

MAGNA CITY

Ordinance No. 2025-O-20

Date: October 28, 2025

AN ORDINANCE OF THE MAGNA COUNCIL AMENDING CHAPTER 18.16, AND SECTIONS 18.14.150, 19.48.040, AND 19.50.190 OF MAGNA CODE TO: ELIMINATE RECLAMATION BOND REQUIREMENTS; BRING PERFORMANCE AND WARRANTY BOND PROCEDURES, AND FINAL DISPOSITION AND RELEASE REQUIREMENTS INTO COMPLIANCE WITH RECENT LEGISLATION; ELIMINATE FEES IN LIEU OF THE INSTALLATION OF SUBDIVISION IMPROVEMENTS; ELIMINATE THE REQUIREMENT FOR ANY ENTITY TO SIGN CONSTRUCTION PLANS, THEREBY SUBJECTING AN APPLICANT TO REQUIREMENTS NOT ADOPTED BY MAGNA CITY IN VIOLATION OF UTAH CODE; ALLOW A DRIVEWAY UP TO 27' WIDE IN LOTS BETWEEN 40' AND 50' WIDE; AND ELIMINATE LANGUAGE ALLOWING THE CITY TO WITHHOLD PERMITS OR OCCUPANCY FOR THE FAILURE TO INSTALL PRIVATE LANDSCAPING

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, House Bill 368 was adopted by the Utah Legislature during its 2025 regular session, mandating that cities no longer require bonds to be posted prior to constructing subdivision improvements unless the developer wants to record the final subdivision plat prior to constructing those improvements;

WHEREAS, House Bill 368 mandated that cities revise their policies on inspecting and releasing improvement bonds;

WHEREAS, Utah Code precludes cities from extending the warranty period for subdivision improvements for more than one year;

WHEREAS, House Bill 368 Fees in lieu are not a workable alternative to installing required improvements or delay agreements;

WHEREAS, mandating that a water master signs a set of construction plans that an applicant must build to has the effect of subjecting an applicant to standards that are not adopted by Magna City, and is therefore contrary to Utah Code Utah Code 10-9a 509(1)(g);

WHEREAS, it is fair and equitable to hold single- and two-family dwellings in PC zones to the same standards as comparable lots in R-1 and R-2 zones;

WHEREAS, House Bill 368 precludes the city from holding or revoking building permits and certificates of occupancy from an applicant based on the failure of the applicant to install landscaping; and

WHEREAS, the Planning Commission has held a public hearing and recommended that the Council amend its land use ordinances to comply with Utah Code, to treat all single- and two-family dwellings equally, and for the protection and preservation of the public health, safety and general welfare.

BE IT ORDAINED BY THE MAGNACITY COUNCIL as follows:

1. Chapter 18.16 Performance Bonds, is hereby adopted as set forth in Exhibit A.
2. Section 18.14.150 Open Ditches and Canals, is hereby adopted as set forth in Exhibit B.
3. Section 19.48.040 Standards for Parking – Single- and Two-Family Dwellings, is hereby adopted as set forth in Exhibit C.
4. Section 19.50.190 Enforcement of Landscape Regulations, is hereby adopted as set forth in Exhibit D.
5. 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.
6. 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.
7. Effective Date. This Ordinance will take effect immediately upon posting pursuant to Utah Code § 10-3-712.

PASSED AND ADOPTED this 18th day of November 2025.

{Signatures on Following Page}

MAGNA CITY COUNCIL

Signed by:

Eric Barney
By: Eric J Barney, Mayor

ATTEST

Signed by:

Diana Baun Diana Baun,
Recorder

APPROVED AS TO FORM

Paul Ashton
Paul Ashton, City Attorney

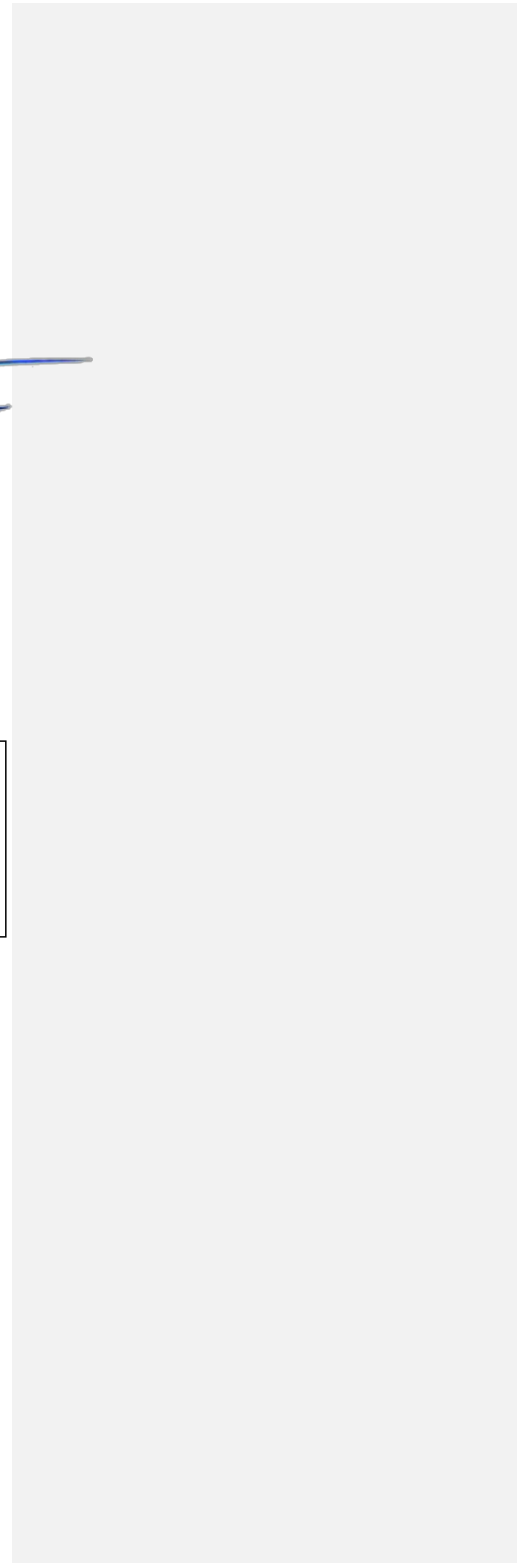
Voting:

- Council Member Barney voting Aye
- Council Member Hull voting Aye
- Council Member Pierce voting Absent
- Council Member Prokopis voting Aye
- Council Member Sudbury voting Aye

(Complete as Applicable)

Date ordinance summary was posted to the Utah Public Notice website, and in a public place within Magna City per Utah Code §10-3-711: November 24, 2025

Effective date of ordinance: November 24, 2025




SUMMARY OF MAGNA CITY ORDINANCE NO. 2025-O-20

On the 28th day of October, 2025 the Magna City Council enacted Ordinance No. 2025-O-20, amending Chapter 18.16, and Sections 18.14.150, 19.48.040, and 19.50.190 of Magna code to: eliminate reclamation bond requirements; bring performance and warranty bond procedures, and final disposition and release requirements into compliance with recent legislation; eliminate fees in lieu of the installation of subdivision improvements; eliminate the requirement for any entity to sign construction plans, thereby subjecting an applicant to requirements not adopted by magna city in violation of Utah Code; allow a driveway up to 27' wide in lots between 40' and 50' wide; and eliminate language allowing the city to withhold permits or occupancy for the failure to install private landscaping.

MAGNA CITY COUNCIL

Signed by:


Eric G. Barney, Mayor

ATTEST

Signed by:


Diana Baum, City Recorder

APPROVED AS TO FORM:


CITY ATTORNEY

Voting

Mayor Barney	voting Aye
Council Member Hull	voting Aye
Council Member Pierce	voting Absent
Council Member Prokopis	voting Aye
Council Member Sudbury	voting Aye

A complete copy of Ordinance No. 2025-O-19 is available in the office of the Magna City Recorder, 860 Lavoy Drive, Suite 300, Taylorsville, Utah.

EXHIBIT A

CHAPTER 18.16 PERFORMANCE GUARANTEES

18.16.010 Performance Guarantee Required

- A. Wherever a performance guarantee is required under the terms of this Title, the performance guarantee shall be submitted:
1. In conformance with this Chapter; and
 2. Prior to the commencement of any improvements covered by the performance guarantee.

18.16.020 Performance Bonds

- A. Prior to the recording of a plat or conducting any development activity, in lieu of actual completion of the improvements listed in this Title, applicants may file with Planning and Development Services a performance bond to assure actual construction of such improvements within a one-year period after the recording of the plat.
- B. If the applicant elects to post a performance bond in lieu of completing the improvements prior to the recording of the final plat, the applicant shall provide a performance bond for:
1. The completion of one hundred percent (100%) of the required improvements; or
 2. If the Municipal Engineering Division has inspected and accepted a portion of the required improvements, one hundred percent (100%) of the incomplete or unaccepted improvements.
- C. The amount of the performance bond for public improvements such as curb, gutter, sidewalk, road construction and surfacing, flood control and fire hydrants may not exceed the sum of:
1. One hundred percent (100%) of the estimated cost of the infrastructure improvements as established by (i) the Municipal Engineering Division's estimated cost of completion or (ii) a licensed contractor's bid; and
 2. Ten percent (10%) of the amount of the bond to cover administrative costs incurred by the City to complete the improvements.

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D. The performance bond shall also secure any required improvements on individual lots within the subdivision which are required in this Chapter.

E. The performance bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit from a financial institution located in the State of Utah.

F. A performance bond agreement shall be entered into by the Municipal Engineering Division and the applicant:

1. The performance bond agreement shall include a provision that the performance bond shall expire within thirteen (13) months from the date issued if the bonded improvements are not completed, and that the Municipal Engineer can grant an extension(s) of this period upon a showing of good cause.

2. If the project has not been completed by that date, then the performance bond shall be considered foreclosed upon.

3. If the project is not timely completed, all remaining funds shall be thereafter remitted to the Municipal Engineering Division as set forth in the performance bond agreement, period in subsection (F)(1) may be extended only if special circumstances warrant an extension, as determined by the Municipal Engineer,

G. The Municipal Engineer may establish objective procedures consistent with this Section relating to the administration of performance bonds, including fund management, default, and collection.

18.16.030 Final Disposition and Release

A. Upon completion of the work for which a performance bond has been posted, including warranty work related thereto, the developer shall submit to the Municipal Engineering Division a written request for release.

B. A performance bond may be partially released if the infrastructure improvement category to which it relates has been satisfactorily completed, except that not less than ten percent (10%) of the performance bond shall be retained to ensure completion of the entire performance which shall be in addition to the 10% that must be retained as a warranty for all bonded improvements that have been installed.

C. The Municipal Engineering Division shall accept or reject the improvements within fifteen (15) days after receiving an applicant's written request under subsection (A). Notwithstanding the foregoing, if inspection of the subdivision improvements during that fifteen (15) day period is impeded by winter weather conditions such that a full and complete inspection of the improvement or warranty work is not reasonably possible, the Municipal Engineering Division shall within a reasonable time thereafter:

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Deleted: <#>Director or designee

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Deleted: After receipt of the notice and request under Subsection A of this Section, within five (5) days t

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Deleted: make a preliminary inspection of the improvements and shall submit a report to the Director or designee setting forth the condition of the facilities.

1. Notify the applicant in writing before the end of the applicable time period described in subsection (C) that, because of winter weather conditions, the land use authority will require additional time to accept or reject the performance of warranty work; and

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2. Complete the inspection of the performance of warranty work and provide the applicant with an acceptance or rejection as soon as practicable.

D. The Municipal Engineer shall authorize release of a portion of the performance bond corresponding to the work completed and approved if the Municipal Engineering Division finds, based on objective inspection standards, that the condition of the improvements is satisfactory.

Deleted: Director or designee

Deleted: receive the report and, within seven (7) days of the inspection,

E. The portion of the bond which may be held as a warranty bond under Sections 18.16.050 and 18.16.060 of this Chapter may not be released until the warranty period for all of the approved subdivision improvement plans has expired and an inspection has been conducted by the Municipal Engineering Division that finds, based on objective inspection standards, that the condition of the improvements is satisfactory.

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1. An applicant may request that the ten percent (10%) of the performance bond held as a warranty be released if they have first posted a separate warranty bond prior to that release.

2. In lieu of posting a separate warranty bond, the applicant may choose to authorize the municipality to hold ten percent (10%) of the performance bond for the duration of the warranty period.

F. A bond may not be released if the Municipal Engineer:

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1. Finds that the installation of required subdivision improvements does not meet the City's adopted standards or if the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability;

2. Finds that any other terms of the bond agreement have not been satisfied; or

3. As built plans, including profile drawings, have not been filed and corresponding GIS data (as required) has not been submitted.

G. If the Municipal Engineering Division determines that the installation of required subdivision improvements does not meet the municipality's adopted standards, the Municipal Engineering Division shall provide the applicant with a list of required corrections within fifteen (15) days. The list of required corrections must comprehensively and with specificity list the reasons for the determination.

Deleted: If the bonds are not released, the reasons shall be given to the applicant in writing within seven (7) days from the time of the inspection

- H. In the case of a dispute over the release of a performance bond under this Section, the Municipal Engineer may refer the matter to the Magna Council for subsequent action to secure performance.
- I. Such bonds shall be processed and released in accordance with the procedures set forth in Chapter 3.56 of Municipal Code.

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18.16.040 Default

- A. Upon substantiating a finding under Subsection B of this Section, the Director with approval of the Council may, with due notice to the developer:
1. Declare the performance bond forfeited; and
 2. Install or cause the required improvement to be installed using the proceeds from the performance bond to defray the costs.
- B. A performance bond may be forfeited under Subsection A of this Section if the Director finds that a developer has failed or neglected to:
1. Satisfactorily install the required improvements;
 2. Make required corrections;
 3. Make payment to Planning and Development Services for administration and inspections; or
 4. Otherwise failed to carry out the activity for which the performance bond was required.
- C. The developer is responsible for work beyond the limits of the bond amount.
- D. Any funds remaining after completion of the required improvements will be returned to the developer.

18.16.050 Warranty Period

- A. The warranty period does not begin until each of the following actions have been taken:
1. The applicant requests a final inspection of all of the improvements in the approved subdivision improvement plans;
 2. All of the subdivision improvements in the approved subdivision improvement plans have been inspected and accepted as complete by the Municipal Engineering Division; and
 3. The applicant posts a warranty bond, subject to Section 18.16.060, in the amount of 10% of the estimated cost of the infrastructure improvements as established by

the Municipal Engineering Division's estimated cost of completion or a licensed contractor's bid. The applicant may indicate in writing that ten percent (10%) of the performance bond be retained as the warrant in lieu of posting a separate warranty bond.

B. The applicant may request partial releases of the performance bond as subdivision improvement categories are completed in accordance with Section 18.16.030 of this Chapter. Such requests shall follow the same process described in Section 18.16.030, except that the applicant shall clearly indicate in the request the completed subdivision improvement categories, overall percentages of completion of the work covered by performance bond(s) for the project, and other relevant information reasonable requested by the Municipal Engineer to support the partial release(s). While partial releases may be granted, the warranty period for all of the subdivision improvements does not begin until all of the subdivision improvements are complete, inspected and accepted by the Municipal Engineering Division. A partial release does not start a warranty period for those improvements associated with the release.

C. Where an applicant chooses to complete the work prior to recording the plat instead of posting an improvement bond, the subdivision plat may not be recorded until the subdivision improvements are completed, inspected by the Municipal Engineering Division, accepted by the Municipal Engineering Division, and the warranty bond is posted in accordance with Section 18.16.060.

18.16.060 Warranty Bond

A. The Planning and Development Services Division shall retain a warranty bond in the amount of not less than ten percent (10%) of the initial amount of the performance bond or the applicant's reasonable proven cost of completion. The warranty bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit. The warranty bond shall be for the purpose of warranting the improvements and shall be for a period of one (1) year after final acceptance of the improvement or warranty work.

B. At the end of the warranty period, the Municipal Engineering Division shall conduct an inspection of the required improvements to ensure that:

1. The improvements have not failed or shown unusual depreciation;
2. No portion of the required work remains incomplete; or
3. The materials or workmanship used in constructing the improvements continue to comply with accepted standards of durability.

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Deleted: 18.16.050 Warranty Bond, Phase 1: Reclamation

Prior to conducting any development activity, the developer shall file with Planning and Development Services a reclamation bond to ensure that the site can be made safe in the event the developer is unable to complete the required improvements.

The amount of the reclamation bond for public improvements such as curb, gutter, sidewalk, road construction and surfacing, flood control and fire hydrants shall be not less than ten percent (10%) of the Municipal Engineering Division's estimated cost of completion.

The reclamation bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit from a financial institution located in the State of Utah.

At the end of the construction phase of the project, when the Municipal Engineering Division has approved and accepted the required improvements, the reclamation bond becomes the durability bond, with the final disposition and release subject to the same standards as the durability bond.

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Deleted: <#>Two (2) years after final acceptance of the improvement or warranty work, if the Director:
Determines for good cause that a lesser period would be inadequate to protect the public health, safety, and welfare; and

Has substantial evidence of any of the following:
Prior poor performance of the applicant;
Unstable soil conditions within the subdivision or development area; or

Extreme fluctuations in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one-year period.
A determination under Subsection A2 of this section shall be made by the Municipal Engineering Division in consultation with the Director.

C. If, after the warranty period, the durability of said improvements is found to be satisfactory, the retainage may be released following the procedure outlined under Section 18.16.030 of this Chapter.

D. If during or at the end of the warranty period the Municipal Engineering Division determines that the conditions under subsection B apply, the Municipal Engineering Division shall provide the applicant with a list of required corrections within fifteen (15) days. The corrections list must comprehensively and with specificity list the reasons for the determination.

E. The person giving the warranty bond shall correct the improvements if at any time during the warranty period:

1. Any required improvement fails or shows unusual depreciation;
2. Certain work has not been completed or it becomes evident that certain work was not completed; or
3. The materials or workmanship used in constructing the improvements do not otherwise comply with accepted standards of durability.

F. If the corrections are not made within a reasonable time, the Director, with review from the Magna Council, in accordance with Section 18.16.040 of this Chapter, may declare the person and in default and use the retainage to defray the cost of any required work.

Deleted: <#>The Director may authorize a release of fifty percent (50%) of the improvement durability bond prior to the warranty period, if determined appropriate based on a finding of:¶

The project has been completed and found acceptable and all monies have been released except for the durability bond; ¶

An error in the initial amount of the performance bond or the original calculation of the durability bond; or ¶

A fact that was previously unknown to the Municipal Engineering Division that is material in a determination that the municipality's public health, safety, and welfare would still be adequately protected.¶

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Deleted: 18.16.070 Fee In Lieu Of Required Improvements¶

Where present conditions exist which make it unfeasible or impractical for the developer or property owner to install any required public improvements, the Director may require the subdivider to pay to the municipality a fee equal to the estimated cost of such improvements as determined by the Municipal Engineering Division. Upon payment of the fee by the developer, the municipality shall assume the responsibility for future installation of such improvements.¶

The auditor shall establish a special account for such fees and shall credit to such account a proportioned share of interest earned from investment of municipal moneys. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties and money transfer requests shall be the responsibility of the Planning and Development Services Division.

EXHIBIT B

18.14.150 Open Ditches and Canals, Permitted When

- A. Open ditches or canals may not be allowed within or adjoining a subdivision except along rear or side lot lines. The applicant shall work with irrigation, drainage or ditch companies as to:
1. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision;
 2. The size of pipe and culverts required;
 3. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the Planning and Development Services Division.

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Deleted: <#>Irrigation components, whether open or piped, require water master approval.¶
If existing irrigation components are suspected and not identified, then verification is required. ¶
If irrigation components are present, they are checked to comply with the ordinance. ¶
The Water Master's signature is required on any sheet in the final construction plans which show irrigation components. ¶
Final approval of the construction plans shall be withheld until Water Master's signature is confirmed.¶

EXHIBIT C

19.48.040 Standards for Parking - Single Family and Two-Family Dwellings

Deleted: 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 single- or two-family dwelling.

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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.

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Deleted: 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. 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. The remaining front yard area must be landscaped in accordance with this Title.

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2. Any lot between forty feet (40') and fifty feet (50') wide may install one driveway that exceeds the fifty percent parking or driveway rule as long as that driveway does not exceed twenty-seven feet (27') in width if:

a. 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; and

b. The municipal engineer verifies that the site plan as proposed will not adversely impact the municipal or local storm drain system; and

c. The remaining front yard area must be landscaped in accordance with this Title.

3. For any lot with a width of fifty feet (50') or more:

- a. 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
 - b. The municipal engineer verifies that the site plan as proposed will not adversely impact the municipal or local storm drain system; and
 - c. The parking areas in the front yard do not exceed 60% of the front yard area; and
 - d. 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 over a weed barrier, 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 over a weed barrier, 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.
 - 5. Gravel parking pads must be kept weed free.
- F. Commercial Vehicles. Commercial vehicles may not be parked or stored on residential property in an R-1, R-2 or PC zone, except in the following circumstances:

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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.
 6. 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.
- 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.

EXHIBIT D

19.50.190 Enforcement of Landscape Regulations

- A. If weather or other factors prohibit the installation of landscaping at the time an occupancy permit is applied for, the applicant shall post a bond to guarantee the completion of the public landscaping, which shall be returned upon completion of required landscaping.
- B. Failure to implement the landscape plan, or to maintain the lot or use in substantial conformance with the landscape plan, shall be cause for the application of fines and penalties, as established in this Code. In addition, all landscaping is subject to periodic inspection.

Deleted: <#>No building permit or occupancy permit may be issued for any lot or use subject to the requirements of this Chapter unless all the requirements of this Chapter have been fulfilled. ¶

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SUMMARY OF
MAGNA CITY
ORDINANCE NO. 2025-O-

On November 18, 2025, the Magna Council enacted Ordinance No. 2025-O-__, amending Chapter 18.16, and Sections 18.14.150, 19.48.040, and 19.50.190 of Magna Code to: eliminate reclamation bond requirements; bring performance and warranty bond procedures, and final disposition and release requirements into compliance with recent legislation; eliminate fees in lieu of the installation of subdivision improvements; eliminate the requirement for any entity to sign construction plans, thereby subjecting an applicant to requirements not adopted by magna city in violation of Utah Code; allow a driveway up to 27' wide in lots between 40' and 50' wide; and eliminate language allowing the City to withhold permits or occupancy for the failure to install private landscaping.

Signed by:

Eric Barney

By: Eric J. Barney, Mayor

ATTEST

Signed by:

Diana Baun

Diana Baun, Recorder

APPROVED AS TO FORM

Paul Ashton

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, 860 W. Levoy Dr., Suite 300, Taylorsville, Utah.

EXHIBIT A

CHAPTER 18.16 PERFORMANCE GUARANTEES

18.16.010 Performance Guarantee Required

- A. Wherever a performance guarantee is required under the terms of this Title, the performance guarantee shall be submitted:
1. In conformance with this Chapter; and
 2. Prior to the commencement of any improvements covered by the performance guarantee.

18.16.020 Performance Bonds

- A. Prior to the recording of a plat or conducting any development activity, in lieu of actual completion of the improvements listed in this Title, applicants may file with Planning and Development Services a performance bond to assure actual construction of such improvements within a one-year period after the recording of the plat.
- B. If the applicant elects to post a performance bond in lieu of completing the improvements prior to the recording of the final plat, the applicant shall provide a performance bond for:
1. The completion of one hundred percent (100%) of the required improvements; or
 2. If the Municipal Engineering Division has inspected and accepted a portion of the required improvements, one hundred percent (100%) of the incomplete or unaccepted improvements.
- C. The amount of the performance bond for public improvements such as curb, gutter, sidewalk, road construction and surfacing, flood control and fire hydrants may not exceed the sum of:
1. One hundred percent (100%) of the estimated cost of the infrastructure improvements as established by (i) the Municipal Engineering Division's estimated cost of completion or (ii) a licensed contractor's bid; and
 2. Ten percent (10%) of the amount of the bond to cover administrative costs incurred by the City to complete the improvements.
- D. The performance bond shall also secure any required improvements on individual lots within the subdivision which are required in this Chapter.

- E. The performance bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit from a financial institution located in the State of Utah.
- F. A performance bond agreement shall be entered into by the Municipal Engineering Division and the applicant:
 - 1. The performance bond agreement shall include a provision that the performance bond shall expire within thirteen (13) months from the date issued if the bonded improvements are not completed, and that the Municipal Engineer can grant an extension(s) of this period upon a showing of good cause.
 - 2. If the project has not been completed by that date, then the performance bond shall be considered foreclosed upon.
 - 3. If the project is not timely completed, all remaining funds shall be thereafter remitted to the Municipal Engineering Division as set forth in the performance bond agreement period in subsection (F)(1) may be extended only if special circumstances warrant an extension, as determined by the Municipal Engineer.
- G. The Municipal Engineer may establish objective procedures consistent with this Section relating to the administration of performance bonds, including fund management, default, and collection.

18.16.030 Final Disposition and Release

- A. Upon completion of the work for which a performance bond has been posted, including warranty work related thereto, the developer shall submit to the Municipal Engineering Division a written request for release.
- B. A performance bond may be partially released if the infrastructure improvement category to which it relates has been satisfactorily completed, except that not less than ten percent (10%) of the performance bond shall be retained to ensure completion of the entire performance which shall be in addition to the 10% that must be retained as a warranty for all bonded improvements that have been installed.
- C. The Municipal Engineering Division shall accept or reject the improvements within fifteen (15) days after receiving an applicant's written request under subsection (A). Notwithstanding the foregoing, if inspection of the subdivision improvements during that fifteen (15) day period is impeded by winter weather conditions such that a full and complete inspection of the improvement or warranty work is not reasonably possible, the Municipal Engineering Division shall within a reasonable time thereafter:
 - 1. Notify the applicant in writing before the end of the applicable time period described in subsection (C) that, because of winter weather conditions, the land use authority

will require additional time to accept or reject the performance of warranty work;
and

2. Complete the inspection of the performance of warranty work and provide the applicant with an acceptance or rejection as soon as practicable.
- D. The Municipal Engineer shall authorize release of a portion of the performance bond corresponding to the work completed and approved if the Municipal Engineering Division finds, based on objective inspection standards, that the condition of the improvements is satisfactory.
- E. The portion of the bond which may be held as a warranty bond under Sections 18.16.050 and 18.16.060 of this Chapter may not be released until the warranty period for all of the approved subdivision improvement plans has expired and an inspection has been conducted by the Municipal Engineering Division that finds, based on objective inspection standards, that the condition of the improvements is satisfactory.
1. An applicant may request that the ten percent (10%) of the performance bond held as a warranty be released if they have first posted a separate warranty bond prior to that release.
 2. In lieu of posting a separate warranty bond, the applicant may choose to authorize the municipality to hold ten percent (10%) of the performance bond for the duration of the warranty period.
- F. A bond may not be released if the Municipal Engineer:
1. Finds that the installation of required subdivision improvements does not meet the City's adopted standards or if the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability;
 2. Finds that any other terms of the bond agreement have not been satisfied; or
 3. As built plans, including profile drawings, have not been filed and corresponding GIS data (as required) has not been submitted.
- G. If the Municipal Engineering Division determines that the installation of required subdivision improvements does not meet the municipality's adopted standards, the Municipal Engineering Division shall provide the applicant with a list of required corrections within fifteen (15) days. The list of required corrections must comprehensively and with specificity list the reasons for the determination.
- H. In the case of a dispute over the release of a performance bond under this Section, the Municipal Engineer may refer the matter to the Magna Council for subsequent action to secure performance.

- I. Such bonds shall be processed and released in accordance with the procedures set forth in Chapter 3.56 of Municipal Code.

18.16.040 Default

- A. Upon substantiating a finding under Subsection B of this Section, the Director with approval of the Council may, with due notice to the developer:
 1. Declare the performance bond forfeited; and
 2. Install or cause the required improvement to be installed using the proceeds from the performance bond to defray the costs.
- B. A performance bond may be forfeited under Subsection A of this Section if the Director finds that a developer has failed or neglected to:
 1. Satisfactorily install the required improvements;
 2. Make required corrections;
 3. Make payment to Planning and Development Services for administration and inspections; or
 4. Otherwise failed to carry out the activity for which the performance bond was required.
- C. The developer is responsible for work beyond the limits of the bond amount.
- D. Any funds remaining after completion of the required improvements will be returned to the developer.

18.16.050 Warranty Period

- A. The warranty period does not begin until each of the following actions have been taken:
 1. The applicant requests a final inspection of all of the improvements in the approved subdivision improvement plans;
 2. All of the subdivision improvements in the approved subdivision improvement plans have been inspected and accepted as complete by the Municipal Engineering Division; and
 3. The applicant posts a warranty bond, subject to Section 18.16.060, in the amount of 10% of the estimated cost of the infrastructure improvements as established by the Municipal Engineering Division's estimated cost of completion or a licensed contractor's bid. The applicant may indicate in writing that ten percent (10%) of the

performance bond be retained as the warrant in lieu of posting a separate warranty bond.

- B. The applicant may request partial releases of the performance bond as subdivision improvement categories are completed in accordance with Section 18.16.030 of this Chapter. Such requests shall follow the same process described in Section 18.16.030, except that the applicant shall clearly indicate in the request the completed subdivision improvement categories, overall percentages of completion of the work covered by performance bond(s) for the project, and other relevant information reasonable requested by the Municipal Engineer to support the partial release(s). While partial releases may be granted, the warranty period for all of the subdivision improvements does not begin until all of the subdivision improvements are complete, inspected and accepted by the Municipal Engineering Division. A partial release does not start a warranty period for those improvements associated with the release.
- C. Where an applicant chooses to complete the work prior to recording the plat instead of posting an improvement bond, the subdivision plat may not be recorded until the subdivision improvements are completed, inspected by the Municipal Engineer Division, accepted by the Municipal Engineering Division, and the warranty bond is posted in accordance with Section 18.16.060.

18.16.060 Warranty Bond

- A. The Planning and Development Services Division shall retain a warranty bond in the amount of not less than ten percent (10%) of the initial amount of the performance bond or the applicant's reasonable proven cost of completion. The warranty bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit. The warranty bond shall be for the purpose of warranting the improvements and shall be for a period of one (1) year after final acceptance of the improvement or warranty work.
- B. At the end of the warranty period, the Municipal Engineering Division shall conduct an inspection of the required improvements to ensure that:
 - 1. The improvements have not failed or shown unusual depreciation;
 - 2. No portion of the required work remains incomplete: or
 - 3. The materials or workmanship used in constructing the improvements continue to comply with accepted standards of durability.
- C. If, after the warranty period, the durability of said improvements is found to be satisfactory, the retainage may be released following the procedure outlined under Section 18.16.030 of this Chapter.

- D. If during or at the end of the warranty period the Municipal Engineering Division determines that the conditions under subsection B apply, the Municipal Engineering Division shall provide the applicant with a list of required corrections within fifteen (15) days. The corrections list must comprehensively and with specificity list the reasons for the determination.
- E. The person giving the warranty bond shall correct the improvements if at any time during the warranty period:
 - 1. Any required improvement fails or shows unusual depreciation;
 - 2. Certain work has not been completed or it becomes evident that certain work was not completed; or
 - 3. The materials or workmanship used in constructing the improvements do not otherwise comply with accepted standards of durability.
- F. If the corrections are not made within a reasonable time, the Director, with review from the Magna Council, in accordance with Section 18.16.040 of this Chapter, may declare the person and in default and use the retainage to defray the cost of any required work.

EXHIBIT B

18.14.150 Open Ditches and Canals, Permitted When

- A. Open ditches or canals may not be allowed within or adjoining a subdivision except along rear or side lot lines. The applicant shall work with irrigation, drainage or ditch companies as to:
1. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision;
 2. The size of pipe and culverts required;
 3. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the Planning and Development Services Division.

EXHIBIT C

19.48.040 Standards for Parking - Single Family and Two-Family Dwellings

- 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 single- or two-family dwelling.
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.
- C. Parking areas in the front yard may exceed 50% of the front yard area under the following conditions:
1. 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. The remaining front yard area must be landscaped in accordance with this Title.
 2. Any lot between forty feet (40') and fifty feet (50') wide may install one driveway that exceeds the fifty percent parking or driveway rule as long as that driveway does not exceed twenty-seven feet (27') in width if:
 - a. 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; and
 - b. The municipal engineer verifies that the site plan as proposed will not adversely impact the municipal or local storm drain system; and
 - c. The remaining front yard area must be landscaped in accordance with this Title.
 3. For any lot with a width of fifty feet (50') or more:

- a. 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
 - b. The municipal engineer verifies that the site plan as proposed will not adversely impact the municipal or local storm drain system; and
 - c. The parking areas in the front yard do not exceed 60% of the front yard area; and
 - d. 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 over a weed barrier, 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 over a weed barrier, 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.
 5. Gravel parking pads must be kept weed free.
- F. Commercial Vehicles. Commercial vehicles may not be parked or stored on residential property in an R-1, R-2 or PC 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.
 6. 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.
- 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.

EXHIBIT D

19.50.190 Enforcement of Landscape Regulations

- A. If weather or other factors prohibit the installation of landscaping at the time an occupancy permit is applied for, the applicant shall post a bond to guarantee the completion of the public landscaping, which shall be returned upon completion of required landscaping.
- B. Failure to implement the landscape plan, or to maintain the lot or use in substantial conformance with the landscape plan, shall be cause for the application of fines and penalties, as established in this Code. In addition, all landscaping is subject to periodic inspection.