ORDINANCE 2025-O-11

Ordinance No.2025-O-11 Date: August 26, 2025

AN ORDINANCE OF THE MAGNA CITY COUNCIL AMENDING SECTION 19.42.020 OF THE ZONING ORDINANCE TO WAIVE SPECIFIC USE STANDARDS PERTAINING TO LOT SIZE, BUILDING ORIENTATION, STREET FRONTAGE, AND BUILDING HEIGHT FOR USES THAT WILL OCCUPY PRE-EXISTING COMMERCIAL STRUCTURES.

RECITALS

WHEREAS, Magna City 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 accommodate for the re-use of existing commercial buildings while maintaining the specific use standards necessary to protect the public health, safety and general welfare;

WHEREAS, the Magna City Planning Commission held a public hearing on August 14, 2025, to consider the proposed amendment to Section 19.42.020 of the Specific Use Standards chapter of the zoning ordinance (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 adopt the amendment as submitted.

BE IT ORDAINED BY THE MAGNA CITY COUNCIL as follows:

1. Section 19.42.020 of the Magna City zoning ordinance is hereby revised to read as follows:

   19.42.020 APPLICABILITY

   A. This Chapter contains the specific and additional regulations for permitted and conditional uses identified in the Schedule of Uses for each of the zones contained in this Title. Any use not listed as permitted or conditional in the applicable zone shall be prohibited.

   B. **<u>Except as outlined in subsection C below,</u>** [~~C~~]**<u>c</u>**ompliance with specific use standards, as applicable, as well as all other requirements of this Ordinance, and all other land use ordinances, and all other Federal, State, and Local requirements are required for any land use application approval required by this

Ordinance, or any other approval, permit, or license required by other land use ordinances.

C. **Specific use standards of this chapter pertaining to lot size, building orientation, street frontage, and/or building height do not apply to commercial land uses that will occupy pre-existing non-residential (commercial) structures. However, all other specific use standards apply including without limitation: noise and odor mitigation, vehicular circulation and parking, hours of operation, property management, day to day operations, minimum spacing between the proposed use and other land uses, visual screening, and all other health, safety, and welfare protection standards.**

2. 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.

3. 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.

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

{Signatures on Following Page}

PASSED AND **ADOPTED** this 26th day of August 2025.

MAGNA CITY COUNCIL

_____

By: Eric Barney, Mayor

ATTEST

_____

Diana Baun, City Recorder

Voting:

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

(Complete as Applicable)

Date ordinance summary was posted to the Magna City website,
the Utah Public Notice website, and in a public place within Magna City
per Utah Code §10-3-711:_____

Effective date of ordinance: _____

SUMMARY OF
MAGNA CITY
ORDINANCE NO. 2025-O-11

On August 26, 2025, the Magna City Council enacted Ordinance No. 2025-O-11, amending Section 19.42.020 of the zoning ordinance to waive specific use standards pertaining to lot size, building orientation, street frontage, and building height for uses that will occupy pre-existing commercial structures.

_____
By: Eric Barney, Mayor

ATTEST

_____
Diana Baun, Recorder

Voting:

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

A complete copy of Ordinance No. 2025-O-11 is available in the office of the Magna City Recorder, 860 West Levoy Drive, Suite 300, Taylorsville, Utah.

Ordinance Amendment

Meeting Body: City Council

Meeting Date: August 26, 2025

File Number & Project Type: OAM2025-001462

Amend Section 19.42.020 to waive specific use standards pertaining to lot size, building orientation, street frontage, and building height for uses that will occupy existing commercial structures.

Planner: Curtis Woodward, Senior Planner

Key Findings:

- Of the many Specific Use Standards in Chapter 19.42, a few appear to be aimed at new development sites.
- Waiving a limited number of use standards for existing commercial structures will allow re-use of buildings while not jeopardizing health and safety.

P.C. Recommendation: Approval

Exhibits:

A. **Proposed ordinance**

PROJECT DESCRIPTION

This ordinance amendment is to exempt from the specific use standards only those standards intended to pertain to land uses being established through a new land development application. One example in 19.42 is a requirement that childcare centers be located on lots 20,000 square feet or larger. However, this would preclude a small commercial day care from operating within one of the existing commercial buildings on Magna Main Street. Another example is a requirement that Hotels contain at least 3 stories. Conversion of an existing 2-story building into hotel space would not be allowed under that standard. The ordinance also specifically exempts standards related to lot size, building height, street frontage, and building orientation for the re-use of an existing commercial structure. The proposed text goes on to specifically state that all other specific use standards still apply.

It is also worth noting that because the exemption is limited to the applicability of the use standards in 19.42, it does not apply to standards found elsewhere in the code, such as parking, landscaping, or signs; nor does it change the requirement that a land use be listed as a permitted or conditional use in the underlying zone in order to be approved.

ISSUES/CONCERNS

Issue: In many cases, new land uses are established at the time vacant ground is developed. It is evident that some of the specific use standards were written with that application type in mind. However, Magna has a number of existing non-residential buildings that do meet those standards and would therefore not be usable for those land uses.

Analysis:

In reviewing the code, it became apparent that by waiving those standards specific to lot size, configuration, building height, etc. but enforcing other key standards related to critical health, safety, and welfare concerns, the adaptive re-use of existing buildings can be accommodated without sacrificing the safety of the residents or the intent and purpose of the Magna City zoning ordinance.

GENERAL PLAN CONSIDERATIONS

Under "Future Land Use Considerations" for the Magna Main Street historic district, the Magna General Plan states, "The community has invested resources into improving the streetscape and encouraging preservation and reuse of the buildings." (pg. 36)

Economic Sustainability is one of the key factors identified in the "Sustainability" section of the Magna General Plan. Page 92 of the general plan states, "As Magna moves towards full city status, a broad economic base will contribute to long-term fiscal stability. A broad economic base is a result of adding employment, retail and other tax generating uses to the City in a balanced proportion as new residents move in." Accommodating a diversity of commercial uses in existing non-residential buildings will contribute towards establishing and maintaining this "broad economic base."

APPLICABLE FACTORS FOR CONSIDERATION

Table 19.16.080 includes the following guidelines a planning commission and Council may consider in deciding zoning map and text amendments:

GUIDELINES FOR CONSIDERING ZONING TEXT AMENDMENTS
The proposed amendment is compatible with the Adopted General Plan.
The proposed amendment promotes the public health, safety and welfare.
The proposed amendment is compatible with the intent and general purposes of this Ordinance.
The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
The proposed amendment benefits the citizens of the Municipality as a whole.
The proposed amendment does not create a significant number of nonconformities.

PUBLIC INPUT

During the planning commission meeting of August 14, 2025, there were no public comments submitted in favor or opposition.

ANALYSIS AND RECOMMENDATION

Analysis and Summary:

In reviewing the various specific use standards in chapter 19.42, planning staff feels that differentiating standards that apply to new developments from those that apply to existing structures will better facilitate occupancy of existing buildings while mitigating negative impacts to the community through the application of the remaining specific use standards.

Recommendation:

The Magna City planning commission recommended approval of the proposed amendment.

OPTIONS:

As the legislative body for Magna City, the City Council has the following options:

1. **Approval:** The Council approves Ordinance number 2025-O-___ submitted under application OAM2025-001462 to amend Title 19 of the Magna City code.
2. **Approval with changes:** The Council approves Ordinance number 2025-O-___ submitted under application OAM2025-001462 to amend Title 19 of the Magna City code with the following amendment(s) to the text:
    a.
    b.

3. **Denial:** Having considered the Guidelines for Zoning Text Amendments contained in Chapter 19.16 of the Magna City zoning ordinance, the Council denies Ordinance number 2025-O-___ submitted under application OAM2025-001462 to amend Title 19 of the Magna City code.