicant: Magna Staff) - **Brian Tucker, Planning Manager** (5 minutes)
- C. Discussion and Possible Action to Consider **Ordinance 2024-O-18** Establishing Policy and Requirements for Solicitation of Funds or Waiver of Fees by Third Parties or Organizations from Magna City – **Paul Ashton, City Attorney** (10 minutes)
- D. Discussion and Possible Action Vacating Dora Street – **Paul Ashton, City Attorney** (10 minutes).
- E. Discussion and Possible Action to Consider **Resolution No. 2024-12-01** approving an Interlocal Cooperation Agreement with the Greater Salt Lake Municipal Services District to Obligate the use of American Rescue Plan Act, (ARPA) Funds to Design, Mobilize, and Construct Certain Road and Sidewalk Projects. – **David Brickey, City Manager** (5 minutes)

8. **MANAGER/CITY ATTORNEY UPDATES** (10 minutes)

9. **COUNCIL REPORTS** (10 minutes)

10. **CLOSED SESSIONS IF NEEDED AS ALLOWED PURSUANT TO UTAH CODE §52-4-205**

- A. Discussion of the character, professional competence or physical or mental health of an individual.
- B. Strategy sessions to discuss pending or reasonably imminent litigation.
- C. Strategy sessions to discuss the purchase, exchange, or lease of real property.
- D. Discussion regarding deployment of security personnel, devices, or systems; and
- E. Other lawful purposes as listed in Utah Code §52-4-205

11. **ADJOURN**

**ZOOM MEETING: Topic: Magna City Council Meeting**

**When: December 10, 2024, 06:00 PM Mountain Time (US and Canada)**

**Register in advance for this webinar at:**

**[https://zoom.us/webinar/register/WN\\_3r3CGOQxSnSF7mFJeJVwgQ](https://zoom.us/webinar/register/WN_3r3CGOQxSnSF7mFJeJVwgQ)**

**After registering, you will receive a confirmation email containing information about joining the webinar.**

**Upon request with three (3) working days' notice, the Greater Salt Lake Municipal Services District, in support of Magna City, will make reasonable accommodations for participation in the meeting. To request assistance, please call (385) 468-6703 – TTY 711.**

**A copy of the foregoing agenda was posted at the following locations on the date posted below: Magna City website at <https://magna.utah.gov/> and the Utah Public Notice Website at <https://www.utah.gov/pmn/>. Pursuant to State Law and Magna Ordinance, Councilmembers may participate electronically. Pursuant to Utah Code § 52-4-205, parts of meetings may be closed for reasons allowed by statute.**

***POSTED: December 6, 2024***



## MAGNA CITY COUNCIL MEETING

**JULY 9, 2024, 6:00 PM**  
WEBSTER COMMUNITY CENTER  
8952 WEST MAGNA MAIN STREET  
MAGNA, UTAH 84044

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### MAGNA CITY COUNCIL MEETING MINUTES

#### **Council Members Present:**

Audrey Pierce, Mayor Pro Tem  
Steve Prokopis  
Trish Hull  
Mick Sudbury

#### **Council Members Excused:**

Eric Barney, Mayor

#### **Staff Present:**

David Brickey, City Manger  
Paul Ashton, Legal Counsel  
Matthew Starley, Municipal Services District Long Range Planner II  
Nicole Smedley, Municipal Services District Council Clerk/Recorder (via Zoom)  
Nichole Watt, Salt Lake County Deputy Clerk

#### **Others Present:**

Detective Holt  
Kari Duckworth  
Ryan Perry  
Paula Doughty

#### **1. Call to Order**

Mayor Pro Tem Pierce, presiding, called the meeting to order at 6:00 PM.

#### **2. Determine Quorum**

A quorum was present, allowing the meeting to proceed.

#### **3. Pledge of Allegiance**

The Pledge of Allegiance was recited.

#### **4. PUBLIC COMMENTS**

Jeff Larsen introduced himself as a long-term resident of Magna and expressed his interest in serving on the City Council. He proposed the implementation of a moratorium on

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### **MAGNA COUNCIL MEMBERS**

MAYOR ERIC BARNEY, MAYOR PRO TEM PIERCE,  
COUNCIL MEMBER TRISH HULL, COUNCIL MEMBER STEVE PROKOPIS,  
COUNCIL MEMBER MICK SUDBURY

all development within the city for a minimum of six months, extending for up to twelve months.

Lisa Henrie, co-chair of the 9/11 Magna Remembers Memorial, provided an update on the memorial project. She announced that an art sculpture, nearing completion, will be installed outside of Fire Station 102. She stated the sculpture was first conceptualized at the 2021 "Magna Remembers" event, and it will serve as a positive remembrance of those who served at ground zero. Ms. Henrie also mentioned an ongoing fundraising campaign aimed at paying off the remaining balance of the project. She added that the unveiling will take place on September 11, 2024.

Teressa Brown commended the Mayor and Council Members for serving on the 4th of July committee and thanked other council members for their presence in the community. She also thanked Kari Duckworth for her work on the 4th of July event and suggested that she receive a monetary commendation.

Gary Cullins expressed his gratitude to the Council and the Unified Police Department for the success of recent parking enforcement efforts. He noted, however, that there are still instances of individuals parking multiple cars illegally and inquired about what further actions the Council could take to address this ongoing issue.

## **5. Unified Police Department**

Detective Holt reported that 4th of July events went smoothly. He responded to concerns raised during public comment regarding parking violations, explaining that vehicles must be left on the road for 48 hours before they can legally be towed. He noted that due to rising living costs, more families are sharing residences, resulting in increased vehicles parked in front of homes. He stated that efforts were being made to educate residents on parking regulations. He encouraged the council and public to report parking complaints for investigation.

## **6. 4<sup>th</sup> of July Update**

Kari Duckworth reported that 800–900 people attended the 4th of July breakfast, and 309 participated in the 5K/Fun Run. She noted that the parade went well but suggested addressing gaps in the lineup next year by stationing volunteers along the route. She reported that the park events, including the bands and fireworks, were successful, though parking issues at the park may need to be addressed for next year. She stated that the event exceeded the budget by \$622.12, largely due to golf cart rentals, but other funds may cover the deficit. She thanked the council, United Fire Authority, and the United Police Department for their support, with Council Member Hull proposing a budget adjustment for next year. Council Member Hull also mentioned that politicians in attendance at the event praised the parade's organization as one of the best in the state.

## **7. CONSENT AGENDA**

### **A. Consider Approval of April 23, 2024 Minutes**

**Council Member Hull motioned, seconded by Council Member Sudbury, to approve the April 23, 2024 meeting minutes. All voted aye, the motion passed unanimously.**

## **8. DISCUSSION ITEMS**

### **A. Presentation by Rio Tinto Kennecott**

Ryan Perry, Communities and Social Performance Manager for Rio Tinto Kennecott, expressed pride in Kennecott's long-standing history within the community, noting their celebration of 120 years of operation last year. He remarked that Magna began as a mining town and has since grown into a city.

Mr. Perry reported the launch of a new website, [www.kennecottgroundbreakers.com](http://www.kennecottgroundbreakers.com), which is designed to capture verbal historical accounts for future generations. He encouraged residents to share their stories and upload photos to the website.

Mr. Perry further expressed pride in Kennecott being one of only two copper smelting mines in the United States, emphasizing that it operates in an environmentally clean manner. He noted the production of Premium American Copper, for which demand is increasing, as well as their production of other valuable minerals, including gold, silver, molybdenum, and tellurium.

Paula Doughty, Tailings and Water Services Manager, provided an update on Kennecott's dust management strategies. She explained that the team uses daily weather forecasts to monitor temperatures, wind speeds, and wind direction. Ms. Doughty noted the use of approximately 20 cameras to monitor dust, and the application of polymer to disturbed areas while awaiting new growth. Additionally, she described an automated sprinkler system, consisting of 200 sprinklers covering 200 acres, to manage dust suppression. She also mentioned the use of MacFluoride on roads and beaches to further reduce dust.

Mr. Perry extended an invitation to the council to visit Kennecott for a visitor experience, noting that the associated fees are donated to local non-profit organizations. He added that Kennecott is open to supporting additional non-profit organizations and encouraged interested parties to reach out.

Mr. Perry also informed the council that business suppliers can visit their website to learn more about becoming a supplier for Kennecott. He expressed enthusiasm about engaging with the city regarding recent survey work and invited council members to contact him with any questions.

### **B. Discuss Magna Historic District Area Plan**

Matthew Starley, Long Range Planner II for the Municipal Services District, presented the first of two presentations regarding the Magna Historic District Area

Plan. Mr. Starley clarified that the Historic District Plan does not replace the General Plan but serves to provide additional clarity for the Historic District. He stated that the primary goals of the plan are to promote vibrancy, support live-work environments, and enhance walkability in the downtown area. He highlighted that a historic district encourages local businesses, farmers markets, and community festivals, as opposed to large commercial retailers.

Mr. Starley emphasized that updates to streetscapes and open spaces would make existing areas more attractive destinations. He also discussed the importance of generating taxable value for the city, noting that property and retail taxes are not currently being fully collected in some areas. He reviewed the regions in Magna that generate the most taxable value and how the Historic District's development would further increase this value.

Mr. Starley further stated that the plan includes incentivizing development that aligns with the district's goals, ensuring a balanced ratio of entertainment, retail, and shopping to maintain consistency with the historic core. Mr. Starley also discussed increasing diversity in housing options, addressing cost-burdened housing, and the implementation of a mixed-use zone, including the Gateway Corridor Mixed-Use Zone, particularly in areas with C-2 zoning.

Mr. Starley also mentioned parcel constraints with existing buildings and proposed an overlay zone for Main Street residential shoulder to allow for more residential development, such as small apartments, duplexes, and triplexes.

Mr. Starley outlined available funding sources, such as the Community Development Area (CDA) grants, state Opportunity Zones, and federal historic tax credits. He highlighted how these resources could support various projects aimed at preserving and enhancing the historic district. Additionally, Starley presented ideas for future events and art programs, such as mural installations and a crosswalk mural program to improve pedestrian safety and create a more engaging environment.

The Council expressed support for continued development in the area and engaged in a question-and-answer session, with community members voicing both support and concerns regarding potential overdevelopment and maintaining the community's character. A follow-up meeting will allow the Council to further discuss zoning updates and specific project details.

### **C. Discuss Replacement Costs of Fence at CW Farm Park**

David Brickey, City Manager, reported that CW Farm Park was transferred to the city for maintenance and control last summer. He noted that this spring, a vinyl fence at the park was destroyed. Mr. Brickey stated that, after consulting with the Planning Department, they have decided not to use vinyl fencing for future projects



due to its high maintenance cost, estimating replacement costs up to \$33,600, and the potential for it to be damaged again.

Mr. Brickey presented a handout detailing three alternative fencing options provided by the County, along with associated costs. Council Member Sudbury suggested using black-coated vinyl fencing, as it allows for visibility through to the canals and ditches beyond. Council Member Pierce expressed concern about homeowner privacy but acknowledged the need for visibility. Council Member Prokopis added that black vinyl fencing would match the aesthetics of the park.

The discussion continued regarding the balance between privacy, matching nearby fences, and accommodating ditch irrigation. The Council requested that the item be brought back for further consideration and a decision at the next meeting.

#### **D. Discuss Administrative Law Judge**

Mr. Brickey addressed the ongoing challenge of parking and code enforcement, noting that there are currently no formal offenses in the Schedule of Monetary Offense Tiers (SMOT) table for city offenses. He explained that most cities have their own justice systems and suggested that, to address the issue, the city could consider appointing an Administrative Law Judge (ALJ). Mr. Brickey emphasized that the goal is to seek compliance rather than punishment for residents. He mentioned that this idea is also being proposed to the Municipal Services District (MSD), as they could benefit from utilizing the same judge for all their member municipalities.

Mr. Brickey described the ALJ process as less formal, allowing residents to represent themselves and provide explanations for non-compliance with parking, weed abatement, or other code enforcement issues. The ALJ would have the authority to negotiate resolutions, potentially reducing fines, and could refer repeat offenders to the justice court if the same ordinance is continually violated.

A discussion followed regarding the number of code enforcement officers in the city, the possibility of cross-deputizing officers, and the need for office space for the ALJ at the new MSD offices. Mayor Pro Tem Pierce requested that Mr. Brickey revisit this item once Mayor Barney is present for further discussion.

### **9. MANAGER/CITY ATTORNEY UPDATES**

Mr. David Brickey, City Manager, reported that he has submitted the necessary ordinance and updated city logo to the Lieutenant Governor's Office, formally adopting Magna as a city in the state. Additionally, he noted that tax revenue forms have been submitted, allowing the city to begin collecting taxes effective October 1st.

Mr. Brickey also informed the council that he is working on new signage for Pleasant Green and Copper Park. He expressed concern that certain developers are



taking advantage of residents and stated that he is actively working on a resolution to address the issue.

## **10. COUNCIL REPORTS**

Council Member Prokopis reported that the Unified Police Department (UPD) has officially separated from the Salt Lake County Sherriff's Office and Jason Mazuran has officially been sworn in as Chief for the Unified Police Department. He noted that UPD's new headquarters are now located in Millcreek City Hall and that they are actively seeking a permanent office space for their operations.

There were no other reports from Council Members.

## **11. CLOSED SESSIONS IF NEEDED AS ALLOWED UNDER UTAH CODE ANN. 52-4-205)**

- A. Discussion of the Character, Professional Competence or Physical or Mental Health of an Individual.
- B. Strategy sessions to discuss pending or reasonably imminent litigation.
- C. Strategy sessions to discuss the purchase, exchange, or lease of real property.
- D. Discussion regarding deployment of security personnel, devices, or systems; and
- E. Other lawful purposes as listing in Utah Code 52-4-205

**Council Member Sudbury motioned, seconded by Council Member Prokopis to go into closed session for reasons of property and litigation. All voted aye, the motion carried.**

## **12. ADJOURN**

**Council Member Hull, Seconded by Council Member Sudbury, motioned to adjourn. The motion passed unanimously.**

Mayor Pro Tem Pierce declared the meeting to be adjourned at 8:59 pm.

**Approved by the City Council the 10<sup>th</sup> day December, 2024:**

\_\_\_\_\_  
Eric Barney, Mayor

**ATTEST:**

\_\_\_\_\_  
Nicole Smedley, City Recorder



# City Council Staff Report

**Meeting Body:** Magna City Council

**Meeting Date:** December 10<sup>th</sup>, 2024

**File Number & Project Type:**  
OAM2024-001231- 2024  
Magna Parking Revisions

**Applicability:** Single and Two-Family Zones Citywide

**Planner:** Brian Tucker, Planning Manager

**Applicant:** Magna Staff

**Key Findings:**

- On street parking must be regulated on public streets to ensure that they are passable in all weather conditions.
- Older neighborhoods in Magna were not designed with enough parking to accommodate today’s automobile ownership rates.
- If well regulated, on premise parking can be expanded without compromising the desire for an attractive street scape.

**Recommendation:** The Magna Planning Commission and Planning Staff recommend that the Council approve the attached ordinance.

**Attachments:**

**A. Adopting Ordinance**

## BACKGROUND/ ISSUES TO CONSIDER

In response to citizen concerns about parking on streets, parking on front lawns, and snow removal operations, Magna’s Planning Staff, Code Enforcement Staff, and the Magna Precinct of the Unified Police Department have worked to update Titles 11, 12 and 19 to ensure that city streets remain passable in all weather conditions. The proposed amendments to Title 19 are intended to create more opportunities for on premise parking while ensuring that front yards continue to project an attractive streetscape.

Utah, like much of the country, is in a housing crisis. The combination of elevated housing prices and the shortage of housing units have resulted in more people sharing the housing that is available. In Magna this has resulted in more working age people sharing households. With more working age people living in a suburban environment that is not efficiently served by transit, this has resulted in more commuters per household than the driveways in Magna’s older neighborhoods were designed to accommodate. This is the root cause of the parking concerns that the citizens have brought to the Council’s attention. Until the housing market sees increased availability of housing and an easing of housing prices, Magna is not going to see any significant reduction in the number of cars per dwelling. The challenge is to ensure that those cars can be accommodated without turning front yards into parking lots or rendering the streets impassible due to parked cars, especially in inclement weather.

## PROPOSED ORDINANCE

Working with the Magna Precinct and Code Enforcement, Planning Staff have created an ordinance that:

- Allows parking on a gravel parking pad between the driveway and the nearest side lot line. This allows additional parking on a

more affordable surface without significantly decreasing the landscaped area between a house and the street.

- With the exception of the gravel parking pad between the driveway and the nearest side lot line, requires hard surfaced front yard parking.
- Allows parking on a gravel parking pad in a side or rear yard when located behind a view obscuring fence or gate.
- Allows up to 60% of a front yard to be used for parking if the combined coverage area of all impervious surfaces, including buildings, driveways, paved walkways, patios, decks, and other structures, does not exceed 60% of the area of the lot. The municipal engineering division must approve site plans with more than 50% front yard parking.
- In order to better implement these changes and the parking related ordinances in general, the proposed ordinance defines the terms "Drive Approach", "Driveway", "Driveway, Cross Access", "Driveway, Multifamily", "Driveway, Private", "Driveway Shared", "Hard surface", "Pavement", and "Paved".
- Clarifies that Private Roads are Private Streets.
- Expands the definition of "Street, Private" to limit the use of private streets to the owner or group of owners who share the use and maintenance obligations. This definition is more in line with the definition in Title 14.

### **STAFF RECOMMENDATION**

Staff finds that:

1. On street parking must be regulated on public streets to ensure that they are passable in all weather conditions.
2. Older neighborhoods in Magna were not designed with enough parking to accommodate today's automobile ownership rates.
3. If well regulated, on premise parking can be expanded without compromising the desire for an attractive street scape.

Given the above findings, staff recommends the following action:

The Magna Planning Commission and Planning Staff recommend that the Council approve the attached ordinance.

**MAGNA CITY  
ORDINANCE NO. 2024-O-16**

Ordinance No. 2024 -O-16

Date: December 10, 2024

**AN ORDINANCE OF THE MAGNA COUNCIL AMENDING SUBSECTIONS  
19.04.020, 19.28.060, 19.48.040, AND 14.12.110 OF THE MAGNA CODE OF  
ORDINANCES RELATED TO OFF STREET PARKING REGULATIONS**

**RECITALS**

**WHEREAS**, Magna is a municipality and has authority to adopt land use regulations, pursuant to Utah Code § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Section 9a, Utah Code; and

**WHEREAS**, the Council deems it necessary to amend its land use ordinances to increase the area on a lot or parcel available for the parking of cars and light trucks to ensure that public streets are passable in all weather conditions, and for the protection and preservation of the public health, safety and general welfare;

**WHEREAS**, the Magna Planning Commission held a public hearing on October 3<sup>rd</sup>, 2024 to consider amending subsections 19.04.020, 19.28.060, 19.48.040, and 14.12.110 of the magna code of ordinances related to off street parking regulations (the “Proposed Action”) in accordance with Utah Code §§ 10-9a-205 and 10-9a-502; and

**WHEREAS**, the Planning Commission has recommended that the Council amend its land use ordinances to increase the area on a lot or parcel available for the parking of cars and light trucks to ensure that public streets are passable in all weather conditions, and for the protection and preservation of the public health, safety and general welfare.

**BE IT ORDAINED BY THE MAGNACITY COUNCIL** as follows:

1. Section 19.04.020 General Definitions, is hereby adopted as set forth in Exhibit A.
2. Section 19.28.060 Lot Coverage, is hereby adopted as set forth in Exhibit B.
3. Section 19.48.040 Standards for Parking in R-1 and R-1 Residential Zones, is hereby adopted as set forth in Exhibit C.
4. 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.
5. Direction to Staff. Staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not

limited to compliance with the requirements of Utah Code § 10-3-711; and (b) to finalize and post the ordinance to Municode, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.

6. Effective Date. This Ordinance will take effect immediately upon posting pursuant to Utah Code § 10-3-712.

This Ordinance is effective upon posting as required by law.

*[Execution on following page]*

**ADOPTED AND APPROVED** at a duly called meeting of the Magna City Council on this 10<sup>th</sup> day of December 2024.

MAGNA CITY COUNCIL

\_\_\_\_\_  
By: Eric J Barney, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_  
Nicole Smedley, Recorder

\_\_\_\_\_  
Paul Ashton, City Attorney

Voting:

Council Member Barney	voting	_____
Council Member Prokopis	voting	_____
Council Member Hull	voting	_____
Council Member Pierce	voting	_____
Council Member Sudbury	voting	_____

*(Complete as Applicable)*

Date ordinance summary was published to the Utah Public Notice website per Utah Code §10-3-711: \_\_\_\_\_

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

## EXHIBIT A

### 19.04.020 General Definitions.

A. General terms used in Title 19 are defined as follows:

1. "Affected Entity" means a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:
  - a. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land; b. The entity has filed with the municipality a copy of the entity's general or long-range plan; or c. The entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this Ordinance or Utah Code.
2. "Affected Area" means the parcel or parcels that are the subject of a land use application, subdivision application, or rezone. The affected area is the minimum extent to which public notice must be given. Additional notice must also be given as required by Magna Municipal Code, Utah Code, or federal law.
3. "Agent" means a person with written authorization to represent a property owner or applicant.
4. "Animal Rights" means the keeping of livestock and fowl, limited to one animal unit and their seasonal offspring for each ten thousand square feet (10,000 sq. ft.).
5. "Animal Unit" means a proportionate combination of the following:
  - a. One (1) cow, or one (1) horse, or one (1) pig, or one (1) llama, or one (1) other similar large animal.
  - b. Four (4) adult sheep or feeder lambs, or two (2) alpacas (similar to llama).
  - c. Two (2) goats.
  - d. Ten (10) chickens, or ten (10) ducks, or ten (10) pigeons, or ten (10) similar small fowl, subject to the standards and requirements of this Title, Salt Lake County Animal Services, and Salt Lake County Health Department that ensure that domesticated fowl do not adversely impact the neighborhood surrounding the property on which the domestic fowl are kept. For regulations regarding the keeping of chickens, see Chapter 19.42.
  - e. Twelve (12) rabbits, or twelve (12) similar small animals.
  - f. Two (2) large birds such as ostriches, or emus, or peacocks.
  - g. Four (4) turkeys.



- h. The total animal units located on a given parcel or animal operation shall be determined by adding the animal units for each animal type. For the purpose of determining compliance, said definition does not include the unweaned offspring of any residing animal which is less than six (6) months in age.
6. "Appeal Authority" means the same as "Land Use Hearing Officer."
  7. "Applicant" means the person who makes formal application for a license, permit, subdivision or submits any application pursuant to Titles 18 or 19 Of the Magna Municipal Code.
  8. "Benchmark" means a mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.
  9. "Boundary Line Agreement" means an agreement to establish the location of a boundary between adjoining properties if the location of the boundary is ambiguous, uncertain, or disputed.
  10. "Buffer, Riparian" means an area along the course of any watercourse or roadway or boundary line to be maintained without the disturbance of buildings or structures other than fencing, if allowed.
  11. "Business Day" means a day in which normal business operations are conducted. Saturdays, Sundays, Holidays and days Planning and Development Services are not open are not considered business days.
  12. "Concept Plat / Drawing" means a drawing that shows the overall concept of a proposed development, as further defined in these regulations.
  13. "Conditional Use" means a land use that has unique characteristics or negative effects that may not be compatible in an area without conditions to mitigate or eliminate the detrimental impacts. A land use listed as a conditional use is a use of land for which a conditional use permit is required pursuant to this Title.
  14. "Conservation Easement" means an easement that perpetually prohibits further development or use inconsistent with, or harmful to, the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the conservation easement holder, permit recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area in a manner which is inconsistent with, or harmful to, the preservation and protection of the restricted area.
  15. "Council" means the Magna Metro Township Council, unless otherwise clearly indicated. The Magna Metro Township Council may also be referred to as the Magna Council or municipal council.
  16. "Culinary Water Authority" means the department, agency, or public entity with the responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

17. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
18. "Development Code" means Titles 18 and 19 of the Magna Municipal Code.
19. "Development Review Committee (DRC)" means Planning and Development Services Staff, in consultation with agencies contracted with the municipality for engineering, health, fire, and surveying reviews and services. Comments from other affected entities, service providers or other reviewing agencies may also be solicited as needed.
20. "Director" means the Greater Salt Lake Municipal Services District Director of Planning and Development Services, unless otherwise clearly indicated.
21. "Drive Approach" means an area of the public right-of-way located between the roadway and property adjacent to the public right-of-way that is intended to provide access for vehicles from the roadway to the adjacent property.
22. "Driveway" means a path of ingress and egress constructed within and adjoining a roadway, connecting the roadway with adjacent or nearby property in accordance with Magna Municipal Code. A "driveway" is an unobstructed access from a public or private right of way to an adjacent or nearby property that does not interfere with vehicular or pedestrian travel within the right of way.
23. "Driveway, Cross Access" means a service drive providing vehicular access between two or more contiguous sites, so the driver need not enter the public street system.
24. "Driveway, Multifamily" means a driveway providing access to more than four dwelling units.
25. "Driveway, Private" means a driveway limited to the use of the owner or a group of owners who share the use and maintain the access and those having express or implied permission from the owner or owners, but not by other persons.
26. "Driveway, Shared" means a driveway serving more than one lot.
27. "Dwelling" means any building or structure, or portion thereof, intended for residential use.
28. "Dwelling, Primary" means a single-family dwelling that:
  - a. Is detached;
  - b. Is occupied as the primary residence of the owner of record; and
  - c. "Dwelling, Primary" includes a garage if the garage:
    - i. Is a habitable space; and
    - ii. Is connected to the primary dwelling by a common wall.

29. "Dwelling Unit" means one or more rooms physically arranged so as 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 (1) kitchen or set of cooking facilities are considered to contain more than one (1) 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:
- a. A building design which allows all occupants ready access to all portions of the building including cooking facilities;
  - b. No portion of the building containing cooking facilities may be separated from the remaining rooms to form a separate dwelling unit; and
  - c. There is only one (1) electric and/or gas meter for the building.
30. "Easement" means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.
31. "Facility Company" means a company not regulated by the public service commission that provides a service including but not limited to cable television or telecommunications.
32. "Family" means one of the following groups of individuals, but not more than one group at the same time:
- a. An individual living alone; or
  - b. Two (2) or more people, all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal guardianship and their foster children, and up to two (2) other unrelated persons who do not pay rent; or
  - c. Up to four (4) related or unrelated individuals who live and cook together as a single housekeeping unit; or
  - d. Two (2) unrelated individuals and any children of either of them living as a single housekeeping unit.
33. "Good Cause" means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; or acts of nature adverse to performing required acts.
34. "Graffiti" means inscriptions, drawings, paintings, or other visual defacing of buildings, structures, or natural features, without the consent of the owner thereof, and which is not otherwise authorized and permitted in municipal ordinances.
35. "Guest" means a person paying for staying or receiving services at a bed and breakfast, hotel, motel, resort, or similar facility.

36. "Guestroom" means a room that is designed for double occupancy by guests, for sleeping purposes.
37. "Hard surface" means any asphalt or concrete surface of an approved thickness, or other approved surface, but excluding rock, gravel, grass, or dirt.
38. "Health Department" means the Health Department of Salt Lake County, Utah.
39. "Inoperable Vehicle" means a vehicle that is not currently registered or licensed in the State of Utah or in another state, or which has been dismantled or wrecked to the point of being non-drivable.
40. "Land Trust" means a private non-stock, non-profit corporation that has as its purpose the preservation.
41. "Land Use Application" means an application required by the zoning or subdivision ordinances.
42. "Land Use Authority" means the person, board, commission, agency, or other body designated by the Magna Municipal Council to act upon a land use application.
43. "Land Use Decision" means any final decision of the Council, Planning Commission, or final administrative decision of the Director or other official responsible for the enforcement of zoning and subdivision regulations.
44. "Land Use Hearing Officer" means the "Appeal Authority" created pursuant to Utah Code § 10-9a.701 to hear appeals to zoning decisions applying to the zoning ordinance as provided in Section 19.16.020 and for decisions by the Planning Commission. The Land Use Hearing Officer is also the appeal authority for subdivision appeals subject to Section 18.08.040 of the Magna Municipal Code. The Land Use Hearing Officer is also charged with the powers and duties enumerated in Section 19.12.040.C
45. "Legal Lot of Record" means any land parcel that existed, as recorded in the Office of the Salt Lake County Recorder, with a separate property identification number as provided by the Office of the Salt Lake County Recorder and Office of the Salt Lake County Assessor, prior to December 17, 1952, and all land parcels that were legally created for the purposes of development pursuant to the applicable zoning and subdivision requirements and the laws of the State of Utah after the date of the first Subdivision Ordinance enactment.
46. "Local Jurisdiction" means the municipality, or other political subdivision adopting this Ordinance.
47. "Membrane Covered Frame Structure" means a non-pressurized building wherein the structure is composed of a rigid framework to support a tensioned membrane that provides the weather barrier.
48. "Minor Local Street" means a street, existing or proposed, often of limited continuity, the primary purpose of which is to provide access to property and serve the local needs of a neighborhood. A minor local street carries low volumes of traffic at the lowest speed limits.

49. "Monument" means a permanent survey marker established by the Salt Lake County Surveyor and/or a survey marker set in accordance with the Salt Lake County Surveyor's specifications and referenced to Salt Lake County survey monuments.
45. "Municipal Engineering Division" means the division or personnel hired by or contracted with the municipality to provide engineering services. The "Municipal Engineering Division" is also referred to as the "Municipal Engineer" or "Municipal Engineering".
51. "Municipal Flood Control Division" means the division or personnel hired by or contracted with the municipality to provide flood control and water quality services.
52. "Municipal Geologist" means the personnel hired by or contracted with the municipality to provide geologic hazard review and geology services.
53. "Natural Condition" means the topography and vegetation of the area that is unaltered by clearing and grading during construction and protected in perpetuity.
54. "Noncomplying Structure" means a building or other structure or portion thereof lawfully constructed in compliance with the zoning ordinance existing at the time of construction, that no longer conforms to the height, area, and/or yard regulations in the zone in which it is located due to changes to the zoning ordinance or to the subsequent public acquisition of land for public improvements. A "Noncomplying Structure" may also be referred to as a "Nonconforming Structure."
55. "Nonconforming Use" means a use which lawfully occupied a building or land at the time the ordinance codified in this Title became effective and which does not conform with the use regulations of the zone in which it is located.
56. "Nonconforming Lot" means a legally established lot or parcel that met the applicable area, width and other applicable requirements in effect at the time the lot or parcel was created, but which fails by reason of such adoption, revision or amendment of the zoning ordinance, to conform to the present requirements of the zone in which it is located.
57. "Owner" includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof having a majority fee simple interest in real property, or a majority interest through any other form of ownership.
58. "Parcel of Land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person.
59. "Pavement" includes the paved portion of a street, including paved shoulders and on street parking areas. "Pavement" does not include curbs, gutters, park strips, sidewalks, trails, and driveways.
60. "Paved" means ground covered with stone, brick, concrete, asphalt, or other approved surface, installed over a compacted base course, making a permanent surface that is firm, smooth, and level. A graded natural surface, or one covered with rolled stone or overlaid with compacted or loose gravel is not considered a paved surface.
61. "Permitted Use" means any use allowed in a zone and subject to the restrictions applicable to that zone.

62. "Planning and Development Services" means the Planning and Development Services Department of the Greater Salt Lake Municipal Services District. "Planning and Development Services" may also be referred to as the Planning and Development Services Department.
63. "Planning Commission" means the Magna Planning Commission.
64. "Portable Storage Container" means a transportable, weather-resistant, commercially leased or rented storage structure or container that is designed and used primarily for the storage of goods, items, and materials placed outside of the primary structure on a property. Portable Storage Container includes CONEX and other Shipping Containers. Portable Storage Container does not include yard waste containers, construction debris containers, or containers with a storage capacity less than two-hundred (200) cubic feet.
66. "Pre-Existing Lot" means a lot that was created prior to the adoption of this Ordinance, through a recorded subdivision plat, deed, sales contract, or survey, and a lot that met the zoning and subdivision regulations in effect at the time of its creation. For the purposes of this Title, a pre-existing lot is a nonconforming lot and shall be regulated in the same manner as nonconforming lots.
66. "Pre-Existing Structure" means a structure that was legally constructed prior to the adoption of this ordinance. For the purposes of this Title, a pre-existing structure is a nonconforming structure and shall be regulated in the same manner as nonconforming structures.
67. "Pre-Existing Use" means a use that was legally established prior to the adoption of this Ordinance and has not been abandoned for more than one year. For the purposes of this Title, a pre-existing use is a nonconforming use and shall be regulated in the same manner as nonconforming uses.
68. "Provisional Parking" means an area or areas within a parking lot where parking spaces which are shown on the approved parking plan are landscaped rather than paved.
69. "Public Works Operations" means the division or personnel hired by or contracted with the municipality to provide road construction and maintenance, snow removal and other related services.
70. "Road" can be used interchangeably with the word street.
71. "Road, Private" means the same as "Street, Private"
72. "Record of Survey Map" means a map of a survey of land prepared in accordance with Utah Code.
73. "Residential Roadway" means a public local residential road that:
  - a. Will serve primarily to provide access to adjacent primarily residential areas and property;
  - b. Is designed to accommodate minimal traffic volumes or vehicular traffic;
  - c. Is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;

- d. Has a posted speed limit of 25 miles per hour or less;
  - e. Does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
  - f. Cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
  - g. Primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.
74. "Sanitary Sewer Authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
75. "Standards and Specifications" means the construction and design requirements and standards of the municipality for the construction and installation of public infrastructure and improvements. The documents shall be approved by the Municipal Engineer and approved by Resolution of the Council.
76. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Permanent construction" does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not as part of the main structure.
77. "Street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-five feet wide, which has been made public by right of use and which affords the principal means of access to abutting property. Street does not include alleys or trails. May sometimes be referred to as road.
78. "Street, Private" means an access way, other than a driveway, similar to and having substantially the same or similar function as a public street, providing access to one or more properties, but held in private ownership. A "private street" is limited to the use of the owner or group of owners who share the use and maintain the street without the assistance of public entities. "Street, Private" and "Road, Private" can be used interchangeably.
79. "Streetlight" means a raised light installed within or adjacent to the street right-of-way, turned on or lit at a certain time every night. Modern lamps may also have light-sensitive photocells to turn them on at dusk and off at sunrise or activate automatically in foul weather.



80. "Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

81. "Structural Alterations" means any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

82. "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

a. "Subdivision" includes:

i. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and ii. Except as provided in Subsection B, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

b. "Subdivision" does not include:

i. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance; ii. A boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Utah Code § 10-9a-524 if no new parcel is created; iii. A recorded document, executed by the owner of record:

(a) Revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or

(b) Joining a lot to a parcel;

(c) A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Utah Code, §§ Sections 10-9a-524 and 10-9a-608, if:

(i) No new dwelling lot or housing unit will result from the adjustment; and

(ii) The adjustment will not violate any applicable land use ordinance;

(d) A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:

(i) Is in anticipation of future land use approvals on the parcel or parcels;

(ii) Does not confer any land use approvals; and

- (iii) Has not been approved by the land use authority;
- (iv) A parcel boundary adjustment;
- (v) A lot line adjustment;
- (vi) A road, street, or highway dedication plat;
- (vii) A deed or easement for a road, street, or highway purpose; or
- (viii) Any other division of land authorized by law.

83. "Subdivision Amendment" means an amendment to a recorded subdivision in accordance with Utah Code §10-9a-608, that:

- a. Vacates all or a portion of the subdivision; b. Alters the outside boundary of the subdivision; c. Changes the number of lots within the subdivision; d. Alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or e. Alters a common area or other common amenity within the subdivision.

84. "Subject Property" means the land area for which an approval is required to comply with this Ordinance.

85. "Substantial improvement" means:

- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either:
  - i. Before the improvement or repair is started; or ii. If the structure is damaged and is being restored, before the damage occurred.
- b. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- c. The term does not, however, include either:
  - i. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or ii. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

86. "Trails" means a system of public recreational pathways located within the municipality for use by the public for walking, biking and/or horseback riding as designated.

87. "Utility Company" means a company regulated by the public service commission that provides a service including but not limited to electricity, telephone, or gas.

88. "Utilities or Improvements" means all types of necessary utilities such as gas lines, culinary and secondary water lines, storm drainage systems, sanitary sewer systems, electrical power, cable, and telephone with all poles, wires, pipes, and structures as necessary to provide services, and surface improvements such sidewalks, curbs, gutters, and streets.
89. "Vehicle" means a self-propelled device used for transporting persons or things, including, but not limited to, automobiles, watercraft, motorcycles, snowmobiles, and recreation vehicles. Does not include heavy machinery.
90. "Vehicle, Commercial" means any motorized vehicle or trailer used for or intended for business use - including but not limited to the transportation of commercial equipment, merchandise, produce, freight, commodities, passengers, or animals - and which is characterized by any of the following:
- a. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting;
  - b. Vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicles;
  - c. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar feature;
  - d. Vehicles with more than two axles; or
  - e. Vehicles with a payload capacity of more than eight thousand five hundred (8,500) pounds.

## **EXHIBIT B**

### **19.28.060 Lot Coverage**

- A. No combination of buildings, including accessory structure and other structures, may 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 may 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, decks, and other structures, may not exceed 60% of the area of the lot.

## EXHIBIT C

### 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.
  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, including buildings, driveways, paved walkways, patios, decks, and other structures, may not exceed 60% of the area of the lot; and
  2. The parking areas in the front yard do not exceed 60% of the front yard area; and
  3. The municipal engineer verifies that the site plan as proposed will not adversely impact the municipal or local storm drain system; and
  4. 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. Driveway Surfacing. There shall be a hard-surfaced driveway from the public or private road or drive to each required parking space (See Table 19.48.150). Each required parking space shall also be hard surfaced except for parking pads as provided in this Subsection.
1. The drive and parking surfaces shall consist of a permanent, durable, hard surface such as concrete, asphalt, brick, pavers, stone, or block.
  2. A pervious surface, including permeable concrete or permeable asphalt may be used, subject to applicable municipal ordinances and policies.
  3. 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 recreational

vehicles may be parked or stored on said gravel parking pad provided the parking pad is kept weed free. No other parking pad is permitted in the front yard area.

4. 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 a driveway surfaced in accordance with this part. These parking pads must be located behind a view obscuring fence or gate and kept weed free.
- F. Commercial Vehicles. Commercial vehicles may 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 an opaque fence that is at least six feet (6') tall, provided it is parked on a paved surface. The commercial vehicle may not exceed Class 5 (two (2)-axle, six (6)-tire single unit trucks) in Federal Highway Administration vehicle classification.
  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 PDS, 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 twenty-four (24) hours a day to use the vehicle in response to an emergency;
    - c. The commercial vehicle is parked on a paved surface;
    - 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.
- G. Clear View Triangles. In accordance with Subsections 19.46.120 D and E, no vehicle may be parked in a manner that obstructs the clear view triangle of an intersecting street or a driveway.

**SUMMARY OF**  
**MAGNA CITY**  
**ORDINANCE NO. 2024-O-16**

On December 10, 2024, the Magna Council enacted Ordinance No. 2024-O-16, amending subsections 19.04.020, 19.28.060, 19.48.040, and 14.12.110 of the magna code of ordinances related to off street parking regulations.

\_\_\_\_\_  
By: Eric J. Barney, Mayor

ATTEST

APPROVED AS TO FORM

\_\_\_\_\_  
Nicole Smedley, Recorder

\_\_\_\_\_  
Paul Ashton, City Attorney

Voting:

Council Member Barney	voting	___
Council Member Prokopis	voting	___
Council Member Hull	voting	___
Council Member Pierce	voting	___
Council Member Sudbury	voting	___

A complete copy of Ordinance No. 2024-O-16 is available in the office of the Magna1 Recorder, 2001 South State Street, N2-700, Salt Lake City, Utah.





# Council Staff Report

**Meeting Body:** Magna City Council

**Meeting Date:** December 10<sup>th</sup>, 2024

**File Number & Project Type:**  
OAM2024-001293- Magna Zoning Ordinance Revisions

**Applicability:** Citywide

**Planner:** Brian Tucker, Planning Manager

**Applicant:** Magna Staff

**Key Findings:**

- A code section requiring infrastructure and public improvements to be installed by a developer was inadvertently left out of the adopted Title 19 in 2023,
- The parking of commercial vehicles in residential areas is not desirable, but is acceptable in limited circumstances,
- Animal rights were never intended to be allowed on lots with less than 20,000 square feet,

**Staff Recommendation:** The Magna Planning Commission and Planning Staff recommend that the Council approve the attached ordinance.

**Attachments:**

**A. Simplified Proposed Ordinance with Tracked Changes**

**B. Adopting Ordinance**

## BACKGROUND/ ISSUES TO CONSIDER

In June 2023, Magna repealed and replaced its Titles 18 and 19, the Subdivision and Zoning ordinances respectively. Staff have been using the ordinance for a year and have noted that a few of the provisions could be amended to clarify what the ordinance is requiring, recalibrate the wording to reflect the legislative intent, and/or respond to requests from the Planning Commission or Council.

## PROPOSED ORDINANCE

The proposed ordinance:

Amending Titles 18 and 19 to replace Magna Township with Magna or Magna City as appropriate;

Clarifies when infrastructure and public improvements must be installed by a developer subject to the limitations on exactions in Utah Code;

Clarifies that Internal and Attached Dwelling Units may only be constructed on single family lots with 6,000 square feet or greater;

Amends the definition of Commercial Vehicles and clarifies the circumstances in which Commercial Vehicles may be parked in R-1 and R-2 zones;

Clarifies that there is a 1 acre minimum for new development in the A-1 zone, which seemed to be the consensus based on the workshop discussions that lead to the Title 19 repeal and replace in June 2023;

Clarifies that a lot must include 20,000 square feet to have "animal rights";

Requires an "all weather surface" in Storage and Salvage Yards;

Requires trees and landscaping to be trimmed to 14.5" above the street; and

Adds or clarifies the definitions for "Off Premise Signs", "Animal Rights", "Alteration", "Clustering", "Expansion", "Grading", "Grading", "Natural Open Space", "Net Developable Acreage", "Retaining Wall", "Site Plan", "Slope", "Stream, Ephemeral", "Stream, Perennial", "Stream Corridor", "Substantial economic hardship", "Undevelopable", and "Waiver".

### **STAFF RECOMMENDATION**

Staff find that:

1. A code section requiring infrastructure and public improvements to be installed by a developer was inadvertently left out of the adopted Title 19 in 2023,
2. These improvement installation requirements are subject to the limitations on exactions in the Utah Code,
3. The legislative intent in adopting an ADU ordinance was that lots with less than 6,000 square feet would not be allowed to build ADU's,
4. The parking of commercial vehicles in residential areas is not desirable, but is acceptable in limited circumstances,
5. The workshop consensus for a 1 acre lot area requirement in the A-1 zone needed to be clarified to reflect the legislative intent,
6. Animal rights were never intended to be allowed on lots with less than 20,000 square feet,
7. An "all weather surface" is necessary to ensure adequate storm water pollution prevention,
8. Commercial vehicles can often exceed 13.5' in height, but rarely exceed 14.5' in height,
9. Clear definitions of the words and phrases used in titles 18 and 19 are essential to administering those titles.

Given the above findings, staff recommend the following action:

The Magna Planning Commission and Planning Staff recommend that the Council approve the attached ordinance.

**Magna Ordinance Clean Up, Fall 2024**

**Remove References to Metro Township, Replacing with Magna City or Magna, as appropriate in Titles 18 and 19.**

**Clarify when infrastructure and public improvements must be installed by a developer subject to the limitations on exactions in Utah Code.**

**19.46.120 Infrastructure and Public Improvements**

The minimum requirements for public improvements shall be a combination of standards set forth in Title 14 Highways, Sidewalks, and Public Places and applicable standards set forth in this Title or ~~adopted in the municipality's~~Magna's Master Transportation Plan.

**A. Off-Site Improvements Required.**

1. Off-Site Improvements. Subject to the essential link and rough proportionality tests for exactions in Utah Code Section 10-9a-508, an applicant for a building or land use permit for a dwelling, or a commercial or industrial use shall provide curb, gutter, sidewalk and urban hydrology improvements along the entire property line which abuts any public road or street in cases where it does not exist at municipal standards.
2. Access to public right of ways. New and reconstructed vehicular entrances to the property shall be provided as required in Section 14.12.110. Height, location, structural specifications, maximum and minimum cut radii and minimum roadway approach angles to the centerline of the street are subject to the approval of the Municipal Engineering Division.
3. Exceptions.
  1. The planning commission may grant exception to the installation of the sidewalk in industrial areas where the planning commission determines that the sidewalk is not necessary to serve the public need, and the elimination of the sidewalk does not jeopardize the public health, safety or welfare.
  2. The planning commission may grant exception to the installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare is preserved.
  3. The planning commission may require the applicant to sign a delay agreement binding the current and future property owner to pay for their share of any required improvements that are installed by Magna City within 10 years of the waiver.

**B. Acceptance of Public Streets.**

1. Street lighting shall either be chosen from the municipality's approved streetlight list or installed to match a theme set by developments within the zone or neighborhood.
2. Street lighting shall be installed in conformance with Title 18.
3. Street Signs and Markers. Standard street name signs shall be installed at one corner of all street intersections. The size, design, materials, location, fabrication, installation, and maintenance of the signs and poles within the public right of way and elsewhere shall be

in accordance with the Utah Department of Transportation, the Manual of Uniform Traffic Control Devices for Streets and Highways (MUTCD), or the municipality's adopted policies, as applicable.

C. Private Streets.

1. Private streets or roads shall be designed and constructed to meet or exceed the public street standards set forth in Title 14 Highways, Sidewalks, and Public Places, as applicable.
  - a. Private streets or roads are allowed in the following circumstances:
    - (i) If shown on an approved development plan as private streets;
    - (ii) For multi-family developments; and
    - (iii) For residential subdivisions if the street is equally shared between properties. Such streets shall have a maintenance and operations plan included in the declaration of covenants, conditions, and restrictions for the subdivision.

D. Ingress and Egress Requirements. No building with human occupiable space may be erected or enlarged on a parcel in any zone unless such parcel abuts upon or has access to a publicly accepted and maintained street, a private driveway leading to an approved public street, a private road, or a public or private alley.

E. Intersecting Streets and Clear Visibility. In all zones which require a front yard, no obstruction to view in excess of three feet (3') in height may be placed on any corner lot within a triangular area formed by the street property lines or right-of-way lines and a line connecting them at points forty feet (40') from the intersection of the street lines, except mature trees which are located in the clear sight triangle shall be pruned to a height of at least seven feet (7') above the established sidewalk or street elevation.

F. Intersecting Streets and Driveways. In all zones, no view obstruction, including a sight-obscuring fence, wall, sign, other similar structures, and landscaping which exceeds three feet (3') in height shall be placed within a triangular area formed by a diagonal line connecting lines located at the curb line or sidewalk line and driveway line ten feet (10') from the projected intersection of such lines.

G. Acceptance of Private Streets. Prior to acceptance by the municipality, any private street, or any driveway allowed for access with a development that is not constructed and maintained to the municipality's adopted street standards shall be improved to the municipality's adopted street standards.

H. Driveways. A driveway shall be allowed for vehicular access according to the standards set forth in Title 14 Highways, Sidewalks, and Public Places, and Chapter 19.48 Parking and Mobility.

I. Pedestrian and Bicycle Mobility.

1. Each lot shall have pedestrian walkways and sidewalks that provide connections between the building entrances, neighboring building entrances, parking areas, open space, and public trail. Such systems shall be designed to connect with all elements within the

development, adjacent areas, and transit stops and can include sidewalks along public or private streets, wide outside travel lanes, bike lanes on roadways, and walkways and trails in alternative locations as appropriate. Design, location, dimensions, dedications, easements, and reservations shall conform to applicable municipal policies and standards for sidewalks, bicycle routes, and trails.

2. Walkways and trails shall be designed to maximize the safety of users and the security of adjoining properties with respect to location, visibility, and landscaping.
3. Bicycle Facilities. Bicycle facilities shall be provided in accordance with the standards set forth in Chapter 19.48 Parking and Mobility.

**Clarify that Internal and Attached Dwelling Units may only be constructed in single family lots with 6,000 square feet or greater.**

**19.42.030 Accessory Dwelling Unit**

B. Allowable Areas and Zones.

1. Internal Accessory Dwelling Units (IADU) and Attached Accessory Dwelling Units (AADU) are permitted uses in the R, A and PC zones as identified in the use tables in this Title. IADU's and AADU's may only be constructed on lots with an area of 6,000 square feet or greater.
2. Detached Accessory Dwelling Units (DADU) are a permitted use in the R, A and PC zones as identified in the use tables in this Title. A detached ADU may be constructed on lots with an area of 8,000 square feet or greater. Detached ADUs in a PC Zone are permitted on lots with a minimum area of 6,000 square feet if Magna has approved design standards for the same as part of a development agreement.
3. In no case may an ADU be permitted in, or accessory to, a townhome, a multi-family PUD or other attached unit type, or on any lot that cannot satisfy parking, setback, or lot coverage requirements.
4. The grounds of a church, synagogue, mosque or other religious institution may include one attached or detached accessory dwelling unit for the use of the leader of the congregation, a caretaker, or other employee of the congregation. A detached ADU may be constructed on lots with an area of 12,000 square feet or greater. The lot shall include both the primary religious building and the accessory dwelling unit.

**Amend the definition of Commercial Vehicles and clarify the circumstances in which Commercial Vehicles may be parked in R-1 and R-2 zones**

**19.04.020 General Definitions**

A. General terms used in Title 19 are defined as follows:

80. "Vehicle, Commercial" means any motorized vehicle or trailer used for or intended for business use - including but not limited to the transportation of commercial equipment, merchandise, produce, freight, commodities, passengers, or animals - and which is characterized by any of the following:

- a. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting;
- b. Vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicles;
- c. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar features;
- d. Vehicles exceeding Class 5 (two-axle, six tire single unit trucks) in the Federal Highway Administration vehicle category classification with more than two axles; or
- e. Vehicles with a payload capacity of more than eight thousand five hundred (8,500) pounds.

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

- E. Commercial Vehicles. Commercial vehicles may 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. Subject to Subsection 4, One commercial vehicle may be parked behind the front line of the dwelling and screened from view from public streets or neighboring properties with an opaque fence that is at least six feet (6') tall, provided it is parked on a paved surface. ~~The commercial vehicle may not exceed Class 5 (two (2)-axle, six (6)-tire single unit trucks) in Federal Highway Administration vehicle classification.~~
  3. Subject to Subsection 4, 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 twenty-four (24) hours a day to use the vehicle in response to an emergency;
    - c. The commercial vehicle is parked on a paved surface; and
    - d. The commercial vehicle is parked entirely on private property, not parked on or over the street or sidewalk; ~~and.~~
  4. e. Prohibited Commercial Vehicles. The following commercial vehicles are prohibited from being parked in an R-1 or R-2 Zone except as provided for in Subsection 1:
    - a. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting;
    - b. Vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicles; and

~~c. The commercial vehicles does not exceeding~~ Class 5 (two-axle, six tire single unit trucks) in the Federal Highway Administration vehicle category classification.

**Clarify 1 acre minimum for new development in the A-1 zone.**

**19.26.050 Lot Area, Lot Width, Lot Coverage**

A. Development in the A-1 and A-2 Zones shall comply with the development standards of Table 19.26.050 and all other applicable standards in this Title.

<b>Table 19.26.050 – Development Standards in Agricultural Zones.</b>			
<b>Zone</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Maximum Lot Coverage (Primary Buildings)</b>
A-1	10,000 Sq Ft/1 Acre <sup>1</sup>	65/100 Feet	35%
A-20	20 Acres	200 Feet	30%

1. Subdivision lots that met the area, width and frontage requirements existing prior to the adoption of this ordinance are legal, nonconforming lots. Lots created subsequent to the adoption of this ordinance must include one (1) acre and have a minimum lot width of one hundred (100) feet.

**Clarify that a lot must include 20,000 square feet to have "animal rights".**

**19.42.060 - Animal Rights.**

Animal Rights, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

A. Parcels containing fewer than twenty thousand square feet (20,000 sq. ft.) are prohibited from keeping animals under the animal rights provisions in this Section.

A.B. When a parcel with animal rights contains at least twenty thousand square feet (20,000 sq. ft.) but fewer than 5.25 acres, that parcel may hold no more than one animal unit and their seasonal offspring for each ten thousand (10,000) square feet.

B.C. When a parcel or group of contiguous parcels with shared ownership contains more than 5.25 acres, that parcel or group of parcels may hold no more than one animal unit and their seasonal offspring for each five thousand (5,000) square feet.

C.D. No animals or fowl may be kept or maintained closer than 40 feet to any dwelling on an adjacent parcel of land. No barn, stable, coop, pen, or corral shall be kept closer than 40 feet to any street.

D.E. Applicant shall submit a manure management plan, which shall address mitigation of stormwater runoff, odor, and flies, and shall include the following:



1. Clean-up of manure and off-site deposit of the same in warm -weather seasons. Manure storage or composting is allowed in accordance with Salt Lake County Health Department General Sanitation Regulation regarding composting.
2. Siting of newly constructed stalls to protect surface water, drainageways, wellheads, streams and irrigation ditches.
3. Bedding system such as stall mats, hay, wood shaving, and/or wood pellets.

E.F. Provisions in the FR or FA zones related to horses shall govern over this section and its associated definitions. A horse shall be considered a large animal, but the number of horses allowed in the FR or FA zones shall not be increased or diminished by this section or its associated definitions.

### **Require an "all weather surface" in Storage and Salvage Yards.**

#### **19.42.320 Storage and Salvage Yards**

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

- A. No portion of the storage area shall be located within three hundred feet (300') of any residential zone or use lot line.
- B. 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.
- C. Each salvage or storage yard shall 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 no closer to 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 shall be at least twenty five percent (25%) evergreen.
- D. 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.

E. The surface of the storage 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.



- F. 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.
- G. A management office shall be provided on site. A caretaker unit may be permitted for security personnel or on-site operator.
- H. 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').
- I. 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.
- J. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in ~~a salvage~~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.
- K. Vehicle parts may not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
- L. In order to protect surrounding areas, business operations, including loading and unloading operations shall be limited to daylight hours.

**Require trees and landscaping to be trimmed to 14.5" above the street.**

**19.50.200 Tree and Landscaping Trimming**

- A. In addition to the other standards of this Chapter, the property owner is responsible for maintaining all trees and landscaping on the property and adjacent park strips to the following standards.
  1. Trees and landscaping which overhang the street pavement shall be trimmed to a minimum height of ~~fourteen~~thirteen and one-half feet (~~14.5~~13.5') above the street pavement.
  2. Trees and landscaping which overhang the sidewalk shall be trimmed to a minimum height of eight and one-half feet (8.5') above the sidewalk.
  3. The abutting property owner shall remove any tree, tree stump, shrub or vine in or within twenty feet (20') of the right-of-way if that tree, tree stump, shrub, or vine is dead, diseased, or determined by the Director or Designee to be undesirable for any other reason.

4. If trees or landscaping are determined by the Director or Designee to be an imminent threat to public health and safety, the municipality may proceed with an emergency abatement, as outlined in Title 12.
5. Noxious Trees. Noxious trees shall be controlled and contained according to the recommendations of the Utah Department of Agriculture and Food.

B. Enforcement. This Section shall be enforced according to the provisions of Title 12 of the Magna Municipal Code.

#### **Adding or Clarifying Definitions in Chapter 19.04.**

##### **19.04.020 General Definitions**

"Alteration" means any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls.

"Animal Rights" means the keeping of livestock and fowl on lots and parcels containing at least twenty thousand (20,000) square feet. The keeping of livestock and fowl is limited to one animal unit and their seasonal offspring for each ten (10,000) thousand square feet. Household pets are not subject to these limits.

"Clustering" means a development or subdivision design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

"Expansion" means an increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

"Grading" means any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

"Net developable acreage" is defined as land with all of the following:

- a. An average slope less than thirty percent; and
- b. Free from any identified natural hazards such as flood, avalanche, landslide, high water table and similar features. See Chapter 19.56 (Floodplain Hazard Regulations) and Chapter 19.58 (Geological Hazard Regulations).

"Site plan" means an accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development, including but not limited to: topography; vegetation; drainage; flood plains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; utility easements and services; structures and buildings; lighting; berms, buffers and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.

"Slope" means the level of inclination from the horizontal, determined by dividing, in fifty foot intervals, the average horizontal run of the slope into the average vertical rise of the same slope and converting the resulting figure into a percentage value.

"Stream, Ephemeral" means those channels, swales, gullies, or low areas that do not have flow year-round or are not shown on United States Geological Services (U.S.G.S.) topographic maps as perennial streams. These are generally channels that are tributary to perennial streams, other ephemeral streams, terminal low areas, ponds, or lakes. They are typically dry except during periods of snowmelt runoff or intense rainfall. (Contrast with "Stream, Perennial.")

"Stream, Perennial" means those streams, excluding ephemeral streams, or ditches and canals constructed for irrigation and drainage purposes, which flow year-round during years of normal rainfall, and that are identified on the appropriate United States Geological Services (U.S.G.S.) topographic maps as perennial streams. (Contrast with "Stream, Ephemeral.")

"Stream corridor" means the corridor defined by a perennial stream's ordinary high water mark.

"Substantial economic hardship" means a denial of all reasonable economic use of a property.

"Undevelopable" means strict application of this title prevents the minimum development necessary to establish a permitted or conditional use in the underlying zone on the property.

"Waiver" means permission to depart from the requirements of an Ordinance with respect to the application of a specific regulation.

#### **19.04.030 Site Standard Definitions**

"Natural open space" means land in a predominantly open and undeveloped condition that is suitable for any of the following: natural areas; wildlife and native plant habitat; important wetlands or watershed lands; stream corridors; passive, low-impact activities; little or no land disturbance; or trails for non-motorized activities.

"Retaining wall" means a wall designed and constructed to resist the lateral displacement and erosion of soils or other materials.

#### **19.04.060 Sign Definitions**

"Off-Premise Sign" means a sign identifying or advertising a business, person, activity, goods, products or service, which is not related to, or available at the premises where the sign is located.

**ORDINANCE 2024-O-17**

Ordinance No. O-17

Date: December 10, 2024

**AN ORDINANCE OF THE MAGNA COUNCIL AMENDING TITLE 19 TO REPLACE MAGNA METRO TOWNSHIP WITH MAGNA OR MAGNA CITY, AS APPROPRIATE; CLARIFYING WHEN INFRASTRUCTURE AND PUBLIC IMPROVEMENTS MUST BE INSTALLED BY A DEVELOPER SUBJECT TO THE LIMITATIONS ON EXACTIONS IN UTAH CODE; CLARIFYING THAT INTERNAL AND ATTACHED DWELLING UNITS MAY ONLY BE CONSTRUCTED ON SINGLE FAMILY LOTS WITH 6,000 SQUARE FEET OR GREATER; AMENDING THE DEFINITION OF COMMERCIAL VEHICLES AND CLARIFYING THE CIRCUMSTANCES IN WHICH COMMERCIAL VEHICLES MAY BE PARKED IN R-1 AND R-2 ZONES; CLARIFYING 1 ACRE MINIMUM FOR NEW DEVELOPMENT IN THE A-1 ZONE; CLARIFYING THAT A LOT MUST INCLUDE 20,000 SQUARE FEET TO HAVE "ANIMAL RIGHTS"; REQUIRING AN "ALL WEATHER SURFACE" IN STORAGE AND SALVAGE YARDS; REQUIRING TREES AND LANDSCAPING TO BE TRIMMED TO 14.5" ABOVE THE STREET; AND ADDING OR CLARIFYING DEFINITIONS FOR "OFF PREMISE SIGNS", "ANIMAL RIGHTS", "ALTERATION", "CLUSTERING", "EXPANSION", "GRADING", "NATURAL OPEN SPACE", "NET DEVELOPABLE ACREAGE", "RETAINING WALL", "SITE PLAN", "SLOPE", "STREAM, EPHEMERAL", "STREAM, PERENNIAL", "STREAM CORRIDOR", "SUBSTANTIAL ECONOMIC HARDSHIP", "UNDEVELOPABLE", AND "WAIVER"**

**RECITALS**

**WHEREAS**, Magna is a municipality and has authority to adopt land use regulations, pursuant to Utah Code § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Section 9a, Utah Code; and

**WHEREAS**, infrastructure and public improvements should be installed by a developer subject to the limitations on Exactions in Utah Code;

**WHEREAS**, the legislative intent in adopting an ADU ordinance was that lots with less than 6,000 square feet would not be allowed to build ADU's;

**WHEREAS**, the parking of commercial vehicles in residential areas is not desirable, but is acceptable in limited circumstances;

**WHEREAS**, the 1 acre lot area requirement in the A-1 zone needed to be clarified to reflect the legislative intent;

**WHEREAS**, animal rights were never intended to be allowed on lots with less than 20,000 square feet;

**WHEREAS**, an "all weather surface" is necessary to ensure adequate storm water pollution prevention in Storage and Salvage Yards;

**WHEREAS**, commercial vehicles can often exceed 13.5' in height, but rarely exceed 14.5' in height;

**WHEREAS**, clear definitions of the words and phrases used in titles 18 and 19 are essential to administering those titles;

**WHEREAS**, the Council deems it necessary to amend its land use ordinances for the protection and preservation of the public health, safety and general welfare;

**WHEREAS**, the Magna Planning Commission held a public hearing on November 12<sup>th</sup>, 2024 to consider amending Title 19 as set forth in Exhibits A through I (the "Proposed Action") in accordance with Utah Code §§ 10-9a-205 and 10-9a-502; and

**WHEREAS**, the Planning Commission has recommended that the Council amend its land use ordinances set forth in Exhibits A through I for the protection and preservation of the public health, safety and general welfare.

**BE IT ORDAINED BY THE MAGNA CITY COUNCIL** as follows:

1. Chapter 19.04 Definitions, is hereby revised to read as set forth in Exhibit A.
2. To replace Magna Metro Township with Magna City, the following chapters sections and subsections are hereby revised to read as set forth in Exhibit B: Section 19.02.010 Title; Section 19.02.20 Organization; Section 19.02.030 Purpose; Section 19.02.040 Applicability; Section 19.10.010 Findings and Purpose; Subsection 19.10.030(D) Conduct of the Hearing; Chapter 19.14 Zones, Zoning Map and Boundaries; Section 19.30.020 Establishment of Medium and High-Density Residential Zones; Section 19.34.020 Establishment of Manufacturing Zones; Section 19.42.030 Accessory Dwelling Unit; Section 19.56.010 Authorization and Findings; 19.56.040 General Provisions; Section 19.56.060 Permit Procedures; Subsection 19.58.080 (C)(4) Enclosures below the BFE; Section 19.58.010 Purpose of Provisions; Section 19.58.020 Definitions; Section 19.58.030 Applicability; Section 19.58.070 Review of Reports-Approval Procedure; Section 19.58.091 Disclosure When a Geographical Hazards Report is Required; Section 19.58.100 Warning and Disclaimer; Section 19.58.120 Conflicting Regulations; 19.69.060 Conditional Uses; Section 19.69.090 Community Structure Plan (CSP; and Section 19.69.100 Project Plan/Subdivision Plat.
3. Section 19.46.120 Infrastructure and Public Improvements, is hereby revised to read as set forth in Exhibit C.

4. Subsections 19.42.030(A) and 19.42.030(B), are hereby revised to read as set forth in Exhibit D.
5. Subsection 19.48.040(E) Commercial Vehicles, is hereby revised to read as set forth in Exhibit E.
6. Section 19.26.050 Lot Area, Lot Width, Lot Coverage is hereby revised to read as set forth in Exhibit F.
7. Section 19.42.060 Animal Rights, is hereby revised to read as set forth in Exhibit G.
8. Section 19.42.320 Storage and Salvage Yards, is hereby revised to read as set forth in Exhibit H.
9. Section 19.50.200 Tree and Landscape Trimming, is hereby revised to read as set forth in Exhibit I.
10. 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.
11. Direction to Staff. Staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; and (b) to finalize and post the ordinance to Municode, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.
12. Effective Date. This Ordinance will take effect immediately upon posting pursuant to Utah Code § 10-3-712.

**PASSED AND ADOPTED** this 10<sup>th</sup> day of December 2024.

MAGNA CITY COUNCIL

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By: Eric J Barney, Mayor

ATTEST

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Nicole Smedley, Recorder

Voting:

Council Member \_\_\_\_\_ voting \_\_\_\_  
Council Member \_\_\_\_\_ voting \_\_\_\_  
Council Member \_\_\_\_\_ voting \_\_\_\_  
Council Member \_\_\_\_\_ voting \_\_\_\_  
Council Member \_\_\_\_\_ voting \_\_\_\_

*(Complete as Applicable)*

Date ordinance summary was posted to the [insert name] website, the Utah Public Notice website, and in a public place within [insert name] per Utah Code §10-3-711: \_\_\_\_\_

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

# EXHIBIT A

## Chapter 19.04 DEFINITIONS

### 19.04.010 Definitions and Interpretation of Language.

For the purpose of Titles 18 and 19 of the Magna Municipal Code, certain words and terms are defined as set out in this Chapter. Words used in the present tense include the future; words in the singular number include the plural and the plural the singular, and words included herein but defined in the building code shall be construed as defined therein.

### 19.04.020 General Definitions.

A. General terms used in Title 19 are defined as follows:

1. "Affected Entity" means a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:
  - a. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
  - b. The entity has filed with the municipality a copy of the entity's general or long-range plan; or
  - c. The entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this Ordinance or Utah Code.
2. "Affected Area" means the parcel or parcels that are the subject of a land use application, subdivision application, or rezone. The affected area is the minimum extent to which public notice must be given. Additional notice must also be given as required by Magna Municipal Code, Utah Code, or federal law.
3. "Agent" means a person with written authorization to represent a property owner or applicant.
4. "Alteration" means any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls.
5. "Animal Rights" means the keeping of livestock and fowl on lots and parcels containing at least twenty thousand (20,000) square feet. The keeping of livestock and fowl is limited to one animal unit and their seasonal offspring for each ten thousand square feet (10,000 sq. ft.). Household pets are not subject to these limits. The residential keeping of chickens and ducks is subject to Chapter 19.42.
6. "Animal Unit" means a proportionate combination of the following:



- a. One (1) cow, or one (1) horse, or one (1) pig, or one (1) llama, or one (1) other similar large animal.
  - b. Four (4) adult sheep or feeder lambs, or two (2) alpacas (similar to llama).
  - c. Two (2) goats.
  - d. Ten (10) chickens, or ten (10) ducks, or ten (10) pigeons, or ten (10) similar small fowl, subject to the standards and requirements of this Title, Salt Lake County Animal Services, and Salt Lake County Health Department that ensure that domesticated fowl do not adversely impact the neighborhood surrounding the property on which the domestic fowl are kept. For regulations regarding the keeping of chickens and ducks, see Chapter 19.42.
  - e. Twelve (12) rabbits, or twelve (12) similar small animals.
  - f. Two (2) large birds such as ostriches, emus, or peacocks.
  - g. Four (4) turkeys.
  - h. The total animal units located on a given parcel or animal operation shall be determined by adding the animal units for each animal type. For the purpose of determining compliance, said definition does not include the unweaned offspring of any residing animal which is less than six (6) months in age.
7. "Appeal Authority" means the same as "Land Use Hearing Officer."
8. "Applicant" means the person who makes formal application for a license, permit, subdivision or submits any application pursuant to Titles 18 or 19 Of the Magna Municipal Code.
9. "Benchmark" means a mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.
10. "Boundary Line Agreement" means an agreement to establish the location of a boundary between adjoining properties if the location of the boundary is ambiguous, uncertain, or disputed.
11. "Buffer, Riparian" means an area along the course of any watercourse or roadway or boundary line to be maintained without the disturbance of buildings or structures other than fencing, if allowed.
12. "Business Day" means a day in which normal business operations are conducted. Saturdays, Sundays, Holidays and days Planning and Development Services are not open are not considered business days.
13. "Clustering" means a development or subdivision design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

14. “Concept Plat / Drawing” means a drawing that shows the overall concept of a proposed development, as further defined in these regulations.
15. “Conditional Use” means a land use that has unique characteristics or negative effects that may not be compatible in an area without conditions to mitigate or eliminate the detrimental impacts. A land use listed as a conditional use is a use of land for which a conditional use permit is required pursuant to this Title.
16. “Conservation Easement” means an easement that perpetually prohibits further development or use inconsistent with, or harmful to, the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the conservation easement holder, permit recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area in a manner which is inconsistent with, or harmful to, the preservation and protection of the restricted area.
17. “Council” means the Magna City Council, unless otherwise clearly indicated. The Magna City Council may also be referred to as the Magna Council or municipal council.
18. “Culinary Water Authority” means the department, agency, or public entity with the responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.
19. “Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
20. “Development Code” means Titles 18 and 19 of the Magna Municipal Code.
21. “Development Review Committee (DRC)” means Planning and Development Services Staff, in consultation with agencies contracted with the municipality for engineering, health, fire, and surveying reviews and services. Comments from other affected entities, service providers or other reviewing agencies may also be solicited as needed.
22. “Director” means the Greater Salt Lake Municipal Services District Director of Planning and Development Services, unless otherwise clearly indicated.
23. “Drive Approach” means an area of the public right-of-way located between the roadway and property adjacent to the public right-of-way that is intended to provide access for vehicles from the roadway to the adjacent property.
24. “Driveway” means a path of ingress and egress constructed within and adjoining a roadway, connecting the roadway with adjacent or nearby property in accordance with Magna Municipal Code. A “driveway” is an unobstructed access from a public or private right of way to an adjacent or nearby property that does not interfere with vehicular or pedestrian travel within the right of way.
25. “Driveway, Cross Access” means a service drive providing vehicular access between two or more contiguous sites, so the driver need not enter the public street system.

26. "Driveway, Multifamily" means a driveway providing access to more than four dwelling units.
27. "Driveway, Private" means a driveway limited to the use of the owner or a group of owners who share the use and maintain the access and those having express or implied permission from the owner or owners, but not by other persons.
28. "Driveway, Shared" means a driveway serving more than one lot.
29. "Dwelling" means any building or structure, or portion thereof, intended for residential use.
30. "Dwelling, Primary" means a single-family dwelling that:
  - a. Is detached;
  - b. Is occupied as the primary residence of the owner of record; and
  - c. "Dwelling, Primary" includes a garage if the garage:
    - i. Is a habitable space; and
    - ii. Is connected to the primary dwelling by a common wall.
31. "Dwelling Unit" means one or more rooms physically arranged so as 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 (1) kitchen or set of cooking facilities are considered to contain more than one (1) 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:
  - a. A building design which allows all occupants ready access to all portions of the building including cooking facilities;
  - b. No portion of the building containing cooking facilities may be separated from the remaining rooms to form a separate dwelling unit; and
  - c. There is only one (1) electric and/or gas meter for the building.
32. "Easement" means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.
33. "Expansion" means an increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.
34. "Facility Company" means a company not regulated by the public service commission that provides a service including but not limited to cable television or telecommunications.

35. "Family" means one of the following groups of individuals, but not more than one group at the same time:
- a. An individual living alone; or
  - b. Two (2) or more people, all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal guardianship and their foster children, and up to two (2) other unrelated persons who do not pay rent; or
  - c. Up to four (4) related or unrelated individuals who live and cook together as a single housekeeping unit; or
  - d. Two (2) unrelated individuals and any children of either of them living as a single housekeeping unit.
36. "Good Cause" means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; or acts of nature adverse to performing required acts.
37. "Grading" means any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.
38. "Graffiti" means inscriptions, drawings, paintings, or other visual defacing of buildings, structures, or natural features, without the consent of the owner thereof, and which is not otherwise authorized and permitted in municipal ordinances.
39. "Guest" means a person paying for staying or receiving services at a bed and breakfast, hotel, motel, resort, or similar facility.
40. "Guestroom" means a room that is designed for double occupancy by guests, for sleeping purposes.
41. "Hard surface" means any asphalt or concrete surface of an approved thickness, or other approved surface, but excluding rock, gravel, grass, or dirt.
42. "Health Department" means the Health Department of Salt Lake County, Utah.
43. "Inoperable Vehicle" means a vehicle that is not currently registered or licensed in the State of Utah or in another state, or which has been dismantled or wrecked to the point of being non-drivable.
44. "Land Trust" means a private non-stock, non-profit corporation that has as its purpose the preservation.
45. "Land Use Application" means an application required by the zoning or subdivision ordinances.
46. "Land Use Authority" means the person, board, commission, agency, or other body designated by the Magna Municipal Council to act upon a land use application.

47. "Land Use Decision" means any final decision of the Council, Planning Commission, or final administrative decision of the Director or other official responsible for the enforcement of zoning and subdivision regulations.
48. "Land Use Hearing Officer" means the "Appeal Authority" created pursuant to Utah Code § 10-9a.701 to hear appeals to zoning decisions applying to the zoning ordinance as provided in Section 19.16.020 and for decisions by the Planning Commission. The Land Use Hearing Officer is also the appeal authority for subdivision appeals subject to Section 18.08.040 of the Magna Municipal Code. The Land Use Hearing Officer is also charged with the powers and duties enumerated in Section 19.12.040.C
49. "Legal Lot of Record" means any land parcel that existed, as recorded in the Office of the Salt Lake County Recorder, with a separate property identification number as provided by the Office of the Salt Lake County Recorder and Office of the Salt Lake County Assessor, prior to December 17, 1952, and all land parcels that were legally created for the purposes of development pursuant to the applicable zoning and subdivision requirements and the laws of the State of Utah after the date of the first Subdivision Ordinance enactment.
50. "Local Jurisdiction" means the municipality, or other political subdivision adopting this Ordinance.
51. "Membrane Covered Frame Structure" means a non-pressurized building wherein the structure is composed of a rigid framework to support a tensioned membrane that provides the weather barrier.
52. "Minor Local Street" means a street, existing or proposed, often of limited continuity, the primary purpose of which is to provide access to property and serve the local needs of a neighborhood. A minor local street carries low volumes of traffic at the lowest speed limits.
53. "Monument" means a permanent survey marker established by the Salt Lake County Surveyor and/or a survey marker set in accordance with the Salt Lake County Surveyor's specifications and referenced to Salt Lake County survey monuments.
54. "Municipal Engineering Division" means the division or personnel hired by or contracted with the municipality to provide engineering services. The "Municipal Engineering Division" is also referred to as the "Municipal Engineer" or "Municipal Engineering".
55. "Municipal Flood Control Division" means the division or personnel hired by or contracted with the municipality to provide flood control and water quality services.
56. "Municipal Geologist" means the personnel hired by or contracted with the municipality to provide geologic hazard review and geology services.
57. "Natural Condition" means the topography and vegetation of the area that is unaltered by clearing and grading during construction and protected in perpetuity.
58. "Net developable acreage" is defined as land with all of the following:
  - a. An average slope less than thirty percent; and

- b. Free from any identified natural hazards such as flood, avalanche, landslide, high water table and similar features. See Chapter 19.56 (Floodplain Hazard Regulations) and Chapter 19.58 (Geological Hazard Regulations).
59. "Noncomplying Structure" means a building or other structure or portion thereof lawfully constructed in compliance with the zoning ordinance existing at the time of construction, that no longer conforms to the height, area, and/or yard regulations in the zone in which it is located due to changes to the zoning ordinance or to the subsequent public acquisition of land for public improvements. A "Noncomplying Structure" may also be referred to as a "Nonconforming Structure."
60. "Nonconforming Use" means a use which lawfully occupied a building or land at the time the ordinance codified in this Title became effective and which does not conform with the use regulations of the zone in which it is located.
61. "Nonconforming Lot" means a legally established lot or parcel that met the applicable area, width and other applicable requirements in effect at the time the lot or parcel was created, but which fails by reason of such adoption, revision or amendment of the zoning ordinance, to conform to the present requirements of the zone in which it is located.
62. "Owner" includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof having a majority fee simple interest in real property, or a majority interest through any other form of ownership.
63. "Parcel of Land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person.
64. "Pavement" includes the paved portion of a street, including paved shoulders and on street parking areas. "Pavement does not include curbs, gutters, park strips, sidewalks, trails, and driveways.
65. "Paved" means ground covered with stone, brick, concrete, asphalt, or other approved surface, installed over a compacted base course, making a permanent surface that is firm, smooth, and level. A graded natural surface, or one covered with rolled stone or overlaid with compacted or loose gravel is not considered a paved surface.
66. "Permitted Use" means any use allowed in a zone and subject to the restrictions applicable to that zone.
67. "Planning and Development Services" means the Planning and Development Services Department of the Greater Salt Lake Municipal Services District. "Planning and Development Services" may also be referred to as the Planning and Development Services Department.
68. "Planning Commission" means the Magna Planning Commission.
69. "Portable Storage Container" means a transportable, weather-resistant, commercially leased or rented storage structure or container that is designed and used primarily for the storage of goods, items, and materials placed outside of the primary structure on a property. Portable Storage Container includes CONEX and other Shipping Containers.

Portable Storage Container does not include yard waste containers, construction debris containers, or containers with a storage capacity less than two-hundred (200) cubic feet.

70. “Pre-Existing Lot” means a lot that was created prior to the adoption of this Ordinance, through a recorded subdivision plat, deed, sales contract, or survey, and a lot that met the zoning and subdivision regulations in effect at the time of its creation. For the purposes of this Title, a pre-existing lot is a nonconforming lot and shall be regulated in the same manner as nonconforming lots.
71. “Pre-Existing Structure” means a structure that was legally constructed prior to the adoption of this ordinance. For the purposes of this Title, a pre-existing structure is a nonconforming structure and shall be regulated in the same manner as nonconforming structures.
72. “Pre-Existing Use” means a use that was legally established prior to the adoption of this Ordinance and has not been abandoned for more than one year. For the purposes of this Title, a pre-existing use is a nonconforming use and shall be regulated in the same manner as nonconforming uses.
73. “Provisional Parking” means an area or areas within a parking lot where parking spaces which are shown on the approved parking plan are landscaped rather than paved.
74. “Public Works Operations” means the division or personnel hired by or contracted with the municipality to provide road construction and maintenance, snow removal and other related services.
75. “Road” can be used interchangeably with the word street.
76. “Road, Private” means the same as “Street, Private”
77. “Record of Survey Map” means a map of a survey of land prepared in accordance with Utah Code.
78. “Residential Roadway” means a public local residential road that:
  - a. Will serve primarily to provide access to adjacent primarily residential areas and property;
  - b. Is designed to accommodate minimal traffic volumes or vehicular traffic;
  - c. Is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
  - d. Has a posted speed limit of 25 miles per hour or less;
  - e. Does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
  - f. Cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and

- g. Primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.
79. "Sanitary Sewer Authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
80. "Site plan" means an accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development, including but not limited to: topography; vegetation; drainage; flood plains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; utility easements and services; structures and buildings; lighting; berms, buffers and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.
81. "Slope" means the level of inclination from the horizontal, determined by dividing, in fifty foot intervals, the average horizontal run of the slope into the average vertical rise of the same slope and converting the resulting figure into a percentage value.
82. "Standards and Specifications" means the construction and design requirements and standards of the municipality for the construction and installation of public infrastructure and improvements. The documents shall be approved by the Municipal Engineer and approved by Resolution of the Council.
83. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Permanent construction" does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not as part of the main structure.
84. "Stream, Ephemeral" means those channels, swales, gullies, or low areas that do not have flow year-round or are not shown on United States Geological Services (U.S.G.S.) topographic maps as perennial streams. These are generally channels that are tributary to perennial streams, other ephemeral streams, terminal low areas, ponds, or lakes. They are typically dry except during periods of snowmelt runoff or intense rainfall. (Contrast with "Stream, Perennial.")
85. "Stream, Perennial" means those streams, excluding ephemeral streams, or ditches and canals constructed for irrigation and drainage purposes, which flow year-round during years of normal rainfall, and that are identified on the appropriate United States Geological Services (U.S.G.S.) topographic maps as perennial streams. (Contrast with "Stream, Ephemeral.")



86. "Stream corridor" means the corridor defined by a perennial stream's ordinary high water mark.
87. "Street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-five feet wide, which has been made public by right of use and which affords the principal means of access to abutting property. Street does not include alleys or trails. May sometimes be referred to as road.
88. "Street, Private" means an access way, other than a driveway, similar to and having substantially the same or similar function as a public street, providing access to one or more properties, but held in private ownership. A "private street" is limited to the use of the owner or group of owners who share the use and maintain the street without the assistance of public entities. "Street, Private" and "Road, Private" can be used interchangeably.
89. "Streetlight" means a raised light installed within or adjacent to the street right-of-way, turned on or lit at a certain time every night. Modern lamps may also have light-sensitive photocells to turn them on at dusk and off at sunrise or activate automatically in foul weather.
90. "Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.
91. "Structural Alterations" means any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.
92. "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
- a. "Subdivision" includes:
- i. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and ii. Except as provided in Subsection B, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
- b. "Subdivision" does not include:
- i. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance; ii. A boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Utah Code § 10-9a-524

if no new parcel is created; iii. A recorded document, executed by the owner of record:

- (a) Revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or
- (b) Joining a lot to a parcel;
- (c) A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Utah Code, §§ Sections 10-9a-524 and 10-9a-608, if:
  - (i) No new dwelling lot or housing unit will result from the adjustment; and
  - (ii) The adjustment will not violate any applicable land use ordinance;
- (d) A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
  - (i) Is in anticipation of future land use approvals on the parcel or parcels;
  - (ii) Does not confer any land use approvals; and
  - (iii) Has not been approved by the land use authority;
  - (iv) A parcel boundary adjustment;
  - (v) A lot line adjustment;
  - (vi) A road, street, or highway dedication plat;
  - (vii) A deed or easement for a road, street, or highway purpose; or
  - (viii) Any other division of land authorized by law.

93. "Subdivision Amendment" means an amendment to a recorded subdivision in accordance with Utah Code §10-9a-608, that:

- a. Vacates all or a portion of the subdivision; b. Alters the outside boundary of the subdivision; c. Changes the number of lots within the subdivision; d. Alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or e. Alters a common area or other common amenity within the subdivision.

94. "Subject Property" means the land area for which an approval is required to comply with this Ordinance.

95. "Substantial economic hardship" means a denial of all reasonable economic use of a property.

96. "Substantial improvement" means:

- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either:
  - i. Before the improvement or repair is started; or ii. If the structure is damaged and is being restored, before the damage occurred.
- b. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- c. The term does not, however, include either:
  - i. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or ii. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

97. "Trails" means a system of public recreational pathways located within the municipality for use by the public for walking, biking and/or horseback riding as designated.

98. "Undevelopable" means strict application of this title prevents the minimum development necessary to establish a permitted or conditional use in the underlying zone on the property.

99. "Utility Company" means a company regulated by the public service commission that provides a service including but not limited to electricity, telephone, or gas.

100. "Utilities or Improvements" means all types of necessary utilities such as gas lines, culinary and secondary water lines, storm drainage systems, sanitary sewer systems, electrical power, cable, and telephone with all poles, wires, pipes, and structures as necessary to provide services, and surface improvements such sidewalks, curbs, gutters, and streets.

101. "Vehicle" means a self-propelled device used for transporting persons or things, including, but not limited to, automobiles, watercraft, motorcycles, snowmobiles, and recreation vehicles. Does not include heavy machinery.

102. "Vehicle, Commercial" means any motorized vehicle or trailer used for or intended for business use - including but not limited to the transportation of commercial equipment, merchandise, produce, freight, commodities, passengers, or animals - and which is characterized by any of the following:

- a. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting;

- b. Vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicles;
- c. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar feature;
- d. Vehicles exceeding Class 5 (two-axle, six tire single unit trucks) in the Federal Highway Administration vehicle category classification; or
- e. Vehicles with a payload capacity of more than eight thousand five hundred (8,500) pounds.

103. "Waiver" means permission to depart from the requirements of an Ordinance with respect to the application of a specific regulation.

#### **19.04.30 Site Standard Definitions.**

A. Site Development terms used in Title 19 are defined as follows:

1. "Active Recreation" means activities that involve inactive or less energetic activities often performed by leisurely walking or conducting small group gatherings that do not require physical activity.
2. "Arterial Street" means a street, existing or proposed, which serves or is intended to serve as a major traffic way and which is designated on the UDOT Functional Classification Map as a controlled-access highway, limited-access road, major street, parkway or by equivalent terms suitable to identify streets comprising the basic structure of the street plan.
3. "All Weather Surface" means a surface composed of gravel, stone, macadam, or other approved pervious material, with sufficient depth and compaction to permit vehicular traffic in extremely inclement weather.
4. "Alley" means a public or private way which affords a secondary means of access to abutting property.
5. "Basement" means any floor level below the first story in a building, except that a floor level in a building having only one (1) floor level shall be classified as a basement unless such floor level qualifies as a first story.
6. "Base Density" means the original density permitted under the property's zoning category, in dwelling units per acre.
7. "Buildable Area" means a lot or portion thereof possessing all of the following physical characteristics:
  - a. The area contains no territory having a slope of thirty percent (30%) or greater;

- b. The area contains no territory which is located in any identified floodplain or within any recognized inundation zone, mudflow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;
  - c. The engineering properties of the soil provide adequate structural support for the intended use; and
  - d. The area does not possess any other recognized natural condition which renders it unsafe for building purposes.
8. "Building" means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or chattels.
9. "Building Alteration" means any act or process that changes the architectural detail, function, or structural design of a building, including but not limited to the erection, construction, reconstruction, or removal of any building.
10. "Building Coverage" means the maximum horizontal area within the outer perimeter of the building walls, dividers, or columns at ground level or above, whichever is the greater area, including, without limitation, courts and exterior stairways, but excluding:
- a. Uncovered decks, porches, patios, terraces, and stairways all less than thirty inches high; and
  - b. The outer four feet of completely open, uncovered, cantilevered balconies having a minimum of eight feet of vertical clearance below.
11. "Building Envelope" means the building pad, building footprint, and height restrictions, which define the maximum building area in which all development shall occur. The building envelope is the area that remains for placing a structure on a site after building line, setback, side yard, height and bulk regulations are observed.
12. "Building Facade" means the exterior of a building located above ground and generally visible from public points of view.
13. "Building Footprint" means the total area of the foundation of a structure, or the furthest exterior wall or supporting column of the structure. Decks, porches, patios, stairways, terraces, planter boxes and balconies that are both uncovered and less than thirty feet (30') tall, measured from the finished grade are not part of the building footprint.
14. "Building Height" means the vertical distance above the natural grade at any point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a level midway between the level of the eaves and the highest point of pitched or hipped roofs, or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For purposes of measuring height, the "level of the eaves" means the highest level where the plane of the roof intersects the plane of the outside wall on any side containing an eave. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet in horizontal dimension. The height of each stepped building segment shall be measured separately.

15. "Building Street Frontage" means the portion of the building directly fronting or adjacent to the street. Building Street Frontage is calculated by dividing the portion of the building at the build-to-line or within a specified distance of the build-to-line by the street frontage.
16. "Build-to-Line" means the maximum distance a building may be setback from a property line or other designated location. The purpose of a build-to-line is to bring structures adjacent to streets and sidewalks to encourage pedestrian activity.
17. "Collector Street" means a street which carries traffic from local streets to the Arterial Street system, including the principal entrance streets of residence development and the primary circulating streets within such a development. A collector street may have prohibited movements and the number and spacing of driveways may be controlled.
18. "Cul-de-sac" means a minor street having one open end and being terminated at the other by a vehicular turnaround.
19. "Dedication" means the setting aside of land by an owner for any public use for the enjoyment of the public and owned by a public agency.
20. "Entrance" means the location of ingress to a room, building, or lot; a location of admittance.
21. "Exit" means the location of egress from a room, building, or lot.
22. "Fence" means any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line.
23. "Final Plat" means a plat map prepared in accordance with the provisions of this ordinance for the purpose of subdividing property. A final plat shall be based on an accurate survey, and such survey marked on the ground so that streets, alleys, blocks, lots, and other divisions thereof can be identified.
24. "Frontage" means the uninterrupted linear or curvilinear extent of a lot, abutting on a street, measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line. The measurement of lot frontage does not include irregularities in the street line and, in the case of a corner lot, shall extend to the point of intersection of the rights-of-way. If a lot has frontage on more than one street, only the frontage on one street may be used to satisfy the minimum lot frontage.
25. "Grade, Finished" means the topographic elevations where the earth meets the building, upon project completion. Excluded from this definition are window wells serving basement rooms. Also referred to as "final grade".
26. "Grade, Natural" means the topographic elevations representing the surface of the ground prior to grading, filling, or other site alterations for a project. When natural grade is not readily apparent, an approximation of preexisting conditions using grades on adjacent sites, retaining walls, prior survey maps, etc., may be used as a reference for determining natural grade. All such grade approximations shall require the concurrence of the Director. "Grade, Natural" is also referred to as "existing grade".

27. "Green Space" means open space maintained in a natural, undisturbed, or revegetated condition.
28. "Guarantee" means a bond, escrow or irrevocable letter of credit given by the applicant(a) to ensure the proper installation of public infrastructure and improvements.
29. "Intensity" means the concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, etc.; also, the size of buildings or structures, the most intense being higher, longer and/or wider.
30. "Lot" means a parcel of land occupied or proposed to be occupied by a building or buildings, together with such yards, open spaces, lot width, and lot areas as are required by this Title, having frontage upon a street or a right-of-way approved by a Land Use Hearing Officer, or upon a right-of-way not less than twenty feet wide. Except as provided in this Title, not more than one dwelling structure may occupy one lot.
31. "Lot, Corner" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.
32. "Lot, Double Fronting" means a lot having frontage on two (2) streets that are parallel or nearly so or do not intersect.
33. "Lot, Interior" means a lot other than a corner lot.
34. "Lot Line Adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record. "Lot Line Adjustment" does not mean a new boundary line that creates an additional lot or constitutes a subdivision or a subdivision amendment.
35. "Lot Line, Front" means the front boundary line of a lot bordering the street.
36. "Lot Line, Rear" means a lot line that is opposite and most distant from the front lot line. In the case of an irregular-shaped lot, the rear lot line shall be that lot line that is generally parallel to and at the maximum distance from the front lot line, having a length of at least ten feet (10').
37. "Lot Line, Side" means any lot boundary line not a front lot line or a rear lot line.
38. "Lot Width" means the distance between the side lot lines measured at the required front yard setback line. For a corner lot, the lot width is the distance between one of the front lot lines and the opposite side yard line at the required front yard setback line.
39. "Main Building" means the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing a principal use upon a lot.
40. "Major Local Street" means a street, existing or proposed, which serves or is intended to serve to connect minor local streets with collector streets while also providing direct access to property. A major local street has more continuity for through-traffic than a minor local street.
41. "Major Street" means an arterial street, collector street or other street where new access is limited or controlled.

42. "Marginal Access Street" means a local street, parallel and adjacent to a minor arterial or minor collector street providing access to abutting properties and protection from arterial or collector streets.
43. "Natural open space" means land in a predominantly open and undeveloped condition that is suitable for any of the following: natural areas; wildlife and native plant habitat; important wetlands or watershed lands; stream corridors; passive, low-impact activities; little or no land disturbance; or trails for non-motorized activities.
44. "Off Street Parking" means a site or a portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and providing vehicular access to a public street.
45. "Organic Disposal Site" means a disposal site where settled or precipitated solid matter produced by water and sewage treatment processes is disposed of in compliance with the board of health requirements, using sanitary land-filling techniques, in a manner that does not create a nuisance or health hazard, that protects the environment, and will not cause a pollution source of water, air, etc.
46. "Open Space" means an area of land or water set aside to be preserved or reserved for use by residents of the development. An expanse of lawn, trees, plants, or other natural areas. Any landscaped area of the site including: required yards, setbacks, walkways, and limited common areas. It does not include parking, driveways, or buildings with habitable space for primary uses, but may include buildings for the purpose of providing an amenity. Open space may be distributed throughout the development and need not be in a single large area. Open space may include sensitive areas, such as areas with 30% or greater slope, fault zones, floodplains, high water tables, and wetlands if they have been designed as an integral element of the project. Any additional amenity that is located on the roof of a building may not be considered open space.
47. "Parking Lot" means an open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.
48. "Parking Space" means space within a building, lot, or parking lot for the parking or storage of one automobile.
49. "Passive Recreation" means activities that involve inactive or less energetic activities often performed by leisurely walking or conducting small group gatherings that do not require physical activity.
50. "Preliminary Approval" means an approval, with or without recommended alterations, given to a preliminary plat by the Planning Commission and provides the necessary authority to proceed with the preparation and presentation of the final plat.
51. "Preliminary Plat" means a map or plan of a proposed land division or subdivision. A drawing that shows the perimeter boundary, topography, lot layout arrangement, street layout, and other features of a proposed subdivision, as specified for a preliminary plat in the Ordinance.



52. "Public Utility Easement" An area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility lines, mains, services, and minor facilities.
53. "Retaining wall" means a wall designed and constructed to resist the lateral displacement and erosion of soils or other materials.
54. "Setback" means a distance from a curb, property line, or structure within which building is prohibited.
55. "Side Yard, Corner Lot" means a side lot line that abuts a street.
56. "Side Yard, Interior Lot" means a side lot line that abuts a side or rear lot line of another lot.
57. "Stealth Design" means the use of alternative support structures to blend or hide the communication equipment with the design, shape, or color of the structure. Examples of stealth design include field lights, clock towers, bell towers, water towers, flagpoles, windmills, monuments, etc.
58. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such usable or unused underfloor space will be considered a story.
59. "Story, First" means the lowest story in a building that qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade for more than fifty percent of the total perimeter, or not more than eight feet below grade at any point.
60. "Story, Half" means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.
61. "Yard" means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as provided herein.
62. "Yard, Front" means a 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. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.
63. "Yard, Rear" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.
64. "Yard, Required" means the open space around buildings which is required by the terms of this Title.

65. "Yard, Side" means a space on the same lot with a building, between the side line of the building and the side lot line, and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side lot line of the building. See "Side Yard, Interior Lot" and "Side Yard, Corner Lot".

#### **19.04.40 Telecommunications Definitions.**

A. Telecommunications terms used in Title 19 are defined as follows:

1. "Amateur Radio Antenna" means a radio antenna that complies with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or meets the standards related to amateur radio service adopted under 47 C.F.R. Part 97.
2. "Amateur Radio Antenna Support Structure" means a lattice or pole structure which acts as a support to the amateur radio antenna. Typical support structures are triangular or square in cross-section, crank up, or guyed, and are constructed with galvanized steel or aluminum.
3. "Antenna" means a transducer, attached to a support structure, designed to transmit or receive electromagnetic waves.
4. "Distribution system" means the portion of the system located between: (1) the service drop transformer and the distribution substation for electric service, (2) the service drop and the receive site (headend) for cable television, or (3) the service drop and the transmission system for telephone service.
5. "Earth Station" means a communication facility that transmits and/or receives signals to and from orbiting satellite(s).
6. "Lattice Tower" means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure that often tapers from the foundation to the top.
7. "Service Drop" means the portion of the system located between the distribution system and wall of the building or structure occupied or intended to be occupied by a customer.
8. "System" means all poles, towers, wires, lines, cables, conduits, pipes and accessory equipment providing service such as electricity, telephone, telegraph, cable television, gas, water, sewer, steam or petroleum including service drops, distribution system, transmission system, and accessory equipment.
9. "Telecommunication Facilities, Wireless Communication Facilities, and Radio/TV Transmitting Towers" means facilities used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. Telecommunications Sites/Facilities do not include Amateur Radio equipment that complies with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or amateur radio service adopted under 47 C.F.R. Part 97.
10. "Transmission System" means the portion of the system which is used to carry the service from points of generation or switching centers to distribution points such as electrical

substations and equipment sites. In the case of electrical service, a transmission system is defined as carrying a voltage of forty-six (46) KV or more.

11. "Wireless Facility" means equipment at a fixed location that enables wireless communication between user equipment and a communications network, including (a) equipment associated with wireless communication; and (ii) regardless of the technological configuration, a radio transceiver, an antenna, a coaxial or fiber-optic cable, a regular or back up power supply, or comparable equipment. Wireless Facility does not include the structure or an improvement on, under, or within which the equipment is collocated; or a coaxial or fiber-optic cable that is: between wireless structures or utility poles; not immediately adjacent to or directly associated with a particular antenna; or a wireline backhaul facility. (Utah Code § 54-21-101)
12. "Wireless Telecommunications Antenna" means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
13. "Wireless Telecommunications Equipment Shelter" means the structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
14. "Wireless Telecommunications Site/Facility" means an unmanned structure that consists of equipment used primarily for the transmission, reception, or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.
15. "Wireless Telecommunications Tower" means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.

#### **19.04.50 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. Magna City has the authority to require that only a licensed landscape architect can stamp plans that fall under the practice of landscape architecture.
11. "Landscape Designer" means a person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape designers generally focus on residential design and horticultural needs of home landscapes.
12. "Landscape Documentation Package" means the preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The landscape documentation package shall include a project data sheet, a site plan, a planting plan, an irrigation plan, construction details, and a grading plan.
13. "Landscape Zone" means a portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.
14. "Landscaping Improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:
  1. Will be dedicated to and maintained by the municipality; or
  2. Are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.
15. "Landscaping" means any combination of living plants, such as trees, shrubs, vines, ground covers, annuals, perennials, ornamental grass, or seeding; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences or benches.

16. "Localscapes®" means a locally adaptable and environmentally sustainable urban landscape style that requires less irrigation than traditional Utah landscapes (see [www.Localscapes.com](http://www.Localscapes.com)).
17. "Mulch" means any material such as rock, bark, wood chips or other materials left loose and applied to the soil.
18. "Park Strip" means a typically narrow landscaped area located between the back-of-curb and sidewalk.
19. "Planting Plan" means a plan that clearly and accurately identifies the type, size, and locations for new and existing trees, shrubs, planting beds, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.
20. "Pop-up Spray Head" means a sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.
21. "Precipitation Rate" means the depth of water applied to a given area, usually measured in inches per hour.
22. "Pressure Regulating Valve" means a valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.
23. "Pressure Compensating" means a drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.
24. "Rotor Spray Head" means a sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.
25. "Runoff" means irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.
26. "Spray Sprinkler" means an irrigation head that sprays water through a nozzle.
27. "Stream Sprinkler" means an irrigation head that projects water through a gear rotor in single or multiple streams.
28. "Turf" means a surface layer of earth containing mowed grass with its roots.
29. "Water-Conserving Plant" means a plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.
30. "Weed(s)" means any vegetation commonly referred to as a weed, or which has been designated a noxious weed by the Utah Department of Agriculture and Food. Weeds also refer to areas of lawn or landscaping that have grown to the point of seeding.

#### **19.04.60 Sign Definitions.**

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

1. "Address Sign" means a sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.

2. "Awning" means a shelter extending from the exterior wall of a building and composed of nonrigid materials, including cloth, plastic, or other nonrigid materials, except for the supporting framework.
3. "Awning Sign" means any sign painted on, attached to, or supported by an awning.
4. "Balloon Sign" means a sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device.
5. "Banner" means a temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method, or that may be supported by stakes in the ground. Banners do not include flags.
6. "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located (as defined in Utah Code § 10-9a-103).
7. "Blade Sign" means the same as "Projecting Sign."
8. "Canopy" means a freestanding, permanent roof-like shelter, other than an awning, that may be either freestanding or attached to an adjacent building or structure.
9. "Canopy Sign" means a permanent sign attached to or constructed on a canopy.
10. "Drive-Thru Facility Sign" means a freestanding sign that is located along the path or aisle utilized for a drive-through facility.
11. "Driveway Sign" means a small permanent sign located near driveway access points and/or at the intersection of internal access drives.
12. "Electronic Message Center" means a sign designed so that the characters, letters, or illustrations can be changed or rearranged automatically on a lamp bank or through mechanical means (e.g., electronic or digital signs).
13. "Flag" means any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners. Flags do not include banner.
14. "Flat Sign" means the same as "Wall Sign".
15. "Holiday Decorations" means signs or displays including lighting which are a non-permanent installations timed around national, state, and local holidays, religious or cultural holidays, or other holiday seasons.
16. "Illegal Sign" means a sign that is not permitted or allowed to be established in a zone, does not meet the requirements of the zoning ordinance, and/or has not received nonconforming status. Any sign not specifically listed as a permitted or conditional use is prohibited in that zone.

17. "Incidental Sign" means signs that are often attached to doors, windows, gas pumps, or other structures that are small in nature and typically intended to be read by a user up close, rather than from a distance by pedestrians or drivers.
18. "Light Pole Banner" means a temporary banner or sign that is designed to be attached to a permanent light pole or other pole structure, and where the temporary sign element can be changed without modifying the permanent structure.
19. "Limited Duration Sign" means a non-permanent sign that is displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period.
20. "Marquee Sign" means a permanent, roof-like canopy with an integral sign that extends from part or all of a building face that may or may not project over a public right-of-way.
21. "Monument Sign" means a sign permanently affixed to the ground at its base, supported entirely by a base structure that is flush to the ground, and not mounted on a pole.
22. "Mural" means a large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/ or symbols.
23. "Off-Premise Sign" means a sign identifying or advertising a business, person, activity, goods, products or service, which is not related to, or available at the premises where the sign is located.
24. "Permanent Sign" means a sign attached or affixed to a building, structure, or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign and whose intended use appears to be indefinite.
25. "Pole Sign" means a freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.
26. "Portable Sign" means a sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.
27. "Projecting Sign" means a double-sided sign, excluding canopy and awning signs, mounted on a building such that the faces of the sign are perpendicular to the building and normal flow of traffic. It may also be referred to as a blade sign.
28. "Roof Sign" means any sign erected upon a roof, parapet, or roof-mounted equipment structure and extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.
29. "Sidewalk or Sandwich Board Sign" means a moveable sign not secured or attached to the ground or surface upon which it is located that's supported by its own frame. A common form of sidewalk sign may be referred to as a sandwich board sign that has the cross-sectional shape of the letter A. Sidewalk signs may also be in a form that has a cross-sectional shape of an upside-down letter T.

30. "Sign" means any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names, or trademarks, by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a commodity, an event, a gathering, or product, which are visible from any public way. "Sign" also includes the sign structure supports, lighting system, and any attachments, ornaments, or other features intended to draw the attention of observers.
31. "Sign Alteration" means a change or rearrangement in the structural part or design of a sign whether by extending on a side, by increasing in area or height, or by relocating or changing position.
32. "Sign Area" means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double-faced sign shall be computed when signs are parallel or diverge from a common edge by an angle of not more than ten degrees. For signs that do not have a frame or a separate background, the sign area shall be computed on the basis of the least rectangle, triangle, or circle large enough to frame the display. Sign areas in the shape of a sphere, prism, cylinder, cone, pyramid, square, cube, or other such shape shall be computed as one-half of the total surface area.
33. "Sign Copy" means the words logos, symbols, or message displayed on a sign.
34. "Sign Face" means an exterior display surface of a sign including non-structural trim exclusive of the supporting structure.
35. "Sign Height" means the vertical distance above the natural grade at any point on the perimeter of the sign to the highest point of the sign structure.
36. "Sign Maintenance" means the upkeep of signs in a safe, presentable and good condition, including the replacement of defective parts, repainting, cleaning, and other acts required for the maintenance of said sign.
37. "Sign Setback" means the minimum distance that any portion of a sign or sign structure shall be from any street property line.
38. "Sign Structure" means anything constructed or erected supporting a sign which requires location on or below the ground or attached to something having a location on or below the ground.
39. "Snipe Sign" means a temporary sign illegally tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.
40. "Temporary Sign" means a type of non-permanent, sign that is located on private property that can be displayed for no more than thirty (30) consecutive days at one time.
41. "Vehicle Sign" means a sign or advertising device attached to or located on a vehicle or trailer parked on a public right-of-way, public property, or parking area with access by the general public so as to be visible from a public right-of-way for the basic purpose of directing people to a business or activity.
42. "Wall Sign" means a building-mounted sign that is either painted on, attached to, or displayed on a wall or its facing in a manner parallel to the wall surface.



43. "Window Sign" means any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily from the outside of the building. Customary displays of merchandise behind a store window are not considered signs.

#### **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 main building or to the main use of the land and which is located on the same lot or parcel of land with the main 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 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 may 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 may 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 dwellings in which two (2) or more 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 reciprocal child care 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 may 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. "Cluster Subdivision" means a subdivision in which the lot sizes are reduced below those normally required in the zone in which the development is located, in return for the provision of permanent open space.
41. "Commercial Plant Nursery" means a business where young plants or trees are raised for experimental horticultural purposes, for transplanting, or for sale.
42. "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.
43. "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.

44. "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).
45. "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.
46. "Contractor's Storage Yard" means the same as "Storage Yard".
47. "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.
48. "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.
49. "Court" means an occupied space on a lot, other than a yard, designed to be partially surrounded by group dwellings.
50. "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.
51. "Critical infrastructure Materials" means sand, gravel, or rock aggregate.
52. "Critical Infrastructure Materials Operations" means the extraction, excavation, processing, or reprocessing of critical infrastructure materials.
53. "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.
54. "Dairy" means a commercial establishment for the manufacture or processing of dairy products.
55. "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.
56. "Duplex" means the same as "Dwelling, Two Family."
57. "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 (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred (400sq. ft.) or more; 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 Magna City's Building Code, as adopted. All appendages, including carports, garages, storage buildings, additions, or alterations shall be built in compliance with Magna City's Building Code, as adopted.
58. "Dwelling, Mobile Home" means a transportable factory-built housing unit built prior to June 15, 1976, in accordance with a state mobile home code that existed prior to the HUD Code. HUD Code means the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.
59. "Dwelling, Modular Unit" means a structure: (a) built from sections that are manufactured in accordance with the State Construction Code and transported to a building site; and (b) the purpose of which is for human habitation, occupancy, or use
60. "Dwelling, Multiple Family" means a building containing five (5) or more residential dwelling units.
61. "Dwelling, Single-Family" means a building containing one (1) residential dwelling unit.
62. "Dwelling, Single-Family Attached" A residential structure designed to house a single-family unit from the lowest level to roof, with a private outside entrance, but not necessarily occupying a private lot, and sharing a common wall adjoining dwelling units.
63. "Dwelling, Three- and Four-Family (3-plex and 4-plex)" means a building containing three (3) or four (4) residential dwelling units, each unit designed to be occupied by one (1) family.
64. "Dwelling, Two Family" means a building containing two (2) residential dwelling units.
65. "Dwelling group" means a group of two (2) or more dwellings located on a parcel of land in one (1) ownership and having any yard or court in common.

66. "Educational Facility" means: (i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and programs for children with disabilities; (ii) a structure or facility: (A) located on the same property as a building described in Subsection (12)(a)(i); and (B) used in support of the use of that building; and (iii) a building to provide office and related space to a school district's administrative personnel; and (b) does not include: (i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is: (A) not located on the same property as a building described in Subsection (12)(a)(i); and (B) used in support of the purposes of a building described in Subsection (12)(a)(i); or (ii) a therapeutic school.
67. "Educational Facility with Residential Accommodation" means an educational facility with living accommodations for students or staff, such as universities, colleges, boarding schools, and seminaries. Educational facility includes public and private schools (PreK-12) designed for educational activities with a curriculum for technical or vocational training, pre-kindergarten, kindergarten, elementary, secondary, or higher education and recognized as an educational institution by the State of Utah Board of Education, the State of Utah Board of Higher Education, or the State Board of Regents.
68. "Family Food Production" means the keeping of not more than two cows, two sheep, two goats, twenty rabbits, fifty chickens, fifty pheasants, ten ducks, ten turkeys, ten geese, and twenty pigeons; provided that not more than three of the above-listed kinds of animals and fowl are permitted at any one time on any lot in zones where family food production may be a permitted or conditional use.
69. "Farm Products" means fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese and other dairy products), and fish.
70. "Farmers' Market" means an outdoor market open to the public, operated by a governmental agency, a nonprofit corporation, or one or more producers, at which (a) at least 75 percent of the products sold are farm products or value added farm products and (b) at least 75 percent of the vendors regularly participating during the market's hours of operation are producers, or family members or employees of producers.
71. "Financial Institutions" means a trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association—which is chartered under federal or state law—solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business. "Financial institutions" does not include "check cashing", "pawn shops" or other similar uses.
72. "Financial Institutions, Nondepository" means establishments that are primarily engaged in short term lending, such as title loans, check cashing, deferred deposit loan, or similar type of businesses.
73. "Fireworks Stand" means a type of temporary use that sells fireworks or explosives defined and regulated under the Utah Fire Prevention and Fireworks Act.



74. "Food Cart" means a cart:
- a. That is not motorized; and
  - b. That a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.
75. "Food Truck" means:
- a. A fully encased food service establishment:
    - i. On a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
    - ii. From which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption;
  - b. A food cart; or
  - c. An ice cream truck.
76. "Freight Service" means an establishment primarily engaged in undertaking the transportation or transferring of goods, merchandise, materials, and commodities of any kind for compensation, and which may in turn make use of other transportation establishments in effecting delivery.
77. "Garage, Private" means a detached accessory structure or portion of a main building designed for the parking or temporary storage of automobiles of the occupants of the premises.
78. "Gardening for Personal Use" means an accessory use that includes the production of fruits, vegetables, spices, and other food plants for personal use. "Gardening for Personal Use" may include a greenhouse or plant nursery subject to accessory structure regulations.
79. "Guest House" means a separate dwelling structure located on a lot with one or more main dwelling structures and used for housing guests or servants, and not rented, leased or sold separate from the rental, lease or sale of the main dwelling.
80. "Guest Ranch" means a vacation resort offering activities (such as horseback riding) typical of western ranches. A "Guest Ranch" may be associated with a working ranch.
81. "Home Occupation" means any use or activity conducted entirely within a residential dwelling or a legal accessory structure that is clearly incidental and secondary to the existing residential use and does not change the character of the residence or neighborhood and there is no display of any stock and the use complies with the applicable business license requirements.
82. "Home Preschool" means a preschool program complying with all Utah standards and licensing for non-family members in an occupied dwelling unit, by residents of that dwelling unit, in which lessons are provided for not more than ten (10) children for each session of instruction. If there are eight or more children, there shall be two or more providers present. Sessions may not last for more than four (4) hours and may not

overlap. Individual children may attend only one (1) preschool session in any twenty four (24) hour period.

83. "Hospital" means a facility licensed by the Utah Department of Health, providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including the related facilities such laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are integral parts of the facilities.
84. "Hotel" means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. A central kitchen, dining room, accessory shops and services catering to the general public can be provided. Additional services, such as restaurants, meeting rooms, conference space and recreational facilities are allowed as accessory and subordinate uses.
85. "Household Pet" means animals or fowl customarily permitted in the house and kept for company or pleasure, including dogs, cats, canaries, and similar pets.
86. "Industrial Flex Space" means a one-story building containing a mixture of warehouse, retail, office, and light industrial uses, with at least twenty five percent (25%) of the net floor area dedicated to office space.
87. "Inoperable Vehicle" means a vehicle that is not currently registered or licensed in Utah or in another state, or which has been dismantled or wrecked so that it is no longer considered street legal.
88. "Institutional Use" means a facility that provides a public service and is operated by a federal, state, or local government, public or private utility, public or private school or college, church, public agency, or tax-exempt organization.
89. "Junk" means any worn out, stripped, or discarded materials no longer safely useable for the purpose(s) for which they were manufactured, including but not necessarily limited to scrap metal, inoperable motor vehicles or recreational vehicles which are inoperable for more than sixty (60) days, and parts, construction material, household wastes, including garbage and discarded appliances, and yard debris.
90. "Junkyard" means the same as "Salvage Yard."
91. "Kennel, Commercial" means a shelter or place where over three dogs or cats are bred, boarded, or trained for monetary gain.
92. "Kennel, Private" means a shelter for or a place where over three and no more than five dogs and cats are bred, boarded, or trained for no monetary gain.
93. "Laboratory, Medical or Dental" means an establishment providing biological, dental, medical, or optometrical laboratory and testing services.
94. "Laboratory, Research and Development" means facilities for the investigation of natural, physical, or social sciences that may include engineering and product development.

95. "Laundry Cleaning, Automatic Self-Help" means an establishment where one or more machines or devices are offered for public use to provide self-service dry-cleaning and/or clothes laundering facilities.
96. "Laundry Cleaning, Drop Off" means an establishment where patrons may drop off items for dry-cleaning or laundering—which may occur on or off-site.
97. "Liquor and/or Wine Store" means a facility for the sale of packaged liquor or wine, located on premises owned or leased by the state of Utah and operated by a state employee.
98. "Machine Shop" means shops where lathes, presses, grinders, shapers, and other wood or metal working machines are used—such as blacksmith, tinsmith, welding, and sheet metal plumbing, heating, electrical repair, and overhaul shops.
99. "Major Seasonal Sale" means a type of temporary use offering goods not offered year-round by another business on the property or is the only business on the property for the duration the use is occurring or occupies land in a designated park and is greater than eight hundred (800) square feet.
100. "Major Seasonal Use" means a type of temporary use that offers a service or activity not offered year-round by another business on the property or is the only business on the property for the duration the use is occurring or occupies land in a designated park and is greater than eight hundred (800) square feet.
101. "Manufacturing, Heavy" means the manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.
102. "Manufacturing, Light" means an establishment primarily engaged in the production, fabrication, processing, or assembly of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such activities take place and are located entirely within a building. Such uses include research and development facilities and testing laboratories. These uses do not include refineries, rock crushers, incinerators, and similar uses.
103. "Meat or Poultry Processing Facility" means a building where live animals are killed and processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed but does not include a butcher shop.
104. "Medical, Urgent Care, and Dental Clinic" means the same as "Office, Medical."
105. "Micromobility Support Infrastructure" means infrastructure, such as docking stations, signage, or other small-scale infrastructure, needed to support licensed micromobility systems. Micromobility means small, light-weight, and low-speed (less than thirty (30) mph) motorized vehicles that may be part of a shared-use program.
106. "Mining (Subsurface)" means mining by digging or constructing access tunnels, adits, ramps, or shafts and excavating directly from the natural mineral deposits exposed.

107. "Mining (Surface)" means mining by removing the overburden lying above the natural deposits and excavating directly from the natural deposits exposed, or by excavating directly from deposits lying exposed in their natural state, and includes dredge operations conducted in or on natural or artificially created waterways.
108. "Minor Seasonal Sale" means a type of temporary use offering goods not offered year-round by another business on the property, and the total area of the use takes up eight-hundred square feet (800 sq. ft.) or less.
109. "Minor Seasonal Use" means a type of temporary use that offers a service or activity not offered year-round by another business on the property and the total area of the use takes up eight-hundred square feet (800 sq. ft.) square feet or less.
110. "Minor Ski Resort Improvements" means construction activities associated with the ongoing operation and maintenance of previously approved facilities, ski runs, ski trails, ski lifts, and related resort appurtenances, equipment, recreational access corridors, pedestrian or non-motorized trails, non-snow related activities, and accessory uses, or vehicular maintenance roads constructed or used in connection with the construction, operation, or maintenance of a resort.
111. "Mobile Home" means a dwelling unit designed to be transported, after fabrication, on its own wheels designed and intended for permanent occupancy as an independent dwelling unit, upon connection to required utility systems; but which is not constructed in compliance with the municipality's adopted Building, Mechanical, Electrical, and Plumbing Codes or the Federal Manufactured Home Construction and Safety Standards (HUD Code). The term "mobile home" includes any structure meeting the above description, which is used for an office, classroom, laboratory, processing, manufacturing, retail sales, or other such uses.
112. "Mobile Home Park" means an area or tract of land used to accommodate two (2) or more mobile homes intended to be occupied as residences connected to required utility systems.
113. "Mobile Store" means a business that is carried out entirely from a motor vehicle or thing that is designed to be or is mobile such as hand pushcarts and self-propelled kiosks, whereby the entire inventory offered for sale is carried and contained in the motor vehicle or thing that is designed to be or is mobile at the time the stock is offered for sale and is delivered to the purchaser at the time of sale. This use excludes food trucks/mobile restaurants, as defined in this Chapter.
114. "Model Home/Temporary Sales Offices" means a dwelling unit, unoccupied for residential purposes, temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental in a particular subdivision or other approved residential development. "Model Home" includes sales or rental offices for dwellings within the development.
115. "Mortuary or Funeral Home" means an establishment providing services such as preparing the human dead for burial, arranging and managing funerals, and necessary sales. Funeral establishments may include funeral chapels, limited caretaker facilities, and limited cremation facilities that do not accept remains from other funeral

establishments. "Mortuary or Funeral Home" does not include crematoriums as a primary use, cemeteries, columbariums, and mausoleums.

116. "Motel" means the same as "Hotel."
117. "Nursing Home, Convalescent Care Center" means a health care facility, other than a general acute or specialty hospital, constructed, licensed, and operated to provide patient living accommodations, 24-hour staff availability, and at least two of the following patient services: (a) a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services; (b) a structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or (c) a supervised living environment that provides support, training, or assistance with individual activities of daily living.
118. "Office, General" means a building offering executive, administrative, professional, or clerical services, or a portion of a building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients.
119. "Office, Intensive" means a business offering executive, administrative, professional, or clerical services with a high level of client interaction and traffic generated; and/or a business that employs five (5) or more persons per one thousand (1,000) square feet of net leasable office space.
120. "Office, Medical" means a building used by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.
121. "Outdoor Dining" means an area of designated size used as a seating area with tables and chairs for the contiguous restaurant.
122. "Outdoor Recreation, Large Scale, and including Outdoor Entertainment Locations" means areas or facilities that offer recreation or entertainment outside and require significant land or are expected to create a larger impact. Such uses include shooting ranges, go-carts, motor vehicle and/or motorbike tracks, golf courses, zoological parks and botanical gardens, amphitheaters, outdoor stages and concert venues, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.
123. "Outdoor Sales Event" means a type of temporary use that uses a portion of outside space to temporarily sell products from a business in a building already located on the property with a business license.
124. "Outdoor Storage" means the same as "Accessory Outside Storage"
125. "Package Agency" means a retail liquor location operated under a contractual agreement with the Utah Department of Alcoholic Beverage Services, by a person other

than the State, who is authorized by the commission to sell package liquor for consumption off the premises of the agency.

126. "Park and Ride" means an area or structure intended to accommodate parked vehicles for the general public, where commuters park their vehicles and continue to travel to another destination via public transit, carpool, vanpool, or bicycle. The parking lot may be shared with other uses or stand-alone.
127. "Pawn Shop" means any person, firm, corporation, or business that loans money on deposit of personal property, or deals in the purchase, exchange, or possession of personal property on condition of selling the same back again to the pledgor or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.
128. "Personal Care Services" means an establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tanning and nail salons, permanent makeup facilities, tattoo and body piercing establishments, and weight loss centers.
129. "Personal Instruction Services" means an establishment engaged in the provision of informational, instructional, personal improvement, and similar services of a professional nature or by a nonprofit organization. Typical uses include art and music schools, driving instruction, computer instruction, gymnastic and dance studios, handicraft or hobby instruction, and martial arts training.
130. "Planned Unit Development (PUD)" means an Integrated design for the development of residential, commercial, or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.
131. "Post Office" means a facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.
132. "Private Nonprofit Locker Club" means a social club, recreational, athletic, or kindred association incorporated under the provisions of the Utah Revised Nonprofit Corporation Act, which maintains or intends to maintain premises upon which liquor is or will be stored, consumed, or sold.
133. "Private Nonprofit Recreational Grounds And Facilities" means nonprofit recreational grounds and facilities operated by an association incorporated under the provisions of the Utah Revised Nonprofit Corporation Act or a corporate sole.
134. "Private Residential Tennis Court/Sports Court" means a recreation court requiring a base surface with a gross square footage of four hundred square feet or more, permitted as an accessory use to and on the same lot as a single-family residential dwelling.
135. "Private Swimming Pool" means any structure or container holding water to a depth of eighteen inches (18") or greater and having either a diameter or diagonal measurement

of ten feet (10') or greater, permitted as an accessory use to and on the same lot as a single-family residential dwelling.

136. "Producer" means a person or entity that raises or produces farm products on land that the person or entity farms and owns, rents, or leases.
137. "Protective Housing" means a facility operated, licensed, or contracted by a governmental entity, or operated by a charitable, nonprofit organization, where, for no compensation, temporary, protective housing is provided to: (1) abused or neglected children awaiting placement in foster care; (2) pregnant or parenting teens; (3) victims of sexual abuse; or (4) victims of domestic abuse.
138. "Public Parks" means parks that are maintained by a public agency.
139. "Public Service Training Facility" means an establishment for training state and local law enforcement, fire safety, national guard, transit personnel, or other public service personnel and accessory facilities including but not limited to dining and overnight accommodations, classrooms, indoor shooting ranges, auto test tracks, and fire suppression simulations.
140. "Public Use" means a use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities, government and public utility administrative offices, fire stations, police stations, and facilities that are part of the local service delivery system for public utilities. "Public Use" does not include public utility production, storage, and treatment facilities such as power plants, refineries, natural gas processing and storage plants, water treatment plants, or sewage treatment facilities.
141. "Public Utility, Major" means structures that house operations for public utilities like, but not limited to, power generation plants, electrical switching stations, primary substations, refuse collection and disposal facilities, and water and wastewater treatment facilities and similar facilities.
142. "Public Utility, Minor" means local utility structures that are necessary for a specific development or service like, but not limited to, poles and lines.
143. "Public Utility" includes every railroad corporation, gas corporation, electrical corporation, distribution electrical cooperative, wholesale electrical cooperative, telephone corporation, telegraph corporation, water corporation, sewerage corporation, heat corporation, and independent energy producer not described in Utah Code § 54-2-201 where the service is performed for, or the commodity delivered to, the public generally, or in the case of a gas corporation or electrical corporation where the gas or electricity is sold or furnished to any member or consumers within the state for domestic, commercial, or industrial use.
144. "Rail Transit Mixed-Use" means a use that allows rail-oriented development that combines different land uses within a single development, tract of land, building, or structure. Its purpose is to encourage development that is high quality, human-scale, and pedestrian-friendly, while creating a variety of complementary and integrated uses,

such as but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact, walkable, urban form.

145. "Reception Hall, Reception Center" means a room or building for the purpose of hosting a party, banquet, wedding, or other reception or social event. Such halls are often found within pubs, clubs, hotels, or restaurants.
146. "Recreation Facility, Commercial" means a centrally or otherwise appropriately located place designed and equipped for the conduct of sports, informal recreation and/or leisure-time activities operated as a business on private or public property and open to the public for a fee.
147. "Recreation Facility, Private" means a centrally or otherwise appropriately located place designed and equipped for the conduct of sports, informal recreation and/or leisure-time activities operated on private property and not open to the public, including recreation facilities owned by a homeowners' or property owners' association for private use.
148. "Recreation Facility, Public" means a centrally or otherwise appropriately located place designed and equipped for the conduct of sports, informal recreation and/or leisure-time activities operated by a public agency and open to the public with or without a fee.
149. "Recycling Processing Facility" means a building or enclosed space for the collection and processing of recyclable materials. "Processing" means the preparation of material for efficient shipment, or to an end user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, shredding, mechanical sorting, cleaning, and re-manufacturing.
150. "Rehabilitation/Treatment Facilities" means a facility licensed by or contracted by the State of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants. "Rehabilitation/Treatment Facilities" does not include residential facilities for the elderly or persons with disabilities.
151. "Resource Recycling Collection Point" means a portable structure, enclosed bin, trailer, or reverse vending machine where recyclable material (aluminum cans, glass, paper, etc.) is exchanged for money or deposited as a donation.
152. "Reiki" means a business devoted primarily to Reiki healing, or any other system that has elements of the following. The practitioner, trained to access and serve as a channel for a sacred life force, places his or her hands on or just above the client's body in order to activate healing energy within receptive points on the body. The practitioner's hands move progressively with a passive touch through various positions on the body, remaining in each position for a period of time. As a harmonic flow of energy is strengthened, within the client and practitioner, healing occurs through the return of physical, mental, and spiritual balance. For purposes of this Title, a Reiki business may not include Reiki healing, or similar system, which are performed in a hospital or medical clinic.



153. "Residential Facility for Elderly Persons" means a dwelling unit owned by a resident thereof or an immediate family member of a resident, or for which the title has been placed in trust for a resident; and is voluntarily occupied on a twenty-four (24) hour per day basis by eight (8) or fewer elderly persons in a family-type arrangement. A "residential facility for elderly persons" does not include any facility: (1) operated as a business; provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility; (2) where persons are placed: (a) For alcoholism or drug abuse treatment; or (b) as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility which is: (i) a health care facility as defined by Utah Code or successor law, or (ii) a residential facility for persons with a disability.
154. "Residential Facility for Persons with a Disability" means a residence: (1) in which more than one person with a disability resides; and (a) which is licensed or certified by the Department of Human Services under Utah Code Title 62A, Chapter 2, Licensure of Programs and Facilities; or (b) which is licensed or certified by the Department of Health under Utah Code Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
155. "Residential Keeping of Chickens or Ducks" means the keeping of a small number of domesticated hens and/or ducks on a lot with a single-family dwelling for personal use only, subject to the standards and requirements of this Title, Salt Lake County Animal Services, and Salt Lake County Health Department that ensure that domesticated hens and ducks do not adversely impact the neighborhood surrounding the property on which the domestic fowl are kept.
156. "Resort" means a place offering amenities for recreation and relaxation in addition to lodging and meals to transient vacationers. May involve multiple, compatible uses of the land, such as open space, agriculture, and lodging.
157. "Restaurant, Fast Food" means a building or facility that sells food and beverages primarily over a counter, rather than by waitress or waiter; packages its' food in wrappers, boxes, or cartons regardless if the food is consumed on or off the restaurant premises; and typically provides a drive through/drive-up facility.
158. "Restaurant, Sit-Down with or Without Alcohol" means a building or facility for the preparation, retail sale, and on-site consumption of food and non-alcoholic and/or alcoholic beverages.
159. "Retail and Service Commercial" means a business primarily engaged in the sale or rental of goods, merchandise, or services directly to the consumer, and includes no outdoor storage. These uses do not include sexually oriented businesses, retail tobacco specialty stores, check cashing, pawn shops, vehicle or large equipment rental, sales, repair, or assembly. Uses include department, grocery, variety and drug stores; art galleries; bakeries; jewelry stores; florists; auto parts stores; business and social services; and similar uses. These uses may include twenty-four-hour uses and drive-up windows subject to this Title.
160. "Retail Shops or Galleries where Primary Product is Produced On-Site" means establishments (not exceeding five thousand square feet (5,000 sq.ft.) engaged in the

selling of goods where the primary product is produced on-site. This definition is limited to small-scale uses but can include bakeries, confectionaries, nut shops, frame shops, restored furniture, cardmaking shops, jewelry-making stores, photo galleries, art galleries, and pottery studios. This definition also includes 'painting with a twist', 'paint nite', paint-your-own-ceramics businesses, and similar uses. A room or building for the display or sale of works of art, including space for the artist to create displayed work.

161. "Retail Tobacco Specialty Business" means a commercial establishment in which: (a) the sales of tobacco products, electronic cigarette products, and nicotine products account for more than thirty five (35%) of the total quarterly gross receipts for the establishment; (b) twenty (20%) or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products; (c) twenty (20%) or more of the total shelf space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products; (d) the commercial establishment holds itself out as a retail tobacco specialty business and causes a reasonable person to believe the commercial establishment is a retail tobacco specialty business; (e) any flavored electronic cigarette product is sold; or (f) the retail space features a self-service display for tobacco products, electronic cigarette products, or nicotine products. (Utah Code 10-8-§41.6)
162. "Salvage Yard" means a place where scrap, waste, discarded, or salvaged materials is brought, sold, exchanged, baled, packed, disassembled or handled, or stored, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvage, house wrecking, and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building or yard, and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations conducted on the premises.
163. "School, Charter" means (i) an operating charter school; (ii) a charter school applicant that has its application approved by a charter school authorizer in accordance with Utah Code, Title 53G, Chapter 5, Part 3, Charter School Authorization; or (iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building. School, Charter does not include a therapeutic school.
164. "Self-Service Fuel Station" means a location where flammable or combustible liquids or gases are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Such establishment may offer the retail sale of convenience items. "Self-Service Fuel Station" specifically excludes and does not allow any servicing, repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including engine, brake, muffler, tire repair, lubrication, and engine tune-up. "Self Service Fuel Station" may be combined with "Vehicle and Equipment Repair, Minor" when the applicable zone allows both uses. Does not include "Truck Stop and Service Facilities."
165. "Self-Service Storage Facilities, Enclosed" means structures, commonly referred to as storage units, containing separate enclosed, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. Such

facilities are to be used for dead storage only. The following activities are prohibited within any self-storage enclosed storage facility: (1) commercial, wholesale or retail sales, or miscellaneous or garage sales; (2) the servicing, repair, or fabrication of motor vehicles, boats, trailers, small engine equipment, or similar equipment; (3) the operation of power tools, spray painting equipment, compressors, welding equipment, kilns, or similar equipment; (4) the establishment of a transfer business; and (5) Any use that is noxious or offensive because of odors, dust, noise, or vibrations.

166. "Self-Service Storage Facilities, Outdoor" means the use of any lot, portion of a lot, or tract of land for outside storage of operative automobiles, trucks, recreational vehicles, boats, trailers, or non-motorized storage, containing separate, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. The following activities are prohibited within any self-storage outside storage facility: (1) commercial, wholesale or retail sales, or miscellaneous or garage sales; (2) the servicing, repair, or fabrication of motor vehicles, boats, trailers, small engine equipment, or similar equipment; (3) the establishment of a transfer business; (4) junkyard or impound yard; (5) storage of non-motorized storage may not exceed the height of the screened fence; and (6) any use that is noxious or offensive because of odors, dust, noise, or vibrations.
167. "Sexually Oriented Business or Activity" means adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, or adult entertainment out-call services in the form of semi-nude dancing or exhibitions, adult motion picture theater, adult theater, seminude model studios, or sexual encounter establishments.
168. "Shared Mobility Device" means bicycles and motor-assisted scooters operated by a shared mobility device system.
169. "Shared Mobility Device System" means any transportation service that involves the commercial use of shared mobility devices by users, either concurrently or sequentially after one another.
170. "Shopping Center" means a group of three or more commercial establishments that are planned, developed, and managed as a unit with common areas for off-street parking and landscaping provided on the properties.
171. "Short-Term Rental" means a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than thirty (30) consecutive days.
172. "Sidewalk Displays and Sidewalk Cafes" means an accessory use that allows for the spillover of seating and/or sales displays onto the sidewalk in front of an existing business subject to limitations. "Sidewalk Café" means a restaurant with tables on the sidewalk in front or on the side of the premises. "Sidewalk Display" means the outdoor display of merchandise for sale by a business use.
173. "Ski Resort" means a ski area that also includes sales, rentals, and services of related equipment and accessories, eating places, residences, and hotels and motels.
174. "Solar Energy System, Accessory" means a roof-mounted, wall mounted, or ground mounted panel, the primary purpose of which is to provide for the collection, inversion,

storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings located on the same property.

175. "Solar Energy System, Commercial" means a solar array meant for commercial production of energy.
176. "Solar Evaporation Pond for the Processing of Salt" means the recovery of minerals in solution through natural evaporation and subsequent harvesting.
177. "Storage – Hazardous Materials" means the storage of any item or chemical which is a health or physical hazard, or can cause harm to people, plants, or animals when released by spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.
178. "Storage Yard" means the location of goods, wares, merchandise, commodities, equipment, materials, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours when such storage is a primary characteristic of a permitted use or constitutes more than fifteen percent (15%) of the lot area. The presence of hazardous materials, junk, junk cars, or debris not usually appurtenant to permitted on-site uses is prohibited. Storage yards shall be screened from public view by a minimum six-foot (6') high masonry fence and, when outdoor storage occurs in a front yard, side yard, or any other location within the public view, additional screening of a height and material determined by the Planning Commission. For the purposes of this Title, construction yards, lumber yards, and like uses are considered to be storage yards as regulated herein. Compare with "accessory outdoor storage".
179. "Sportsman's Kennel" means a kennel for the keeping of three to five (5) dogs that has a valid permit from the department of animal services and is located on a lot of at least one acre.
180. "Stable, Private" means a detached accessory structure for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire, or sale.
181. "Stable, Public" means a stable other than a private stable.
182. "Swap Meets and Flea Markets" means a market operating for the sale or exchange of merchandise at retail by many sellers within a drive-in theater or enclosed building. This does not include garage sales.
183. "Tavern" means the same as "Bar."
184. "Temporary Construction Office" means a temporary building or structure used as a construction office for a project located on the same site during its construction. A temporary construction office shall be removed from the property prior to the final certificate of occupancy being issued on the building or project.
185. "Temporary Sale, Farm Products" means a type of temporary use that is less than six hundred square feet (600 sq. ft.) and at least seventy five percent (75%) of the products sold are farm products or value-added farm products.

186. "Temporary Use" means any use that does not continue more than one hundred twenty (120) days out of the year.
187. "Temporary Use, Weekly or Weekly Temporary Use" means any use occurs not more than two days a week and not more than one hundred twenty (120) days out of the year.
188. "Temporary Use, Inside" means a use on a property proposed to be established for a maximum period of one hundred and twenty (120) days or use being discontinued after the expiration of one hundred and twenty (120) days and conducted in compliance with all the requirements of this Title that is inside a permanent building.
189. "Theaters and Concert Halls (Indoor)" means buildings that contain screens, stages, or other platforms around which patrons gather to experience film, theater, and other performances. Concessions may be allowed as an accessory use. Such uses include concert halls, play theaters, cinemas, comedy clubs, operas, and orchestra and symphony halls. Does not include outdoor theaters and concert halls (see "Outdoor Recreation, Large Scale, and including Outdoor Entertainment Locations").
190. "Therapeutic School" means a residential group living facility: (a) for four or more individuals that are not related to the owner of the facility or the primary service provider of the facility; (b) that serves students who have a history of failing to function at home, in a public school, or in a nonresidential private school; and (c) that offers room and board, and an academic education integrated with (i) specialized structure and supervision or (ii) services or treatment related to a disability, emotional development, behavioral development, familial development, or social development. (Utah Code § 62A-2-101)
191. "Tiny Home" means a dwelling less than four hundred square feet (400 sq. ft.) in size, not including loft space, that meets building code requirements and is on a permanent foundation. A tiny home is either a single-family dwelling or an accessory dwelling unit. A tiny home used as the primary residential use on a lot or parcel is a single-family dwelling for the purposes of this ordinance. A tiny home used as an accessory dwelling is subject to the same restrictions as any other accessory dwelling unit.
192. "Towing Services and Impound Lots" means the temporary storage of vehicles that have been towed, carried, hauled, or pushed from public to private property for impoundment in a public or private impound yard.
193. "Transitional Housing" means a building or facility owned, operated, or contracted by a governmental entity or a charitable, nonprofit organization that provide free temporary housing to homeless persons for at least thirty (30) days while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. Transitional Housing Facilities do not include homeless shelters, dwelling units provided to a family for more than thirty (30) days as part of a transitional housing program, or residential facilities for elderly persons or persons with disabilities.
194. "Transmission Line/Right of Way (Major)" means an electric power, gas, or petroleum transmission facility with the required right-of-way designed to provide for the location of transmission lines or facilities to operate at voltages of 140,000 volts (140 kV) or greater or eight inches (8) in diameter and that provides electrical, gas, or petroleum products

transmission and found by the municipality to conform to the General Plan, or has been considered by the Planning Commission and Council and a General Plan amendment has been approved.

195. "Transmission Line/Right of Way (Minor)" means an electric power, gas, or petroleum transmission facility with the required right-of-way designed to provide for the location of transmission lines or facilities to operate at voltages less than 140,000 volts (140 kV) or less than eight inches (8) in diameter and that provides electrical, gas, or petroleum products transmission and found by the municipality to conform to the General Plan, or has been considered by the Planning Commission and Council and a General Plan amendment has been approved.
196. "Truck Stop and Service Facilities" means facilities intended to provide services to the trucking industry, including but not limited to, dispensing of fuel, servicing, repair, automated washes, and overnight parking. The facilities may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews. Such establishment may offer the retail sale of convenience items.
197. "Twin Home" means the same as "Dwelling, Two Family."
198. "Value-added Farm Products" means any product processed by a producer from a farm product.
199. "Vertical Indoor Agriculture" means growing crops in vertically stacked layers indoors, often incorporating controlled-environment agricultural techniques and soilless farming techniques such as hydroponics, aquaponics, or aeroponics.
200. "Vehicle Assembly" means a business where finished vehicle-related parts are put together to develop a final product.
201. "Vehicle and Equipment Repair, Commercial and Industrial" means the repair and service of commercial vehicles and trailers with a payload capacity of more than eight thousand five hundred (8,500) pounds as well as industrial or other heavy equipment. Typical uses include semi-trailer truck repair, and the repair of bulldozers, graders, dump trucks, cement mixers, and similar heavy industrial and construction equipment.
202. "Vehicle and Equipment Repair, Major" means an establishment primarily engaged in the major repair of motor vehicles or equipment. Typical uses include major auto repair such as the removal of engines and transmissions, rebuilding of engines and transmissions, repair of the internal components, repair or removal of differentials or axles, body work and paint. "Vehicle and Equipment Repair, Major" may also include uses that are often accessory to businesses engaged in the repair of vehicles such as offices, part sales, storage of merchandise, and vehicle storage when such vehicle storage is fully and adequately screened. "Vehicle and Equipment Repair, Major" does not include repair and service of commercial vehicles and trailers with a payload capacity of more than eight thousand five hundred (8,500) pounds, industrial or other heavy equipment, "vehicle assembly", "manufacturing use", auto dismantling or wrecking, salvage, "junkyards", or similar uses.
203. "Vehicle and Equipment Repair, Minor" means an establishment providing motor vehicle repair or maintenance services and conducted entirely within completely enclosed

buildings and may include the retail sale of fuels, lubricants, and other supplies for motor vehicles. Typical uses include businesses engaged in the following activities: electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, auto detailing, generator and starter repairs, muffler and other minor underbody repair, frontend alignments, battery recharging, lubrication, and other similar repairs. Vehicle and Equipment Repair (Minor) also includes sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc. Vehicle and Equipment Repair (Minor) does not include paint and body shops, or other activities associated with Vehicle and Equipment Repair (Major), auto dismantling or wrecking, salvage, junkyards, and similar uses.

204. "Vehicle Rental" means a business primarily engaged in the rental of vehicles.
205. "Vehicle Sales and Service" means the use of any building, land area, or other premises for the display and sale or lease of more than three (3) new or used vehicles, and including outside storage of inventory, indoor vehicle part and accessory sales, any warranty repair work, and other repair service conducted as an accessory use. "Vehicle Sales and Service" includes the sale or lease of new or used boats, cars, light trucks, motorcycles, off-road vehicles, camp trailers, recreational vehicles, motor homes, and utility or box trailers with a payload capacity of less than eight thousand five hundred (8,500) pounds. "Vehicle Sales and Service" does not include the sale or lease of semi-trailer trucks, semi-trailers, or utility or box trailers with a payload capacity of over five thousand (5,000) pounds.
206. "Vehicle Sales and Service, Commercial Vehicles and Trailers" includes the sale or lease of semi-trailer trucks, semi-trailers, or utility or box trailers with a payload capacity of more than eight thousand five hundred (8,500) pounds. "Vehicle Sales and Service, Commercial Vehicles and Trailers" includes outside storage of inventory, indoor vehicle part and accessory sales, any warranty repair work, and other repair services conducted as an accessory use.
207. "Vehicle Sales, Small Dealership" means a business specializing in the sale of a limited number of new and/or used vehicles, with no more than three (3) vehicles displayed outside at any one time and with no more than a total of eight (8) vehicles stored on-site at any given time and licensed as required by the State of Utah. A small dealership may be permitted as an accessory use to a related business on the same property and under the same ownership.
208. "Vested Critical Infrastructure Materials Operations" means critical infrastructure materials operations operating in accordance with a legal nonconforming use or a permit issued by the municipality that existed or was conducted or otherwise engaged in before:
  - a. A political subdivision prohibits, restricts, or otherwise limits the critical infrastructure materials operations; and
  - b. January 1, 2019.
209. "Warehouse and Distribution Facilities" means buildings used primarily for the inside storage and distribution of goods and materials, which include land and buildings used

as a relay station for the transfer of goods from one vehicle or party to another, and the parking and storage of tractor and/or other trailer units.

210. "Water Pumping Plant and Reservoir" means a natural or artificial water storage basin with a pumping station to distribute potable or irrigation water.
211. "Water Treatment Facility" means the facility or facilities within the water supply system which can alter the physical, chemical, or bacteriological quality of the water.
212. "Wind Energy System, Accessory" means a wind energy system that is accessory to the main use and is designed to power only the site on which it is constructed.
213. "Wind Energy System, Commercial" means a wind energy system consisting of one or more wind turbines for commercial generation.



## **EXHIBIT B**

### **19.02.010 Title**

This Title is known as "The Uniform Zoning Ordinance of Magna City" and is referred to herein as "the Ordinance", "this Ordinance," or Magna Zoning Ordinance."

### **19.02.020 Organization**

The Uniform Zoning Ordinance of Magna City is organized into five articles:

- A. Article I, "General Provisions," comprising Chapters 19.02 – 19.10, addresses:
  - 1. The organization and purpose of the Ordinance, together with definitions and enforcement procedures; and
  - 2. The criteria for addressing nonconforming uses, as well as procedures for analyzing takings.
- B. Article II, "Administration," comprising Chapters 19.12 – 19.20, addresses:
  - 1. The process for applying for various types of land use and land development permits, and the procedures for amending the General Plan, amending the Ordinance, and petitioning for zone changes;
  - 2. The roles of each administrative body in the land use and development process; and
  - 3. The administrative processes relating to planned unit developments.
- C. Article III, "Zone Regulations," comprising Chapters 19.22 – 19.40, addresses the regulations for each zone, including the permitted or conditional land uses and densities that are allowed in each zone.
- D. Article IV, "Specific and Temporary Use Standards," comprising Chapters 19.42 – 19.44, addresses standards that are specific to the activity or use of a given property, including standards for long-term as well as temporary uses.
- E. Article V, "Development Standards," comprising Chapters 19.46 – 19.64, addresses:
  - 1. General standards applicable to the development of land;
  - 2. Standards particular to a development district or overlay zone; and
  - 3. Infrastructure, site design, signs, additional building standards (mass, height, setbacks), and natural conditions (such as slope, soils, drainage, etc.).

### **19.02.030 Purpose**

The Ordinance is intended to promote the health, safety, morals, order, prosperity and welfare of the inhabitants of Magna City which includes:

- A. Reducing congestion on the streets and roads;
- B. Securing safety from fire and other dangers;
- C. Protecting the quality of light and air;

- D. Classifying land uses, development, and utilization;
- E. Protecting the tax base;
- F. Securing efficiency in governmental expenditures;
- G. Fostering agriculture and economic development;
- H. Protecting both urban and nonurban development; and
- I. Balancing private property rights with public purposes.

#### **19.02.40 Applicability**

- A. Territorial Application. All land and parcels of real property within the jurisdictional limits of Magna City is covered by the provisions of this Ordinance.
- B. General Applicability.
  - 1. Except if specific exemptions have been granted for nonconforming uses, noncomplying structures, or lots of record, the regulations contained in this Ordinance apply to all uses, structures, and parcels of real property, including those recorded prior to the enactment of this Ordinance.
  - 2. Every dwelling shall be located and maintained on a lot, as defined in this Ordinance. Except for dwelling groups, guest houses and approved detached accessory dwelling units, not more than one (1) dwelling structure may occupy (1) one lot.
- C. General Prohibition. No portion or whole of any structure or land may be used, occupied, constructed, moved, enlarged, or structurally altered except as provided by this Ordinance. Land needed to meet the width, yard, area, coverage, parking or other requirements of this Title for a lot or building may not be sold or conveyed away from such lot or building.
- D. Private Agreements. This Ordinance is not intended to enforce any private agreement or covenant. If this Ordinance is more restrictive than a private agreement or covenant, this Ordinance prevails.
- E. Other Laws and Regulations. This Ordinance controls over less restrictive State or municipal statutes, ordinances or regulations.

#### **19.10.010 Findings and Purpose.**

The Council finds that:

- A. Enactment of zoning and other land development regulations within Magna City is necessary to protect the health, welfare and safety of the residents of Magna City.
- B. When an owner of private property claims that the enforcement of any municipal land use regulation constitutes an unconstitutional taking of private property, it is in Magna City's best interests to have established procedures for obtaining relevant information for analyzing and resolving such claims.

#### **19.10.030 Procedures to Determine Takings Claim.**

D. Conduct of the Hearing.

1. Rules of Procedure. The hearing shall be conducted according to the requirements of the rules of procedure adopted by the Council for such hearings.
2. Burden of Proof. The petitioner shall have the burden of proving by a preponderance of the evidence that the final decision that is the subject of the takings relief petition constitutes an unconstitutional taking.
3. Municipality Response. Magna City shall have the right to respond to any allegations provided by the petitioner and present evidence at the hearing.

**CHAPTER 19.14 ZONES, ZONING MAP, AND BOUNDARIES**

**19.14.010 Zones Established.**

For the purpose of this Title, Magna City is divided into classes of zones, as follows:

R-1-3	Single family residential zone
R-1-4	Single family residential zone
R-1-5	Single family residential zone
R-1-6	Single family residential zone
R-1-7	Single family residential zone
R-1-8	Single family residential zone
R-1-10	Single family residential zone
R-1-21	Single family residential zone
R-2-6.5	Medium density residential zone
R-4-8.5	Medium density residential zone
R-M	High density residential zone
RMH	Mobile home residential zone
A-1	Agricultural zone
A-20	Agricultural zone
DH	Downtown Historic zone
NMU	Neighborhood Mixed Use zone
CMU	Corridor Mixed Use zone
C-1	Commercial zone
C-V	Commercial zone
C-2	Commercial zone

C-3	Commercial zone
M-1	Manufacturing zone - flex
M-2	Manufacturing zone - heavy
P-C	Planned Community zone
P-R	Parks and Recreation zone
OS	Natural Open Space Zone
AOZ	Airport Overlay Zone

#### **19.14.020 Zoning Maps.**

Each of the sections of Magna City which are zoned by this Title are shown on the maps on file with Planning and Development Services, and such maps are made by this reference, as such, a part of this Title as if fully described and detailed herein. Said maps may be in an electronic or Geographic Information System (GIS) format. Amendments to the zoning map shall follow the process outlined in Section 19.16.080 of this Title.

#### **19.14.030 Filing of This Title and Zoning Maps.**

This Title and the maps shall be filed in the custody of the municipal clerk, and may be examined by the public subject to any reasonable regulations established by the municipal clerk.

#### **19.14.040 Boundary Location Rules.**

Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

- A. Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of the street, alley or block, or such property line, shall be construed to be the boundary of the zone;
- B. Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park, or other public land, or any section line, then in such case the center of the stream, canal or waterway, or of the railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of the zone; and
- C. If the application of the above rules does not clarify the zone boundary location, the Land Use Hearing Officer shall interpret the map.

#### **19.14.050 Zoning of Annexed Areas.**

Properties that are annexed into Magna City shall be given a zoning designation by action of the Council at the time of annexation. The Council shall be guided by the general plan and by the criteria set forth in Table 19.16-010 in zoning the subject property. Annexations of multiple parcels may result in more than one zone applying to the annexation area; however, except in the case of overlay zones, only one zone may apply to each parcel.

#### **19.30.020 Establishment of Medium and High-Density Residential Zones.**

To anticipate and respond to the changing needs of the municipality and implement housing choice and walkability concepts included in the adopted General Plan, including the vision of the Moderate Income Housing Opportunities Character Area, Magna City establishes the following zones:

- A. Two-Family Residential Zones (R-2). The R-2 Zones are intended to promote medium-density middle housing options between one and two (1-2) units per building. Multiple buildings may be located on one lot; however, lots with multiple buildings are encouraged to establish a PUD as part of the development process.
- B. Four-Family Residential Zones (R-4). The R-4 Zones are intended to promote medium-density middle housing options between one and four (1-4) units per building. Multiple buildings may be located on one lot; however, lots with multiple buildings are encouraged to establish a PUD as part of the development process. Medium-density housing will serve as a transition between higher-density commercial, residential, or mixed-used and low-density residential or single-family.
- C. Multi-Family Residential Zone (RM). The RM Zone is intended to promote medium and high-density residential housing of greater than four (4) units. Development projects in this zone should accommodate multi-modal transportation opportunities, open space, amenities for units, limited commercial uses, and provide buffering between high-density and low-density housing.

#### **19.34.020 Establishment of Manufacturing Zones.**

To anticipate and respond to the changing needs of our community and implement industrial and employment center concepts included in the adopted General Plan, Magna City establishes the following zones:

- A. Manufacturing Zone – Flex (M-1). The M-1 Zone is intended to provide a flexible mix of industrial uses, including light manufacturing, warehousing, wholesale, and accessory uses that contribute to employee wellbeing and quality development.
- B. Manufacturing Zone – Heavy (M-2). The M-2 Zone is reserved for areas of the municipality that support more intense industrial uses, such as distribution centers, resource processing, and energy production. Development standards are intended to minimize adverse impacts of these uses and protect the surrounding environment.

#### **19.56.010 Authorization and Findings.**

- A. Statutory Authorization.
  - 1. The Legislature of the State of Utah has in Utah Code § 10-3-701 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Magna City Council does ordain as follows:
  - 2. Magna City elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA),

a component of the U.S. Department of Homeland Security, and Magna City's community officials have elected to join the program, participate, and enforce this Flood Damage Prevention Ordinance and the requirements and regulations of the NFIP. The NFIP, established in the aforesaid act, provides that areas of Magna having a special flood hazard be identified by FEMA, and that floodplain management measures be applied in such flood hazard areas. Furthermore, Magna City may elect to administer the Flood Damage Prevention Ordinance to areas not identified as Special Flood Hazard Areas (SFHAs) by FEMA on the community's effective Flood Insurance Rate Map (FIRM), if the community has documentation to support that there is an inherent risk of flooding in such areas.

**B. Findings of Fact.**

1. The flood hazard areas of Magna are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.
3. These potential flood losses are caused by:
  - a. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities;
  - b. The occupancy of flood hazard areas by structures vulnerable to floods because they are inadequately elevated or otherwise unprotected from flood damages; and
  - c. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

**19.56.040 General Provisions.**

- A. **Lands to Which This Chapter Applies.** This chapter shall apply to all areas of special flood hazards within the jurisdiction of Magna City.
- B. **Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Salt Lake County and Incorporated Communities," dated November 19, 2021, with accompanying flood insurance rate maps (FIRMs), and any revisions thereto are hereby automatically adopted by reference and declared to be a part of this chapter.
- C. **Establishment of Development Permit.** A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Chapter.
- D. **Compliance.** No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Chapter and other applicable regulations.

- E. Abrogation and Greater Restrictions. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation. In the interpretation and application of this Chapter, all provisions shall be:
  - 1. Considered as minimum requirements;
  - 2. Liberally construed in favor of the governing body; and
  - 3. Deemed neither to limit nor repeal any other powers granted under State statutes.
- G. Warning and Disclaimer of Liability.
  - 1. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes.
  - 2. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter may not create liability on the part of Magna City, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made thereunder.

#### **19.56.080 Provisions for Flood Hazard Reduction.**

- C. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in this chapter, the following standards are required:
  - 4. Enclosures below the BFE. Enclosures below the Base Flood Elevation (BFE) may only be used for building access, vehicle parking, and storage. Certification and documentation from a professional, licensed engineer is required if the structure's lowest floor is built below the BFE. Applicant shall enter into a maintenance and nonconversion agreement with Magna City that it will maintain the improvements outlined in this paragraph and not modify or convert them to uses other than approved uses.

#### **19.58.010 Purpose of Provisions.**

The purpose of the geologic hazards ordinance is to promote the health, safety and general welfare of the citizens of Magna, and minimize the potential adverse effects of geologic hazards to public health, safety and property by encouraging wise land use in geologically hazardous areas.

#### **19.58.020 Definitions.**

As used in this chapter, the following terms have the following meanings:

"Active Fault" means a fault displaying evidence of greater than four inches (4") of displacement along one or more of its traces during Holocene time (about ten thousand (10,000) years ago to the present).

"Avalanche" means a large mass of snow, ice, and debris in swift motion down a slope; includes both wet and dry snow avalanches.

"Buildable Area" means that portion of a site where an approved engineering geology and/or geotechnical report, as required, has indicated is not impacted by geologic hazards, or concluded that the identified hazards can be mitigated to a level where risk to human life and property are reduced to an acceptable and reasonable level, and where structures may be safely sited. Buildable areas shall be clearly marked on the site plan and/or final approved plat, as appropriate.

"Critical Facilities" means essential facilities, and lifelines such as major utility, transportation, and communication facilities and their connections to essential facilities.

"Debris Flow" means a slurry of rock, soil, organic material, and water transported in an extremely fast and destructive flow that flows down channels and onto and across alluvial fans; includes a continuum of sedimentation events and processes including debris, flows, debris floods, mudflows, clearwater floods, and alluvial fan flooding.

"Development" includes all critical and essential facilities, subdivisions, single- and multi-family dwellings, commercial and industrial buildings, additions to existing buildings, storage facilities, pipelines and utility conveyances, and other land uses.

"Engineering Geologist" means a geologist who, through education, training and experience, is able to conduct field investigations and interpret geologic conditions to assure that geologic factors affecting engineered works are recognized, adequately interpreted, and presented for use in engineering practice and for the protection of the public.

"Engineering Geology" means the application of geological data, principles and interpretation so that geological factors affecting planning, design, construction, and maintenance of engineered works are properly recognized and adequately interpreted.

"Essential Facility" means buildings and other structures that are intended to remain operational in the event of extreme environmental loading from snow or earthquakes, including all Category II and III structures as classified in Table 1604.5 of the Building Code.

"Fault" means a fracture in the earth's crust forming a boundary between rock or soil masses that have moved relative to each other (see "Active fault").

"Fault Setback" means an area on either side of a fault within which construction of structures for human occupancy or critical facilities is not permitted.

"Fault Scarp" means a steep slope or cliff formed by movement along a fault.

"Fault Trace" means the intersection of a fault plane with the ground surface, often present as a fault scarp, or detected as a lineament on aerial photographs.

"Fault Zone" means a corridor of variable width along one or more fault traces, within which deformation has occurred.

"Geologic Hazard" means a surface fault rupture, liquefaction, landslide, debris flow, rockfall, avalanche, and/or other geologic processes that may present a risk to life and property.

"Geologic Hazard Maps" refers to the following maps showing Geologic Hazards Special Study Areas in the then unincorporated portion of Salt Lake County, now located within Magna City:



1. "Surface Fault Rupture and Liquefaction Potential Special Study Areas" dated March 31, 1989 and revised March 1995;
2. "Avalanche Special Study Areas" dated March 31, 1989; and
3. "Landslide, Debris Flow, and Rockfall Special Study Area Map" dated April 9, 2002.

"Geologic Hazard Special Study Area" means a potentially hazardous area as shown on the geological hazards maps, or in other areas defined under "Applicability" (Section 19.58.030), within which hazard investigations are generally required prior to development.

"Geotechnical Engineer" means a professional engineer licensed in the State of Utah whose education, training and experience, is in the field of geotechnical engineering.

"Geotechnical Engineering" means the investigation and engineering evaluation of earth materials including soil, rock and man-made materials and their interaction with earth retention systems, foundations, and other civil engineering works. The practice involves the fields of soil mechanics, rock mechanics, and earth sciences and requires knowledge of engineering laws, formulas, construction techniques, and performance evaluation of engineering.

"Governing Body" means the Magna City Council.

"Landslide" means a general term for the downslope movement of a mass of soil, surficial deposits or bedrock, including a continuum of processes between landslides, earthflows, mudflows, debris flows and debris avalanches, and rockfall.

"Liquefaction" means a process by which certain water-saturated soils lose bearing strength because of earthquake-related ground shaking and subsequent increase of groundwater pore pressure.

"Non-Buildable Area" means that portion of a site which an engineering geology report has concluded may be impacted by geologic hazards that cannot be feasibly mitigated to a safe level, and where siting of structures is not permitted.

"Rockfall" means a rock, or mass of rock, newly detached from a cliff or other steep slope which moves downslope by falling, rolling, toppling, or bouncing; includes rockslides, rockfall avalanches, and talus.

"Setback" means an area within which construction of habitable structures or critical facilities is not permitted.

"Slope Stability" means the resistance of a natural or artificial slope or other inclined surface to failure by landsliding; usually assessed under both static and dynamic (earthquake induced) conditions.

"Structure Designed for Human Occupancy" means any residential dwelling or other structure used or intended for supporting or sheltering any human occupancy.

### **19.58.030 Applicability.**

These regulations are applicable to:

1. All lands within Geological Hazard Special Study Areas in Magna City, as shown on the following geologic hazards maps on file with Planning and Development Services:
  1. "Surface Fault Rupture and Liquefaction Potential Special Study Areas" dated March 31, 1989 and revised March 1995;
  2. "Avalanche Special Study Areas" dated March 31, 1989; and
  3. "Landslide, Debris Flow, and Rockfall Special Study Areas" dated April 9, 2002.
2. Areas where slopes are in excess of thirty percent (30%); and
3. Areas where topography, geology, soil conditions, slope instability, slope angle or aspect, whether on-site or off-site, indicate a potential for geologic hazards.

Such maps and areas described above and all amendments thereto are made a part of this Chapter as if fully described and detailed herein. Each change in the geologic hazards maps shall be subject to the amendment procedures set forth in Section 19.16.080.

#### **19.58.70 Review of Reports-Approval Procedure.**

- A. In order to fulfill the purposes of this chapter, the Planning and Development Services Division or the Planning Commission, as appropriate under Magna City's Development Standards, shall review any proposed land use which requires preparation of a geologic hazard report under this chapter to determine the possible risks to the safety of persons or property from geologic hazards.
- B. Prior to consideration of any such development by Planning and Development Services and the Planning Commission, the geologic hazard report shall be submitted to the Municipal Geologist for review and recommendation. The Municipal Geologist may request the Utah Geological Survey, the U.S. Forest Service, and/or other experts to review the report (third-party review) and provide additional recommendations. Any cost the municipal shall pay for such third-party reviews shall be paid by the applicant prior to Planning Commission or Planning and Development Services action. The Municipal Geologist shall file a copy of the geologic hazard report in the Municipal Geologist's Geologic Hazards Library, and another copy in the Planning and Development Services project file. A copy may also be forwarded to the Utah Geological Survey.
- C. The Municipal Geologist and other retained experts in their review of the report, and the Planning Commission or Planning and Development Services Director in their consideration of the development, shall determine whether the development complies with all of the following standards:
  1. A suitable geologic hazard report has been prepared by a qualified professional as defined in Section 19.58.060.
  2. The proposed land use does not present an unreasonable risk to the safety of persons or property (including buildings, storm drains, public streets, utilities or critical facilities, whether off-site or on-site), or to the aesthetics and natural functions of the landscape (e.g. slopes, streams or other waterways, drainage, wildlife habitat, etc., whether off-site or on-site) because of the presence of geologic hazards or because of modifications to the site due to the proposed land use;

3. At the Planning Commission's discretion, with advice from the Municipal Geologist, the proposed land use may be approved if the applicant submits substantial evidence in the geologic hazard report that, using best available practices, the identified hazards can be mitigated to a level where the risk of human life and damage to property are reduced to an acceptable and reasonable level in a manner which has a minimum effect on the natural environment. Mitigation measures should consider, in their design, the intended aesthetic functions of other applicable ordinances
- D. Any area determined to contain geologic hazards to life or property may not be approved for development unless the applicant demonstrates that the identified hazards or limitations can be overcome in such a manner as to minimize hazard to life or property. The applicant shall include, with the geologic hazards report, an acceptable mitigation plan that defines how the identified hazards or limitations will be overcome in such a manner as to minimize hazard to life or property, as described in Subsection 19.58.070.C.1, above, and without impacting or affecting off-site areas.
- E. The Municipal Geologist may set other requirements as are necessary to overcome any geologic hazards and to ensure that the purposes of this chapter are met. These requirements may include, but are not limited to:
1. Additional or more detailed studies to understand or quantify the hazard or determine whether mitigation measures recommended in the report are adequate;
  2. Specific mitigation requirements; establishment of buildable and/or non-buildable areas; limitations on slope grading; and/or revegetation;
  3. Installation of monitoring equipment and seasonal monitoring of surface and subsurface geologic conditions, including groundwater levels;
  4. Other requirements such as time schedules for completion of the mitigation, phasing of development, etc.
- F. The Planning Commission or Planning and Development Services Director may set requirements necessary to reduce the risks from geologic hazards as a condition to the approval of any development which requires a geologic hazards report.

#### **19.58.091 Disclosure When a Geologic Hazards Report Is Required.**

Whenever a geologic hazards report is required under this chapter, the owner of the parcel shall record a restrictive covenant running with the land in a form satisfactory to Magna City prior to the approval of any development or subdivision of such parcel. Disclosure will include signing a Disclosure and Acknowledgment Form provided by the municipality, which will include the following:

- A. Notice that the parcel is located within a Geologic Hazard Special Study Area as shown on the geologic hazard map or otherwise defined in Section 19.58.030;
- B. Notice that a geologic hazards report was prepared and is available for public inspection in the Municipal Geologist's Geologic Hazards Library;

- C. Where geologic hazards and related setbacks are delineated in subdivisions and PUDs, the owner shall also place additional notification on the plat stating the above information, prior to final approval of the plat.

**19.58.100 Warning and Disclaimer.**

The geologic hazards ordinance codified in this chapter and geologic hazard maps represent only those hazardous areas known to Magna City, and should not be construed to include all possible potential hazard areas. The geologic hazards ordinance and the geologic hazard maps may be amended as new information becomes available pursuant to procedures set forth in Chapter 19.90. The provisions of this Chapter do not in any way assure or imply that areas outside its boundaries will be free from the possible adverse effects of geologic hazards. This Chapter may not create liability on the part of the municipality, any officer or employee thereof for any damages from geologic hazards that result from reliance on this Chapter or any administrative requirement or decision lawfully made thereunder.

**19.58.120 Conflicting Regulations.**

In cases of conflict between the provisions of existing zoning classifications, building code, subdivision ordinance, or any other ordinance of Magna City and the geologic hazards ordinance codified in this Chapter, the most restrictive provision applies.

**19.69.060 Conditional Uses.**

- A. If a proposed P-C Zone Plan includes specific land uses identified as conditional uses within a given district, those conditional uses in the P-C Zone Plan must be expressly approved by the Magna City Council in a development agreement with the applicant(s). The Magna City Council's approval of conditional uses in a development agreement does not establish any entitlement for approval of a conditional use and is an additional requirement for approval of a P-C Zone Plan including any conditional use(s). All conditional uses in any P-C Zone require separate review and approval as set forth in this Title. Design standards for conditional uses shall be included with the applicable Project Specific Standards.
- B. Within a P-C Zone Plan or Community Structure Plan of properties containing at least 75 acres, but fewer than 200 acres, industrial and manufacturing uses may be allowed as conditional uses, subject to Planning Commission and Council approval. This ordinance will become effective 20 days after publication pursuant to Utah Code Ann. § 10-3-711(l) and Utah Code Ann. § 10-3-712.

**19.69.090 Community Structure Plan (CSP).**

Following approval of the P-C Zone Plan, a Community Structure Plan (CSP), together with a development agreement that codifies that plan, shall be submitted to the Director for review and approval by the Planning Commission. The CSP shall contain a contiguous area within the P-C Zone that includes one or more of the following: neighborhoods, villages, business, and research parks, and/or town centers. A CSP shall show the following:

- A. Name of planned community.
- B. Names, addresses, and phone numbers of applicant and property owners.

- C. CSP location, legal/boundary description, acreage, scale, and north arrow.
- D. Proposed land use districts (neighborhoods, villages, business and research parks, and/or town centers) boundaries, and acreage; a table showing the number of dwelling units, open space acreage, and acreage of the various non-residential land uses.
- E. A master circulation system plan, including a street network, pedestrian circulation, bicycle and trail system plans (including possible equestrian trails), identification of street alignments and right-of-way widths, illustrative cross sections which accommodate and specify vehicular, pedestrian, and bicycle use in the right-of-way. Pedestrian and bicycle trail systems shall connect the land use districts, schools and open space areas and provide linkages to other trail systems in existing or future areas of the P-C Zone and adjacent facilities within the adjacent municipal jurisdictions of Salt Lake County.
- F. Existing and proposed waterways and water bodies, major utilities and easements, flood boundary, and flood control facilities.
- G. Adjacent parcels, their owners, and their uses.
- H. Topography and significant features on or adjacent to the property.
- I. Documentation of existing and proposed secondary water rights, shares, and usage, if any.
- J. Open space plan providing general description and locations of major open space.
- K. Standards that govern the design and maintenance of major public infrastructure improvements (including without limitation sidewalks, street lighting, paving, street furniture, etc.) and general building placement, massing, and design criteria (CSP Design Standards); and
- L. Other information deemed necessary by the Director. The Planning Commission shall have the discretion to disapprove a CSP only on the basis of: (1) the failure of the proposed CSP to include all of the elements required in this section; (2) the failure of the proposed master circulation system identified in the CSP within and surrounding the P-C Zone to adequately serve the communities within the P-C Zone; (3) the failure of the proposed major infrastructure identified in the CSP within and surrounding the P-C Zone to provide adequate service to the communities within the P-C Zone; or (4) the inclusion of uses in the CSP not permitted or conditionally permitted under this Chapter. In approving a CSP, the Planning Commission may impose reasonable conditions of approval to mitigate reasonably anticipated detrimental impacts in accordance with Magna City Code of Ordinance Subsection 19.84.060(C)-(D).

#### **19.69.100 Project Plan/Subdivision Plat.**

Upon approval of a CSP, a Project Plan shall be submitted for review, together with a development agreement that outlines Project Specific Standards establishing in substantial detail the character and nature of the design of public and private improvements within the area covered by the applicable Project Plan (Project Specific Standards) for the applicable portion of the P-C Zone covered by the Project Plan. The purpose of the Project Plan is to allow for the creation and approval of a fully integrated development plan for a specifically identified portion of the applicable P-C Zone. A Project Plan may include vertical and horizontal mixtures of uses on one or more proposed lots, parcels or units located within the boundaries of the proposed Project Plan. Therefore, the Project Plan may identify a combination of proposed subdivisions, condominium

projects, and/or site plans, one or more of which may be submitted concurrently for review and approval with the Project Plan. The Project Plan, and each Subdivision Plat or Condominium Project submitted in connection therewith or in furtherance thereof, shall be reviewed and approved by the County staff prior to submittal of the Project Plan and associated development agreement to the Planning Commission for approval. Subdivision Plats (preliminary and final) shall be submitted and approved pursuant to the process and in accordance with the requirements set forth in Title 18, "Subdivisions," of the Magna City Code of Ordinances, and other applicable sections of the code. Application and approval of a preliminary or final subdivision plat may occur before submission of a Project Plan provided Project Specific Standards are submitted and approved contemporaneously with such subdivision plat application and approvals; and provided, further, that the Project Specific Standards and subdivision plat will ultimately be incorporated into an approved Project Plan and associated development agreement. The preliminary and final plats shall conform to the applicable CSP Standards as well as all applicable Project Specific Standards, including any supplemental Project Specific Standards proposed and approved in connection with the applicable final plat.

## EXHIBIT C

### 19.46.120 Infrastructure and Public Improvements

The minimum requirements for public improvements shall be a combination of standards set forth in Title 14 Highways, Sidewalks, and Public Places and applicable standards set forth in this Title or Magna's Master Transportation Plan.

#### A. Off-Site Improvements Required.

1. Off-Site Improvements. Subject to the essential link and rough proportionality tests for exactions in Utah Code Section 10-9a-508, an applicant for a building or land use permit for a dwelling, or a commercial or industrial use shall provide curb, gutter, sidewalk and urban hydrology improvements along the entire property line which abuts any public road or street in cases where it does not exist at municipal standards.
2. Access to public right of ways. New and reconstructed vehicular entrances to the property shall be provided as required in Section 14.12.110. Height, location, structural specifications, maximum and minimum cut radii and minimum roadway approach angles to the centerline of the street are subject to the approval of the Municipal Engineering Division.
3. Exceptions.
  1. The planning commission may grant exception to the installation of the sidewalk in industrial areas where the planning commission determines that the sidewalk is not necessary to serve the public need, and the elimination of the sidewalk does not jeopardize the public health, safety or welfare.
  2. The planning commission may grant exception to the installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare is preserved.
  3. The planning commission may require the applicant to sign a delay agreement binding the current and future property owner to pay for their share of any required improvements that are installed by Magna City within 10 years of the waiver.

#### B. Acceptance of Public Streets.

1. Street lighting shall either be chosen from the municipality's approved streetlight list or installed to match a theme set by developments within the zone or neighborhood.
2. Street lighting shall be installed in conformance with Title 18.
3. Street Signs and Markers. Standard street name signs shall be installed at one corner of all street intersections. The size, design, materials, location, fabrication, installation, and maintenance of the signs and poles within the public right of way and elsewhere shall be in accordance with the Utah Department of Transportation, the Manual of Uniform Traffic Control Devices for Streets and Highways (MUTCD), or the municipality's adopted policies, as applicable.

#### C. Private Streets.

1. Private streets or roads shall be designed and constructed to meet or exceed the public street standards set forth in Title 14 Highways, Sidewalks, and Public Places, as applicable.
  - a. Private streets or roads are allowed in the following circumstances:
    - (i) If shown on an approved development plan as private streets;
    - (ii) For multi-family developments; and
    - (iii) For residential subdivisions if the street is equally shared between properties. Such streets shall have a maintenance and operations plan included in the declaration of covenants, conditions, and restrictions for the subdivision.
- D. Ingress and Egress Requirements. No building with human occupiable space may be erected or enlarged on a parcel in any zone unless such parcel abuts upon or has access to a publicly accepted and maintained street, a private driveway leading to an approved public street, a private road, or a public or private alley.
- E. Intersecting Streets and Clear Visibility. In all zones which require a front yard, no obstruction to view in excess of three feet (3') in height may be placed on any corner lot within a triangular area formed by the street property lines or right-of-way lines and a line connecting them at points forty feet (40') from the intersection of the street lines, except mature trees which are located in the clear sight triangle shall be pruned to a height of at least seven feet (7') above the established sidewalk or street elevation.
- F. Intersecting Streets and Driveways. In all zones, no view obstruction, including a sight-obscuring fence, wall, sign, other similar structures, and landscaping which exceeds three feet (3') in height shall be placed within a triangular area formed by a diagonal line connecting lines located at the curb line or sidewalk line and driveway line ten feet (10') from the projected intersection of such lines.
- G. Acceptance of Private Streets. Prior to acceptance by the municipality, any private street, or any driveway allowed for access with a development that is not constructed and maintained to the municipality's adopted street standards shall be improved to the municipality's adopted street standards.
- H. Driveways. A driveway shall be allowed for vehicular access according to the standards set forth in Title 14 Highways, Sidewalks, and Public Places, and Chapter 19.48 Parking and Mobility.
- I. Pedestrian and Bicycle Mobility.
  1. Each lot shall have pedestrian walkways and sidewalks that provide connections between the building entrances, neighboring building entrances, parking areas, open space, and public trail. Such systems shall be designed to connect with all elements within the development, adjacent areas, and transit stops and can include sidewalks along public or private streets, wide outside travel lanes, bike lanes on roadways, and walkways and trails in alternative locations as appropriate. Design, location, dimensions, dedications, easements, and reservations shall conform to applicable municipal policies and standards for sidewalks, bicycle routes, and trails.



2. Walkways and trails shall be designed to maximize the safety of users and the security of adjoining properties with respect to location, visibility, and landscaping.
3. Bicycle Facilities. Bicycle facilities shall be provided in accordance with the standards set forth in Chapter 19.48 Parking and Mobility.

## **EXHIBIT D**

### **19.42.030 Accessory Dwelling Unit.**

- A. The purposes of the Accessory Dwelling Unit (“ADU”) standards is to:
1. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
  2. Provide for affordable housing opportunities;
  3. Make housing units available to moderate income people who might otherwise have difficulty finding housing in Magna City;
  4. Provide opportunities for additional income to offset rising housing costs;
  5. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;
  6. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs; and
  7. Ensure that ADUs are properly regulated by requiring property owners to obtain a business license and a building permit for an ADU prior to renting the ADU.
- B. Allowable Areas and Zones.
1. Internal Accessory Dwelling Units (IADU) and Attached Accessory Dwelling Units (AADU) are permitted uses in the R, A and PC zones as identified in the use tables in this Title. IADU’s and AADU’s may only be constructed on lots with an area of 6,000 square feet or greater.
  2. Detached Accessory Dwelling Units (DADU) are a permitted use in the R, A and PC zones as identified in the use tables in this Title. A detached ADU may be constructed on lots with an area of 8,000 square feet or greater. Detached ADUs in a PC Zone are permitted on lots with a minimum area of 6,000 square feet if Magna has approved design standards for the same as part of a development agreement.
  3. In no case may an ADU be permitted in, or accessory to, a townhome, a multi-family PUD or other attached unit type, or on any lot that cannot satisfy parking, setback, or lot coverage requirements.
  4. The grounds of a church, synagogue, mosque or other religious institution may include one attached or detached accessory dwelling unit for the use of the leader of the congregation, a caretaker, or other employee of the congregation. A detached ADU may be constructed on lots with an area of 12,000 square feet or greater. The lot shall include both the primary religious building and the accessory dwelling unit.

## EXHIBIT E

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

- E. Commercial Vehicles. Commercial vehicles may 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. Subject to Subsection 4, one commercial vehicle may be parked behind the front line of the dwelling and screened from view from public streets or neighboring properties with an opaque fence that is at least six feet (6') tall, provided it is parked on a paved surface.
  3. Subject to Subsection 4, 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 twenty-four (24) hours a day to use the vehicle in response to an emergency;
    - c. The commercial vehicle is parked on a paved surface; and
    - d. The commercial vehicle is parked entirely on private property, not parked on or over the street or sidewalk.
  4. Prohibited Commercial Vehicles. The following commercial vehicles are prohibited from being parked in an R-1 or R-2 Zone except as provided for in Subsection 1:
    - a. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting;
    - b. Vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicles; and
    - c. Vehicles exceeding Class 5 (two-axle, six tire single unit trucks) in the Federal Highway Administration vehicle category classification.

**EXHIBIT F**

**19.26.050 Lot Area, Lot Width, Lot Coverage**

A. Development in the A-1 and A-2 Zones shall comply with the development standards of Table 19.26.050 and all other applicable standards in this Title.

<b>Table 19.26.050 – Development Standards in Agricultural Zones.</b>			
<b>Zone</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Maximum Lot Coverage (Primary Buildings)</b>
A-1	10,000 Sq Ft/1 Acre <sup>1</sup>	65/100 Feet	35%
A-20	20 Acres	200 Feet	30%

1. Subdivision lots that met the area, width and frontage requirements existing prior to the adoption of this ordinance are legal, nonconforming lots. Lots created subsequent to the adoption of this ordinance must include one (1) acre and have a minimum lot width of one hundred (100) feet.

## EXHIBIT G

### 19.42.060 - Animal Rights.

Animal Rights, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

- A. Parcels containing fewer than twenty thousand square feet (20,000 sq. ft.) are prohibited from keeping animals under the animal rights provisions in this Section.
- B. When a parcel with animal rights contains at least twenty thousand square feet (20,000 sq. ft.) but fewer than 5.25 acres, that parcel may hold no more than one animal unit and their seasonal offspring for each ten thousand (10,000) square feet.
- C. When a parcel or group of contiguous parcels with shared ownership contains more than 5.25 acres, that parcel or group of parcels may hold no more than one animal unit and their seasonal offspring for each five thousand (5,000) square feet.
- D. No animals or fowl may be kept or maintained closer than 40 feet to any dwelling on an adjacent parcel of land. No barn, stable, coop, pen, or corral shall be kept closer than 40 feet to any street.
- E. Applicant shall submit a manure management plan, which shall address mitigation of stormwater runoff, odor, and flies, and shall include the following:
  - 1. Clean-up of manure and off-site deposit of the same in warm -weather seasons. Manure storage or composting is allowed in accordance with Salt Lake County Health Department General Sanitation Regulation regarding composting.
  - 2. Siting of newly constructed stalls to protect surface water, drainageways, wellheads, streams and irrigation ditches.
  - 3. Bedding system such as stall mats, hay, wood shaving, and/or wood pellets.
- F. Provisions in the FR or FA zones related to horses shall govern over this section and its associated definitions. A horse shall be considered a large animal, but the number of horses allowed in the FR or FA zones shall not be increased or diminished by this section or its associated definitions.

## EXHIBIT H

### 19.42.320 Storage and Salvage Yards

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

- A. No portion of the storage area shall be located within three hundred feet (300') of any residential zone or use lot line.
- B. 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.
- C. Each salvage or storage yard shall 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 no closer to 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 shall be at least twenty five percent (25%) evergreen.
- D. 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.
- E. The surface of the storage 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.
- F. 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.
- G. A management office shall be provided on site. A caretaker unit may be permitted for security personnel or on-site operator.
- H. 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').

- I. 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.
- J. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in a salvage 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.
- K. Vehicle parts may not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
- L. In order to protect surrounding areas, business operations, including loading and unloading operations shall be limited to daylight hours.

## **EXHIBIT I**

### **19.50.200 Tree and Landscaping Trimming**

- A. In addition to the other standards of this Chapter, the property owner is responsible for maintaining all trees and landscaping on the property and adjacent park strips to the following standards.
1. Trees and landscaping which overhang the street pavement shall be trimmed to a minimum height of fourteen and one-half feet (14.5') above the street pavement.
  2. Trees and landscaping which overhang the sidewalk shall be trimmed to a minimum height of eight and one-half feet (8.5') above the sidewalk.
  3. The abutting property owner shall remove any tree, tree stump, shrub or vine in or within twenty feet (20') of the right-of-way if that tree, tree stump, shrub, or vine is dead, diseased, or determined by the Director or Designee to be undesirable for any other reason.
  4. If trees or landscaping are determined by the Director or Designee to be an imminent threat to public health and safety, the municipality may proceed with an emergency abatement, as outlined in Title 12.
  5. Noxious Trees. Noxious trees shall be controlled and contained according to the recommendations of the Utah Department of Agriculture and Food.
- B. Enforcement. This Section shall be enforced according to the provisions of Title 12 of the Magna Municipal Code.



**SUMMARY OF**  
**MAGNA CITY**  
**ORDINANCE NO. 2024-O-17**

On December 10, 2024, the Magna Council enacted Ordinance No. 2024-O-16, amending title 19 to replace Magna Metro Township with Magna or Magna City, as appropriate; clarifying when infrastructure and public improvements must be installed by a developer subject to the limitations on exactions in Utah code; clarifying that internal and attached dwelling units may only be constructed on single family lots with 6,000 square feet or greater; amending the definition of commercial vehicles and clarifying the circumstances in which commercial vehicles may be parked in R-1 and R-2 zones; clarifying 1 acre minimum for new development in the a-1 zone; clarifying that a lot must include 20,000 square feet to have "animal rights"; requiring an "all weather surface" in storage and salvage yards; requiring trees and landscaping to be trimmed to 14.5" above the street; and adding or clarifying definitions for "off premise signs", "animal rights", "alteration", "clustering", "expansion", "grading", "natural open space", "net developable acreage", "retaining wall", "site plan", "slope", "stream, ephemeral", "stream, perennial", "stream corridor", "substantial economic hardship", "undevelopable", and "waiver"

\_\_\_\_\_  
By: Eric J. Barney, Mayor

ATTEST

APPROVED AS TO FORM

\_\_\_\_\_  
Nicole Smedley, Recorder

\_\_\_\_\_  
Paul Ashton, City Attorney

Voting:

Council Member \_\_\_\_\_ voting \_\_\_\_  
Council Member \_\_\_\_\_ voting \_\_\_\_  
Council Member \_\_\_\_\_ voting \_\_\_\_  
Council Member \_\_\_\_\_ voting \_\_\_\_  
Council Member \_\_\_\_\_ voting \_\_\_\_

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Magna Recorder, 2001 South State Street, N2-700, Salt Lake City, Utah.

**MAGNA CITY, UTAH  
ORDINANCE NO. 2024-O-18**

**AN ORDINANCE ESTABLISHING POLICY AND REQUIREMENTS FOR  
SOLICITATION OF FUNDS OR WAIVER OF FEES BY THIRD PARTIES OR  
ORGANIZATIONS FROM MAGNA CITY**

**WHEREAS**, Magna City ("Magna") is a municipality incorporated under the laws of the State of Utah pursuant to Utah Code § 10-1-104(5)(c); and

**WHEREAS**, Magna is governed by and elected Council ("Council") responsible for public funds used to meet the needs of Magna; and

**WHEREAS**, the Council recognizes the importance of supporting charitable, educational, and other nonprofit entities that benefit the well-being of Magna's residents; and

**WHEREAS**, Magna has previously adopted policies and procedures for paying of contributions to qualifying entities for activities that benefit the residents of Magna as well policies and procedures with regard to waiving of various fees owed by entities or individuals for activities and gatherings within Magna, which activities and gatherings benefit Magna; and

**WHEREAS**, the Council now desires to codify such policies and procedures as Chapter 3.91 in the Magna City Code of Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAGNA CITY COUNCIL AS FOLLOWS:**

1. The Magna City Council adopts Chapter 3.91 of the Magna City Municipal Code as outlined in Attachment "A".

2. This Ordinance shall take effect upon publication on the Magna City and Utah State Public Notice Website.

**APPROVED AND ADOPTED** by the Magna City Council, this 10<sup>th</sup> day of December, 2024.

*[Execution on Following Page]*

**MAGNA CITY COUNCIL:**

\_\_\_\_\_  
ERIC BARNEY, MAYOR

**ATTEST:**

\_\_\_\_\_  
NICOLE SMEDLEY, CLERK  
MSD RECORDER

**VOTING**

Mayor Barney voting \_\_\_\_\_  
Council Member Pierce voting \_\_\_\_\_  
Council Member Hull voting \_\_\_\_\_  
Council Member Sudbury voting \_\_\_\_\_  
Council Member Prokopis voting \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
PAUL H. ASHTON  
CITY ATTORNEY

**SUMMARY OF  
ORDINANCE NO. 2024-O-18**

On the 10th day of December, 2024, the Magna City Council adopted Ordinance No. 2024-O-18, adopting Chapter 3.91 of the Magna City Municipal code regarding Establishing Policy and Requirements for Solicitation of Funds or Waiver of Fees by Third Parties or Organizations from Magna City

A complete copy of Ordinance No. 2024-O-18 is available in the office of the Greater Salt Lake Municipal Services District, 2001 South State Street, N3-600, Salt Lake City, Utah.

## “ATTACHMENT A”

### Chapter 3.91 – Policy and Requirements for Solicitation of Funds or Waiver of Fees by Third Parties or Organizations from Magna City

3.91.010 Policy

3.91.020 Additional Definitions

3.91.030 Contributions and Waivers

3.91.040 Additional Requirements for Contributions or Waiver of Fees

3.91.050 Requests for Use or Transfer of Surplus Property

3.91.060 Legal Review

3.91.010 – Policy.

The policy of this ordinance is to ensure that public funds are used to support legitimate public purposes including, but not limited to, supporting charitable, educational, or other nonprofit entities (hereafter "Third Parties") that benefit the well-being of Magna City's residents. Further, to set in place the requirements by which solicitation of public funds or waiver of fees by such Third Parties shall be made to and, where appropriate, approved by the Magna City Council (hereafter "Council").

The providing of public funds to Third Parties shall not render Magna City, its employees, officers, Council or agents as becoming employees, officers, or agents of the Third Party.

2.91.020 – Additional Definitions

The following additional definitions will be used when referenced hereafter:

"Annual Recertification" - The official document filed annually by requesting organizations when those organizations have previously been approved and have been included in regular budget appropriations by the Council.

"Application Form" - The official document, with noted attachments, that serves as a request for contribution of funds, waiver of fees, use of buildings, property, equipment, personnel services, etc.

"Budget" - The annual budget for Magna, funding all Magna programs based on a fiscal year.

"Contribution" - Any donation of public funds or resources in the form of cash, services, or property.

"Council"- Magna City Council.

"Disbursement of Funds Report" - An official report from any receiving agency briefly detailing how the contribution was used.

"Mayor " – Magna City Mayor.

"Nonprofit Organization" - Any benevolent, artistic, educational, philanthropic, humane, patriotic, social welfare, public health, environmental conservation, civic, or other similar organization which is entitled to tax exempt status under the laws of either the United States or the State of Utah.

"Public funds" and "public monies" means money and other funds and accounts, regardless of the source from which these funds and accounts are derived, which are owned, held or administered by Magna City, its employees, or agents such as the Greater Salt Lake Municipal Services District ("MSD") and any of its offices, departments, divisions, agencies or other similar instrumentalities. "Public monies" also includes monies, funds or accounts that have been transferred to a private contract provider of programs or services. Those monies, funds or accounts maintain the nature of public monies while in the possession of the private entity that has contracted with the county to provide programs or services.

"Public Purpose" – Magna's government's authority or responsibility to promote the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of Magna's inhabitants.

#### 2.91.030 – Contributions and Waivers

(A) All contributions made by Magna must be made to help advance a bona fide public purpose.

(B) Contributions may be made by the Council appropriating funds through either the budget or a separate appropriation in a previously approved budget category. Contribution requests may also be directed to the Mayor for review and recommendation to the Council.

(C) Any request which involves a waiver of fees relating to a special event shall be submitted to the Mayor for recommendation to the Council .

(D) No contributions or waivers will be made to any organization which stands to gain commercially as a whole or individually.

(E) All requests for contribution or waiver of fees must be made on official application forms available from Magna, which forms shall have been approved by the Council, and shall be submitted according to the guidelines and deadlines established by the Council. Questions may be directed to the City Manager for Magna.

(F) Unless good cause is shown, all Third Party requestors should be a nonprofit organization in good standing with the State of Utah, with adequate insurance to protect Magna from claims that might arise from activities for which the Public Funds are contributed or fees waived.

(G) All Third Parties receiving contributions are required to submit a "Disbursement of Funds Report" on or before January 31st of the year following the calendar year of contribution. These reports are to be submitted to the City Manager who shall provide copies to the Mayor and Council. Any failure to submit the report on a timely basis may subject the Third Party to potential legal action for recovery of the contributed amounts.

(H) All contributions must be approved by the Council.

(I) For any Third Party organization which the Council determines to be worthy of on-going annual contributions to be included in Magna's annual budgeting process, the initial request for a contribution shall be submitted by the Third Party organization in accordance with the terms of this ordinance. For each year thereafter when the Council determines to include that Third Party

organization's request in the Magna budget, the requesting Third Party organization shall file an annual recertification notice which sets out that the nature of the organization and that the services contemplated have not changed from the original request of that organization before any funds may be disbursed.

(J) Payment of authorized contributions will be made by the Council upon receipt of either budget documents establishing that the contribution has been authorized, as to both amount and recipient, in the duly adopted budget or any amendment thereof or evidence that the Council has separately approved the contribution. As appropriate, approval will be accompanied by an agreement documenting the contribution amount and the uses for which it is authorized.

#### 2.91.040 Additional Requirements for Contributions or Waiver of Fees

Third Party organizations applying for contributions from Magna City agree to the following requirements:

(A) Financial Oversight:- The applicant shall allow Magna, or designee retained by Magna, to inspect the applicants accounts and accounting systems to ensure proper use and safeguarding of Public Funds.

(B) Annual Financial Reporting: The applicant shall provide annual financial reports in a format acceptable to Magna. The report shall demonstrate how Public Funds were used and outcomes achieved.

(C) Advancement of Magna Goals: The applicant shall explain how the requested contribution will advance Magna City's goals or plans or benefit Magna City residents. Applicant will track and report progress toward advancing such goals or providing of such benefits.

(D) Use of Magna Contributions: The applicant commits to only use and monetary or non-monetary assistance provided by Magna for the purposes outlined in the applications and any approval documentation.

(E) Qualifications: The applicant can demonstrate that it possesses the necessary training, experience and resources to accomplish the purposes set forth in the application.

#### 2.91.050 Requests for Use or Transfer of Surplus Property

All requests for the use or transfer of surplus property will be handled pursuant to State law.

#### 2.91.060 Legal Review

When a matter has been reviewed by either the Council or Mayor, and approved by the Council in accordance with the provisions of this ordinance and state law, further legal approval is not required unless a separate contract is prepared.



GREATER SALT LAKE  
**Municipal Services  
District**

**Planning and Development Services**

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

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

[msd.utah.gov](http://msd.utah.gov)

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Files # OAM2024-001069

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## Street Vacation Request Summary

**Public Body:** Magna City Council

**Meeting Date:** December 10, 2024

**Parcel ID:** 14-29-176-001-0000, 14-29-176-002-0000, 14-29-176-003-0000, 14-29-176-004-0000

**Current Zone:** R-M

**Property Address:** 2943 S Dora Street

**Request:** Street Vacation Request

**Applicant Name:** Miguel Munevar

**MSD Planner:** Brian Tucker

**MSD Planning Staff Recommendation:** City Council Approval only if the sewer plans are approved by Magna Water

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### PROJECT SUMMARY

The applicant, Miguel Munevar, applied for a planned unit development in 2022. This planned unit development featured 10 units, but the original design then ran into issues with slope and being unable to run sewer uphill. The applicant has proposed flipping the PUD and vacating Dora Street in order to mitigate that.

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### SITE & ZONE DESCRIPTION

The property is located along Dora Street. Dora Street sits between Robin Street and the Oquirrh Mountain Apartments with only a portion of the road being paved.





**ISSUES OF CONCERN/PROPOSED MITIGATION**

The Greater Salt Lake Municipal Services District and reviewing agencies have reviewed the street vacation request and have not spotted any issues with the request. This application is the applicant’s proposed mitigation for being unable to provide a water and sewer letter for reasons that are included in the Planning Staff Analysis.

**PLANNING STAFF ANALYSIS**

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**General Plan Considerations**

Dora Street sits within the Neighborhood Stabilization Area as defined by the General Plan. Neighborhood Stabilization Areas are listed in the general plan as having issues with a lack of infrastructure and lack of reinvestment. The primary uses that exist in this area are mixed density residential and institutional uses.

**Review Criteria**

The City Council must determine that there is good cause for the street vacation and if public interest or any person would be materially injured by the vacation.

The applicant has good cause for requesting the street vacation. This PUD ran into an issue after it was originally approved by the Planning Commission in October 2022. The slope on Dora Street was too high to run sewer uphill, but none of the neighboring homeowners or the Oquirrh Mountain Apartments would grant the applicant permission to run sewer through their property. In order to run sewer the applicant then proposed vacating Dora Street and flipping the PUD. The PUD would include a private lane that would run between the new PUD lots and the existing homes along 8400 W. The sewer, and other utilities as necessary, would then run under the private lane.

The slope is such that the flow will not work. The applicant has reached out to the homeowners along 8400 W to the east and the apartment building, but they have been unwilling to allow the applicant to run sewer through their property. Magna Water District has confirmed that there are no existing water or sewer lines underneath Dora Street or in a nearby easement. In working with Magna Water, the applicant has found that if he runs his sewer line along the east boundary of his property down to Robin Street and out to 8400 West, he can make the flow work.

There has not been any evidence that this would be harmful to anyone. Where Dora Street would be connected to the north has been cut off with a fence and a retaining wall and would require additional grading for connecting the parking lot to Dora Street.

The Magna Planning Commission approved the Planned Unit Development during the May Planning Commission meeting. One of the stipulations of the Planning Commission approval is that Dora Street must be vacated. The new layout that was approved would require the existing Dora Street to be vacated by the Magna City Council. The Magna City Council is the decision making body for right-of-way vacations. After the vacation the applicant would have to compensate Magna City for the right-of-way.

**Water and Sewer Availability:**

One issue of concern is that the applicant has not been granted a sewer approval for the project because he has not submitted engineering plans to Magna Water to demonstrate that the plan to have the sewer flow to south to Robin Street. The concern is that we do not know if the project will work even if Dora Street is vacated. Because engineering plans have not been submitted Staff does not know the parameters of a plan that does make the sewer flow to Robin Street.

Based on the above analysis, MSD staff are not comfortable recommending approval until the engineering plans can show that the project works if Dora Street is vacated.

The City Council is required to hold a public hearing with 10 days notice before making a decision regarding the street vacation.

**PLANNING STAFF RECOMMENDATION**

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**Based on the findings stated above, the MSD Planning Staff recommends that the Magna City Council not approve the street vacation until Magna Water approves the sewer plan.**

ATTACHMENTS:

- A. Site Plan
- B. Narrative
- C. Dora Street Exhibit
- D. Street Vacation Ordinance





Dear City Planning

We are writing to request the vacation of a portion of Dora Street located in Magna City, Utah, adjacent to 2943 Dora Street, to facilitate the development of a new residential project.

Project Overview:

- The proposed project will consist of 10 townhomes, providing much-needed housing options for new young professionals and families.

Dear [City Council/Planning Commission],

We are writing to request the vacation of a portion of Dora Street located in Magna City, Utah, at 2943 Dora Street, to facilitate the development of a new residential project on the adjacent property.

Project Overview:

- The proposed project will consist of [Number] townhomes, providing much-needed housing options for young professionals and families.



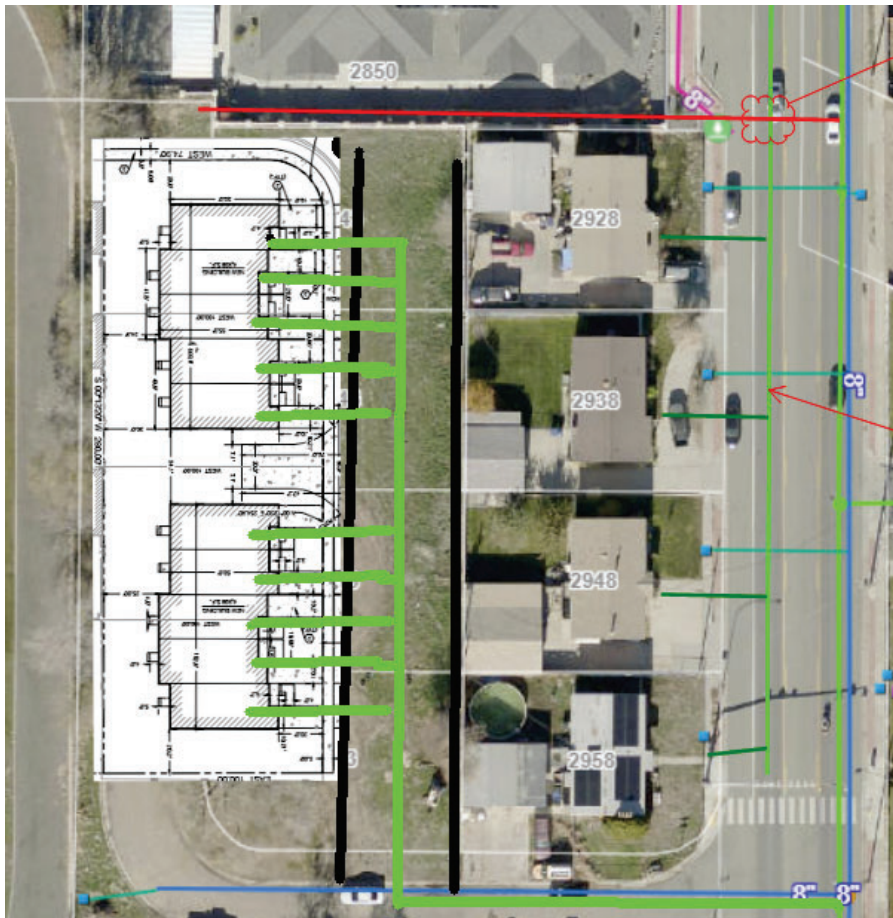
modern townhome development

- The development will incorporate modern architectural design while respecting the existing character of the neighborhood.
- We plan to prioritize sustainable practices, including energy-efficient construction and green spaces throughout the development.

Vacation Rationale:

Vacating the portion of Dora Street is essential for the project's feasibility due to:

- Sewer system limitations: The existing infrastructure cannot accommodate the slope/ distance requirement by magna water. Installing the sewer line requires vacating the street, location the new sewer line closer to the city's main sewer line and elevating the terrain to be able to create the necessary slope for the sewer to be approved by magna water.



New sewer line diagram

- Improved site layout: Removing the underutilized portion of Dora Street allows for efficient utilization of the available land, optimizing both the building footprint and green space.
- Enhanced traffic flow: Vacating the underutilized street simplifies existing traffic patterns and reduces potential congestion within the neighborhood.

Public Benefits:

This project offers significant benefits to the Magna City community, including:

- Increased housing availability: Addressing the growing demand for housing options in the area, particularly for young professionals and families.
- Economic growth: Stimulating local businesses through construction jobs and ongoing resident expenditures.
- Enhanced neighborhood aesthetics: Upgrading the vacant portion of Dora Street contributes to a more attractive and vibrant community.
- Infrastructure improvement: Modernizing the sewer system strengthens the overall infrastructure of the city.

Next Steps:

We are fully committed to working with the city to ensure a smooth and seamless vacation process. We have already:

- Obtained preliminary approval from relevant engineering and planning departments.
- Secured financing for the project.
- Developed detailed plans for the construction and mitigation of any temporary disruption during the vacate and development process.

We strongly believe this project aligns with the city's vision for sustainable development and neighborhood revitalization. We are confident that vacating the portion of Dora Street will enable the creation of a valuable asset for the Magna City community and are eager to present our comprehensive proposal at your earliest convenience.

Thank you for your time and consideration.

Sincerely,

Miguel Munevar

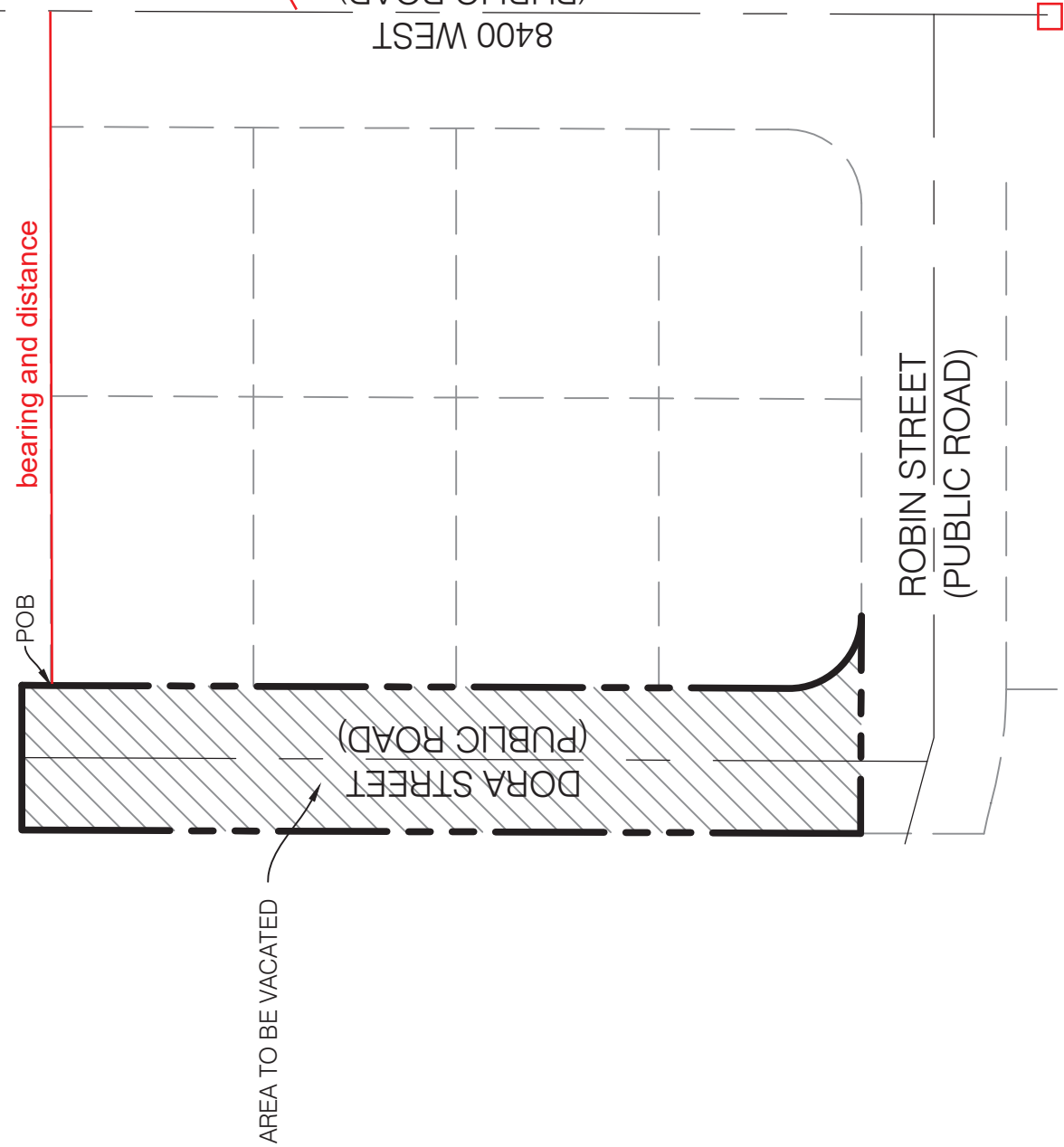
Southland Investments.



# DORA STREET EXHIBIT

n 1/4 cor  
sec 29

add bearing and distance  
around the vacation



bearing and  
distance + basis  
of bearing



cen sec 29

SCALE: 1" = 60'

DRAWN:	12/14/2023
CHECKED:	12/14/2023
APPROVED:	12/14/2023

**FLANGAS TOWNHOMES**  
2943 S. DORA ST.  
MAGNA, UT

VACATION EXHIBIT  
DWG. NO. 2011309-VACATION.dwg  
PROJECT. NO. 2011309



**MAGNA CITY COUNCIL**

**ORDINANCE NO.** \_\_\_\_\_

**June 25, 2024**

**A RESOLUTION TO VACATE DORA STREET RIGHT-OF-WAY**

WHEREAS, Magna City (“**Magna**”) is a municipality and political subdivision of the state of Utah; and

WHEREAS, Magna City Council (“**Council**”) is authorized to resolve to vacate a public right-of-way under Utah Code Ann. § 10-9a-609.5; and

WHEREAS, pursuant to Utah Code Ann. § 10-9a-609.5(7), the applicant, Miguel Munevar filed the attached petition to vacate the Dora Street Right-of-Way, which is a road, to facilitate and allow for development along the existing Dora Street; and

WHEREAS, on June 25, 2024, the Council held a Public Hearing on the petition to vacate (as legally described in this Resolution) and heard evidence and testimony from all interested persons; and

WHEREAS, as required by Utah Code Ann. § 10-9a-208, a Notice of Public Hearing was published on the Magna Website and Utah Public Notice Website 10 days before the Public Hearing; and

WHEREAS, as required by Utah Code Ann. § 10-9a-208, Notice of the date, time and place of the Public Hearing was mailed to each affected entity 10 days before the Public Hearing; and

WHEREAS, the Council determines that good cause exists to vacate Dora Street;

**NOW, THEREFORE, BE IT RESOLVED by Magna City Council:**

1. The Street Vacation, being a part of the Dora Street located in the Center Section Line between the Center Section Corner and the North Quarter Corner of Section 29, Township 1 South, Range 2 West, Salt Lake Base and Meridian, has legal description as follows:

BEGINNING AT THE NORTHWEST CORNER OF LOT 5 OF FLANGAS SUBDIVISION, RECORDED AUGUST 11, 1956 AS ENTRY NO. 1496992 IN BOOK Q AT PAGE 93, AT THE OFFICE OF THE SALT LAKE COUNTY RECORDER, SAID POINT BEING NORTH 00°13'20" EAST 1187.14 FEET AND WEST 233.00 FEET FROM THE CENTER QUARTER CORNER OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 00°13'20" WEST 254.90 FEET; THENCE SOUTHEASTERLY 39.37 FEET ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARS SOUTH 44°53'20" EAST 35.42 FEET; THENCE NORTH

89°46'40" WEST 75.10 FEET; THENCE NORTH 00°13'20" EAST 289.71 FEET; THENCE EAST 50.00 FEET; THENCE SOUTH 00°13'20" WEST 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 14,625 SQ FT OR 0.336 ACRES

BASIS OF BEARING; NORTH 00°13'20" EAST ALONG THE CENTER SECTION LINE BETWEEN THE CENTER SECTION CORNER AND THE NORTH QUARTER CORNER OF SAID SECTION 29, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE MERIDIAN.

2. The Council determines that good cause exists to vacate Dora Street. The Council determines that vacation of Dora Street conforms with Magna's General Plan and retention of Dora Street is not necessary or beneficial for present or future public use. By approving this ordinance, the Council vacates and closes as a public street Dora Street.

3. If necessary to effectuate this vacation, the Mayor is authorized to: (A) execute a Quitclaim Deed prepared and approved by the City Attorney to convey title of the vacated street to the underlying property owner(s); (B) to record this Resolution and the Quitclaim Deed with the Salt Lake County Recorder's Office; and (C) to take all other action necessary and appropriate to properly effect the vacation of a portion of Dora Street under the laws of the State of Utah and the Salt Lake County Clerk is authorized to attest to the Mayor signature.

4. Magna officials are directed to take all other action necessary or appropriate to carry out this Resolution.

5. If any part of this Resolution is held invalid or unenforceable, the invalidity or unenforceability of that part does not affect the remainder of this Resolution.

6. All acts, orders, and resolutions in conflict with this Resolution are repealed.

7. This Resolution becomes effective immediately upon its adoption.

*[execution page follows]*

APPROVED and ADOPTED this 25<sup>th</sup> day of June, 2024.

MAGNA CITY COUNCIL

By: \_\_\_\_\_  
Eric Barney, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_  
Lannie Chapman, Clerk/Recorder

\_\_\_\_\_  
Paul Ashton,  
City Attorney

VOTING

- Council Member Barney voting \_\_\_\_\_
- Council Member Hull voting \_\_\_\_\_
- Council Member Pierce voting \_\_\_\_\_
- Council Member Prokopis voting \_\_\_\_\_
- Council Member Sudbury voting \_\_\_\_\_

(Complete as applicable) Summary of ordinance published on Utah Public Notice Website: _____ Date of publication: _____ Effective date of ordinance: _____
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**SUMMARY OF  
MAGNA CITY ORDINANCE NO. \_\_\_\_\_**

On the 25<sup>th</sup> day of June 2024, the Magna City Council adopted Ordinance No. \_\_\_\_\_ vacating the Dora Street Right-of-Way.

MAGNA CITY COUNCIL

By: \_\_\_\_\_  
Eric Barney, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_  
Lannie Chapman, Clerk

\_\_\_\_\_  
CITY ATTORNEY

VOTING

Council Member Barney voting     \_\_\_  
Council Member Hull voting        \_\_\_  
Council Member Pierce voting      \_\_\_  
Council Member Propokis voting    \_\_\_  
Council Member Sudbury voting     \_\_\_

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Magna City Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.

**From:** [David Brickey](#)  
**To:** [Nicole Smedley](#)  
**Cc:** [Trent Sorensen](#); [Paul Ashton](#); [Daniel Torres](#); [Brian Tucker](#); [Justin Smith](#)  
**Subject:** Fwd: Dora Street Decision  
**Date:** Tuesday, December 3, 2024 10:18:49 AM

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Dear Ms. Smedley & MSD gang:

I'm looping you all in on an email that Mr. Munevar sent to the City Council. Please place this email in his application for future reference. I anticipate that the Council will be considering his request soon. I have also included the Magna City Council via the "Bcc" line.

David R. Brickey  
Magna City, City Manager

----- Forwarded message -----

From: **Miguel Munevar** <[munevar@yahoo.com](mailto:munevar@yahoo.com)>  
Date: Mon, Dec 2, 2024 at 9:19 PM  
Subject: Dora Street Decision  
To: Eric Barney <[ebarney@magna.utah.gov](mailto:ebarney@magna.utah.gov)>, David Brickey <[dbrickey@magna.utah.gov](mailto:dbrickey@magna.utah.gov)>, Paul Ashton <[phashton@xmission.com](mailto:phashton@xmission.com)>, [thull@magna.utah.gov](mailto:thull@magna.utah.gov) <[thull@magna.utah.gov](mailto:thull@magna.utah.gov)>, [apierce@magna.utah.gov](mailto:apierce@magna.utah.gov) <[apierce@magna.utah.gov](mailto:apierce@magna.utah.gov)>, [Sprokopolis@magna.utah.gov](mailto:Sprokopolis@magna.utah.gov) <[Sprokopolis@magna.utah.gov](mailto:Sprokopolis@magna.utah.gov)>, [msudbury@magna.utah.gov](mailto:msudbury@magna.utah.gov) <[msudbury@magna.utah.gov](mailto:msudbury@magna.utah.gov)>

Dear City Council Member,

I am writing to express my deep frustration with the ongoing delay in addressing my street vacation request. As you know, I presented my case at the public hearing on Nov 26th 2024. While I appreciate the opportunity to speak, I believe the current process is inadequate to resolve complex issues in a timely manner.

The allotted three minutes for public comment was insufficient to fully explain the intricacies of my situation and to answer potential questions. This limitation, coupled with the lengthy response times to emails, has significantly hindered progress.

As a reminder, my emails have been consistently delayed:

- **July 22nd:** My engineer contacted Magna Water, but a response was not received until August 22nd (a delay of four weeks).
- **September 10th:** Following the City Council meeting, a reply from the city lawyer was received on October 7th (a delay of four weeks).
- **October 22nd:** A message to the Mayor went unanswered until November 14th, when Paul Ashton responded (a delay of three weeks).

While I understand the complexities of city government, the extended delays in responding to my concerns have raised questions about the level of attention and priority given to my issue. I hope that this is not indicative of a lack of interest or capacity to address such matters.

**Given the impracticality of an in-person meeting, I would like to request a specific date by which the City Council will vote on my street vacation request.** This will allow me to plan accordingly and take necessary steps.

I implore you to understand the urgency of this matter. A timely decision will significantly impact my future plans. I respectfully request that the City Council prioritize my request and provide a date on which the council will vote on this issue.

Thank you for your attention to this urgent matter. I eagerly await a prompt and favorable resolution.

Sincerely,

Miguel Munevar

## MAGNA CITY COUNCIL

RESOLUTION NO. 2024-12-01

DATE: December 10, 2024

### **A RESOLUTION OF THE MAGNA CITY COUNCIL APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE GREATER SALT LAKE MUNICIPAL SERVICES DISTRICT TO OBLIGATE THE USE OF AMERICAN RESCUE PLAN ACT, (“ARPA”), CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUND (“SLFRF”) FUNDS TO DESIGN, MOBILIZE, AND CONSTRUCT INFRASTRUCTURE PROJECTS WITHIN THE CITY**

WHEREAS, the Magna City (“**Magna**”) and the Greater Salt Lake Municipal Services District (“MSD”) are “public agencies” as defined by the Interlocal Cooperation Act, Utah Code Ann. §§ 11-13-101 *et. seq.*, and, as such, are authorized to enter into an Interlocal Agreement (“**Agreement**”) to act jointly and cooperatively on the basis of mutual advantage; and

WHEREAS, Magna and the MSD wish to enter into the Agreement to obligate the use of ARPA’s SLFRF Funds (“**Funds**”) that Magna received to fund government services in the amount equal to the revenue loss experienced by Magna due to the COVID-19 public health emergency; and

WHEREAS, Magna has established its revenue loss through its election of a standard allowance on April 15, 2022, pursuant to the Department of the Treasury’s 2022 Final Rule, 31 CFR Part 3; and

WHEREAS, on April 15, 2022, Magna received \$3,189,431.00 in funding from the American Rescue Plan Act (“ARPA”) Coronavirus State and Local Fiscal Recovery Fund (“SLFRF”) (collectively, the “Funds”), of which \$1,837,661.69 now remains. The Funds are not fully expended and may be allocated for government services in the amount equal to revenue loss experienced by the City due to the COVID-19 public health emergency.

WHEREAS, Magna agrees to obligate the remaining Funds for these government services by December 31, 2024, with the Funds to be expended by December 31, 2026, pursuant to the conditions as provided by the Treasury Department; and

WHEREAS, the Funds therefore may be used to pay for these government services that include road work and other City infrastructure; and

WHEREAS, Magna desires to obligate a portion of the Funds to the MSD, or MSD contractors and subcontractors, through the Agreement (attached as Attachment A) to complete certain infrastructure and maintenance projects in Magna City including the 9000 and 8000 West Area Concrete/Mill/Overlay; Streetlight Installation/Retrofit; Park and Playground Improvements at various Magna City parks; construct certain infrastructure to include a City Hall along with supporting infrastructure, in Magna City (hereafter “the Projects”); and

WHEREAS, Magna desires to obligate a portion of the Funds to develop a Magna Community

Center/City Hall and supporting infrastructure through a separate agreement with a third-party contractor and/or subcontractor and to authorize the MSD to use the Funds to pay for the services the selected contractor and/or subcontractor provide; and.

WHEREAS, the MSD agrees to perform the work to complete the design, mobilization, and construction of the Projects through the use of the obligated Funds on or before December 31, 2026; and

WHEREAS, Magna has identified \$1,837,661.69 to be used for the Projects in its 2025 Capital Project Request List and has obligated the Funds through this Agreement with the MSD.

NOW, THEREFORE, BE IT RESOLVED that by the Magna City Council that effective immediately:

1. The interlocal agreement between Magna and the MSD as attached in **Attachment A** is hereby approved by the Council and the Mayor and is hereby authorized to execute the same on behalf of Magna.

2. The Agreement will go into effect when Magna and the MSD have executed it and approved it as provided in Utah Code § 11-13-202.5 and when filed with the keeper of records as required in Utah Code § 11-13-209.

3. The Mayor and Magna's staff are authorized to take such actions or modifications as may be necessary to execute the Agreement and to implement this resolution.

APPROVED and ADOPTED this 10th day of December, 2024.

MAGNA CITY COUNCIL

By: \_\_\_\_\_  
ERIC BARNEY, Mayor

ATTEST

APPROVED AS TO FORM

By: \_\_\_\_\_  
Nicole Smedley, City Clerk/Recorder

\_\_\_\_\_  
Paul Ashton, Legal Counsel



MAGNA CITY COUNCIL VOTE:

Mayor Barney voting \_\_\_\_\_  
Council Member Pierce voting \_\_\_\_\_  
Council Member Hull voting \_\_\_\_\_  
Council Member Sudbury voting \_\_\_\_\_  
Council Member Prokopis voting \_\_\_\_\_

**ATTACHMENT A**  
**INTERLOCAL COOPERATION AGREEMENT**

**INTERLOCAL COOPERATION AGREEMENT**  
**Between**  
**MAGNA CITY**  
**and**  
**GREATER SALT LAKE MUNICIPAL SERVICES DISTRICT**

This Interlocal Cooperation Agreement (this “Agreement”) is entered into by and between **MAGNA CITY**, a municipal corporation of the State of Utah (the “City”), and the **GREATER SALT LAKE MUNICIPAL SERVICES DISTRICT (“the MSD”)**, a special district and body corporate and politic of the State of Utah. The City and MSD may each be referred to herein as a “Party” and collectively as the “Parties.”

**RECITALS:**

A. The City and the MSD are “public agencies” as defined by the Utah Interlocal Cooperation Act, UTAH CODE ANN. §§ 11-13-101 *et seq.* (the “**Interlocal Act**”), and as such, are authorized to enter into agreements to act jointly and cooperatively in a manner that will enable them to make the most efficient use of their resources and powers on the basis of mutual advantage.

B. On April 15, 2022, the City received \$3,189,431 in funding from the American Rescue Plan Act (“**ARPA**”) Coronavirus State and Local Fiscal Recovery Fund (“**SLFRF**”) (collectively, the “Funds”), of which \$1,837,661.69 now remains. The Funds are not fully expended and may be allocated for government services in the amount equal to revenue loss experienced by the City due to the COVID-19 public health emergency.

C. The MSD provides certain municipal services to the City, including financial and bookkeeping services, and is managing the allocation and use of the Funds on behalf of MSD.

D. ARPA and SLLFRF require the City to obligate the remaining Funds by December 31, 2024.

E. The Parties desire to enter into this Agreement: (1) obligate a portion of the Funds to the MSD, or MSD contractors and subcontractors, to complete certain infrastructure and maintenance projects in Magna City including the 9000 and 8000 West Area Concrete/Mill/Overlay; Streetlight Installation/Retrofit; Park and Playground Improvements at various Magna City parks (collectively, “Projects”); and (2) to describe how the City will obligate a portion of the Funds to develop a Magna Community Center/City Hall along with supporting infrastructure, through a separate agreement with a third-party contractor and/or subcontractor and to authorize the MSD to use the Funds to pay for the services the selected contractor and/or subcontractor provide.

F. On December 10, 2024, the Magna City Council adopted Resolution 2024-12-01, approving this Agreement.

## **AGREEMENT:**

NOW, THEREFORE, in consideration of the mutual representations, warranties, covenants and agreements contained herein, the sufficiency of which is hereby acknowledged, the Parties represent and agree as follows:

### **ARTICLE 1 —MSD CONTRIBUTION**

1.1. Funding Obligation. The City shall obligate the Funds for the Projects and the development of a Magna Community Center/City Hall as follows:

(a) Pursuant to this Agreement, the City obligates such sums as may be needed from the remaining Funds to the MSD, or MSD contractors or subcontractors, to complete the Projects. The distribution described herein will be made promptly following the effective date of this Agreement and the MSD shall complete the Projects no later than December 31, 2026. The Parties acknowledge and agree that the payments required under this Paragraph 1.1(a) shall represent the City's obligation of the Funds to the MSD to construct the Project as required by the Department of the Treasury's 2022 Final Rule, 31 CFR Part 3.

(b) The City obligates the remaining portion of the remaining Funds that are not needed to construct the Projects, for the Magna Community Center/City Hall through a separate agreement(s) with other contractors and subcontractors no later than December 31, 2026. As directed by the City in writing, the MSD shall use the Funds to pay the services the selected contractor and subcontractor provide in developing the Magna Community Center/City Hall along with supporting infrastructure. The City will require the selected contractor or subcontractor to complete the development of the Community Center/City Hall along with supporting infrastructure, by December 31, 2026. The Parties acknowledge and agree that the City's execution of a separate contract(s) with the contractors and subcontractors that will develop the Community Center/City Hall under this Paragraph 1.1(b) shall represent the City's obligation of the Funds as required by the Department of the Treasury's 2022 Final Rule, 31 CFR Part 3.

### **ARTICLE 2 — COVENANTS AND AGREEMENTS**

2.1. Indemnification and Liability.

(a) Governmental Immunity. Both Parties are governmental entities under the Governmental Immunity Act of Utah, UTAH CODE §§ 63G-7-101 to -904 (the "Immunity Act"). There are no indemnity obligations between these Parties. Both Parties maintain all privileges, immunities, and other rights granted by the Immunity Act and all other applicable law. Consistent with the terms of the Immunity Act, as provided therein, it is mutually agreed that each Party is responsible for its own wrongful or negligent acts which are committed by its agents, officials, or employees. No Party waives any defense otherwise available under the Immunity Act nor does any Party waive any limit of liability currently provided by the Immunity Act.

(b) Indemnification. Subject to the provisions of the Immunity Act, each Party agrees to indemnify and hold harmless the other, as well as the other Party's agents, officers and employees from and against any and all actions, claims, lawsuits, proceedings, liability, damages, losses and expenses (including attorney's fees and costs), arising out of or resulting from the implementation of this Agreement to the extent the same are caused by its own negligent or wrongful act, error or omission or those of its own officers, agents, and/or employees. Neither Party shall be required to indemnify the other Party for the negligent or wrongful acts, errors or omissions of the other Party's officers, agents, and/or employees.

2.2. Recordkeeping. The MSD agrees to maintain its books and records in such a way that any ARPA-SLFRF funds received from the City will be shown separately on the MSD's books. The MSD shall maintain sufficient records to show that the funds have been paid by the City to the MSD. The MSD shall make its books and records available to the City and the Department of the Treasury, upon request, at reasonable times.

### **ARTICLE 3 — MISCELLANEOUS**

3.1. Interlocal Cooperation Act. For the purpose of satisfying specific requirements of the Interlocal Act, the Parties agree as follows:

(a) This Agreement shall be approved by each Party pursuant to Utah Code § 11-13-202.5.

(b) This Agreement shall be reviewed as to proper form and compliance with applicable law by duly authorized attorneys on behalf of each Party pursuant to and in accordance with Utah Code § 11-13-202.5.

(c) A duly executed original counterpart of this Agreement shall be filed immediately with the keeper of records of each Party pursuant to Utah Code § 11-13-209.

(d) Except as otherwise specifically provided herein, each Party shall be responsible for its own costs of any action taken pursuant to this Agreement, and for any financing and budgeting of such costs.

(e) No separate legal entity is created by the terms of this Agreement. Pursuant to Utah Code § 11-13-207, to the extent this Agreement requires administration other than as set forth herein, the MSD General Manager and the Magna City Mayor are hereby designated as the joint administrators for all purposes of the Interlocal Act, with each having one vote.

(f) No real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent a Party acquires, holds, or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party. Notwithstanding the foregoing, however, the Parties understand and

acknowledge that the MSD may have constructive possession, solely for the benefit of the City, during the construction phase, which possession shall immediately pass to the City once the project, or the phase of the project, is completed.

3.2. Term of Agreement. This Agreement shall take effect immediately upon the last to occur of Subsections 3.1(a), (b) and (c) above; and shall expire upon the earlier of: a) the date the Parties have performed all of the material obligations described herein; or b) December 31, 2026.

3.3. Force Majeure. Neither Party will be considered in breach of this Agreement to the extent that performance of their respective obligations is prevented by an Event of Force Majeure that arises after this Agreement becomes effective. “Event of Force Majeure” means an event beyond the control of the MSD or the City that prevents a Party from complying with any of its obligations under this Agreement, including but not limited to: a) an act of God (such as, but not limited to, fires, explosions, earthquakes, drought, tidal waves and floods); b) war, acts or threats of terrorism, invasion, or embargo; or c) riots or strikes.

3.4. Entire Agreement. This Agreement and the documents referenced herein, if any, constitute the entire Agreement between the Parties with respect to the subject matter hereof, and no statements, promises, or inducements made by either Party, or agents for either Party, that are not contained in this written Agreement shall be binding or valid.

3.5. Amendment. This Agreement may be amended, changed, modified or altered only by an instrument in writing signed by the Parties.

3.6. Governing Law and Venue. The laws of the State of Utah govern all matters arising out of this Agreement. Venue for any and all legal actions arising hereunder will lie in the District Court in and for Salt Lake County, State of Utah.

3.7. No Obligations to Third Parties. The Parties agree that the City’s obligations under this Agreement are solely to the MSD and that the MSD’s obligations under this Agreement are solely to the City. The Parties do not intend to confer any rights to third parties unless otherwise expressly provided in writing and agreed upon by both Parties.

3.8. Agency. No officer, employee, or agent of the City or of the MSD is intended to be an officer, employee, or agent of the other Party. None of the benefits provided by each Party to its employees including, but not limited to, workers’ compensation insurance, health insurance and unemployment insurance, are available to the officers, employees, or agents of the other Party. The City and the MSD will each be solely and entirely responsible for its acts and for the acts of its officers, employees, or agents during the performance of this Agreement.

3.9. No Waiver. The failure of either Party at any time to require performance of any provision or to resort to any remedy provided under this Agreement will in no way affect the right of that Party to require performance or to resort to a remedy at any time thereafter. Additionally, the waiver of any breach of this Agreement by either Party will not constitute a waiver as to any future breach.

3.10. Severability. If any provision of this Agreement is found to be illegal or unenforceable in a judicial proceeding, such provision will be deemed inoperative and severable, and, provided that the fundamental terms and conditions of this Agreement remain legal and enforceable, the remainder of this Agreement shall remain operative and binding on the Parties. Should any term or provision of this Agreement or the application thereof to any person or circumstance, to any extent be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held to be invalid or unenforceable, shall not be affected thereby, and each such term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law. Furthermore, should this Agreement or its approval by the Parties fail to satisfy the Interlocal Act, in any particular, it is nevertheless the intent of the Parties that this Agreement shall be a legal, binding contract between the Parties separate and apart from the Interlocal Act.

3.11. Counterparts. This Agreement may be executed in counterparts, and all so executed will constitute one agreement binding on all the Parties, it being understood that all Parties need not sign the same counterpart. Further, executed copies of this Agreement delivered by facsimile or email will be deemed an original signed copy of this Agreement.

3.12. Incorporation of Recitals. The recitals of this Agreement are incorporated as part of this Agreement as if set forth fully herein.

IN WITNESS WHEREOF, the Parties execute this Agreement as of the latest date indicated below.

**Greater Salt Lake Municipal  
Services District:**

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

Chair

Date: \_\_\_\_\_

Recommended for Approval:

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

MSD General Manager

Date: \_\_\_\_\_

Reviewed as to form and compliance with  
applicable law:

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

Mark Anderson

MSD Attorney

Date: \_\_\_\_\_

**MAGNA CITY:**

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

Name: Eric Barney

Title: Magna City Mayor

Date: December 10, 2024

Reviewed as to form and compliance with  
applicable law:

By: \_\_\_\_\_  
Paul Ashton, Magna City Attorney

Date: December 10, 2024



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From: **Brian Hartsell** <[BHartsell@msd.utah.gov](mailto:BHartsell@msd.utah.gov)>  
Date: Wed, Dec 4, 2024 at 4:42 PM  
Subject: Magna ARPA Balance to be Obligated  
To: David Brickey <[dbrickey@magna.utah.gov](mailto:dbrickey@magna.utah.gov)>  
Cc: Marla Howard <[MaHoward@msd.utah.gov](mailto:MaHoward@msd.utah.gov)>, Stewart Okobia <[SOkobia@msd.utah.gov](mailto:SOkobia@msd.utah.gov)>

David, per our conversation, please see the below summary. Let me know if you have questions. I've excluded the CW Farms Light Project since that will come out of the \$1,837,661.69, which is the amount to be obligated in the ILA.

Thank you,

<b>Total Distribution</b>	<b>\$ 3,189,431.00</b>
<b>Project 1 Streetlights Magna Main St</b>	<b>\$ (23,548.00)</b>
<b>Project 2 2820 S Sidewalk 7440 W - 7736 W (Jan 2024)</b>	<b>\$ (300,000.00)</b>
<b>Project 3 Settlement for 8050 W 2700 S</b>	<b>\$ (462,946.03)</b>
<b>Project 4 2820 S 8000 W</b>	<b>\$ (423,027.10)</b>
<b>Project 5 2657 Mineside Dr</b>	<b>\$ (43,636.20)</b>
<b>Project 6 Main St Banners</b>	<b>\$ (3,909.54)</b>
<b>Project 7 Fence Repair at CW Farms &amp; Elk Run Parks</b>	<b>\$ (50,034.94)</b>
<b>Project 8 Tree Trimming and Dog Park</b>	<b>\$ (16,560.00)</b>
<b>Project 9 Pleasant Green &amp; Copper Park Signage</b>	<b>\$ (28,107.50)</b>
<b>Total Remaining to be obligated in ILA</b>	<b>\$ 1,837,661.69</b>

**Brian Hartsell, ICMA-CM**

Associate General Manager