



## Planning and Development Services

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

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

# Magna Planning Commission

## Public Meeting Agenda

### Thursday, September 9, 2021 6:30 P.M.

*Based on the LOW TRANSMISSION LEVEL in Magna of the Novel Coronavirus (COVID-19), as identified by both the State and County Health Orders, the Mayor and Council have chosen to conduct this meeting at an anchor location with public access pursuant to the public health directives. To accommodate the members of the Commission and public who desire to attend, but based on their personal assessments feel attending the meeting at the anchor location may be an unacceptable health risk, this meeting will be also conducted electronically.*

*To participate in the meeting electronically and to make public comments where indicated in the agenda, please use the instructions and links below.*

### Location

#### Join meeting in WebEx

Meeting number (access code): 961 841 420

<https://slco.webex.com/join/wgurr>

Join meeting in WebEx (download available at <https://www.webex.com/downloads.html> for Windows, Android, and Apple devices)

#### Tap to join from a mobile device (attendees only)

[+1-213-306-3065,,961841420##](tel:+12133063065961841420) United States Toll (Los Angeles)

[+1-602-666-0783,,961841420##](tel:+16026660783961841420) United States Toll (Phoenix)

#### Join by phone

+1-213-306-3065 United States Toll (Los Angeles)

+1-602-666-0783 United States Toll (Phoenix)

Access code: 961 841 420

[Global call-in numbers](#)

#### Join from a video conferencing system or application

Dial [wgurr@slco.webex.com](mailto:wgurr@slco.webex.com)

You can also dial 173.243.2.68 and enter your meeting number.

Need help? Go to <http://help.webex.com>

#### Anchor Location: Magna Webster Center

8952 West Magna Main Street. Magna, 84044

**UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707.**

**TTY USERS SHOULD CALL 711.**

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and MSD staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items, which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

## **BUSINESS MEETING**

- 1) Approval of the August 12, 2021 Planning Commission Meeting Minutes.  
(Motion/Voting)
- 2) Other Business Items. (As Needed)

## **LAND USE APPLICATION(S)**

**CUP2021-000329** - David George is requesting a Conditional Use Permit for an Office/Warehouse. **Acreage:** 5.00 acres. **Location:** 2172 South 7200 West. **Zone:** M-2. **Planner:** Shad Cook (Motion/Voting)

**EXP2021-000344** - David George is requesting an exception from roadway improvements (curb, gutter, and sidewalk). **Acreage:** 5.00 acres. **Location:** 2172 South 7200 West. **Zone:** M-2. **Planner:** Shad Cook (Motion/Voting)

The Planning Commission, in its discretion, may request public input on these applications prior to acting on the application. If public input is requested, public comment will be limited to three minutes per person.

## **PUBLIC HEARING(S)**

**REZ2021-000383** - Gary Wilson is requesting approval to rezone property from the R-1-6 (Single-Family residential) zone to the R-1-5 (Single-Family residential) zone. **Location:** 2927 South 8850 West. **Planner:** Molly Gaughran (Motion/Voting)

**OAM2021-000273** - A proposed ordinance creating Chapter 19.15 of the Magna Municipal Code allowing for and regulating Interior Accessory Dwelling Units (IADUs) in single-family detached dwellings. **Planner:** Travis Hair (Motion/Voting)

The Planning Commission will act on the proposed public hearing item after taking comments from the public during the public hearing. Public comments will be provided pursuant to the planning commission's rules of conduct, which are attached to the back of this agenda. Public comments will be limited to three minutes per person.

## **ADJOURN**

# Rules of Conduct for Planning Commission Meetings

## PROCEDURE FOR PUBLIC COMMENT

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission.
2. Unless altered by the Chair, the order of the procedure on an application shall be:
  - a. The supporting agency staff will introduce the application, including staff's recommendations and a summary of pertinent written comments and reports concerning the application
  - b. The applicant will be allowed up to 15 minutes to make their presentation.
  - c. The Community Council representative can present their comments as applicable.
  - d. Where applicable, persons in favor of, or not opposed to, the application will be invited to speak.
  - e. Where applicable, persons opposing the application, in whole or in part will be invited to speak.
  - f. Where applicable, the applicant will be allowed 5 minutes to provide concluding statements.
  - g. Surrebutals may be allowed at the discretion of the Chair.

## CONDUCT FOR APPLICANTS AND THE PUBLIC

1. Speakers will be called to the podium by the Chair.
2. Each speaker, before talking, shall give his or her name and address.
3. All comments should be directed to the Commissioners, not to the staff or to members of the audience.
4. For items where there are several people wishing to speak, the Chair may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson. If a time limit is imposed on any member or spokesperson of the public, then the same time limit is imposed on other members or spokespersons of the public, respectively.
5. Unless otherwise allowed by the Chair, no questions shall be asked by the speaker or Commission Members.
6. Only one speaker is permitted before the Commission at a time.
7. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application.
8. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.
9. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.
10. No applause or public outbursts shall be permitted.
11. The Chair or supporting agency staff may request police support to remove offending individuals who refuse to abide by these rules.
12. After the public comment portion of a meeting or hearing has concluded, the discussion will be limited to the Planning Commission and Staff.

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

File# 000329

## Conditional Use Summary and Recommendation

**Public Body: Magna Township Planning Commission**

**Meeting Date: September 9, 2021**

**Parcel ID: 14-30-408-010-0000**

**Current Zone: M-2**

**Property Address: 2172 South 7200 West**

**Acreage: 5.00 acres**

**Request: Conditional Use approval for a Warehouse/Rubber Recycling**

**Applicant Name: David George**

**MSD Planner: Shad Cook**

**MSD Planning Staff Recommendation: Approval with conditions**

### PROJECT DESCRIPTION

The applicant, David George, is requesting Conditional Use approval for a warehouse/rubber recycling facility. The applicant proposes two structures at this location. Building #1 is proposed at 10,000 square feet, with Building #2 at 20,000 square feet. The applicant has stated that Building #1 will be used for commercial tire retreading and Building #2 for rubber re-processing/recycling. The project will not include long-term storage of rubber.

### SITE & VICINITY DESCRIPTION (see attached map)

The subject property is located at 2172 South 7200 West and north of SR-201. The property borders West Valley City to the east. The general area includes larger properties within the M-1, M-2, and A-20 zoning districts. The area is primarily used for industrial uses. The nearest residential zone in Magna is nearly  $\frac{3}{4}$  of a mile away.

### ISSUES OF CONCERN/PROPOSED MITIGATION

No specific issues of concern were raised during the conceptual review of this project.

## NEIGHBORHOOD RESPONSE

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Notice has been sent out to property owners within 300' of the property. No responses have been received as of the writing of this report.

## GENERAL PLAN

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### Future Land Use Considerations

*The area south of I-80 and north of SR-201 lies within the boundaries of the Inland Port. This is part of the North Industrial Catalytic Area identified in the Economic Development Element and presents an opportunity to increase employment, commercial activity and tax base in Magna. Development is anticipated to move south to north in this area as infrastructure is extended from SR-201 towards I-80.*

The subject property falls within Area 1 of the general plan. Area 1 includes everything north of SR-201. The area includes primarily industrial and commercial uses. The proposed buildings and uses are in conformance with the land use considerations of the General Plan.

## DEVELOPMENT STANDARDS

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Item	Standard	Compliance Verified
Lot size	N/A	N/A
Front Yard Setbacks	20'	Yes
Other Yard Setbacks	N/A	N/A
Coverage Restrictions	80%	Yes
Parking	1 spot per employee per shift	To be verified at Technical Review

## REVIEWING AGENCIES RESPONSE

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All reviewing agencies have granted conceptual approval for the project, but revisions and/or more information will be needed at the technical stage. For example, required parking spaces, outdoor lighting, landscaping and dumpster enclosure locations will be reviewed by the planning department.

Salt Lake County Engineering is recommending a 10-year delay agreement for the installation of curb, gutter, and sidewalk. This request is being processed through a separate land use application (#000344).

## PLANNING STAFF ANALYSIS

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The purpose of the M-2 zone is to provide areas in Magna for heavy industrial use. Specifically, Chapter 19.68 of the Magna Township Code of Ordinances includes allowed uses and lot restrictions for the M-2 zone.

**19.68.020 – M-2 Permitted Uses**

*Tire retreading and/or vulcanizing*

**19.68.030 – M-2 Conditional Uses**

*Manufacturing, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials: Bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fish, glass, hair, horn, leather, paper, paint, plastics, precious or semiprecious metals or stones, rubber, shell, straw, textiles, tobacco, wood or yarn*

**19.68.040 – M-2 Lot Area**

*Industrial developments over one acre shall follow the conditional use permit procedure pursuant to Section 19.84.020 of this title.*

Tire retreading is allowed as a permitted use in the M-2 Zone. However, due to the size of the property, the application must follow the conditional use permit procedure.

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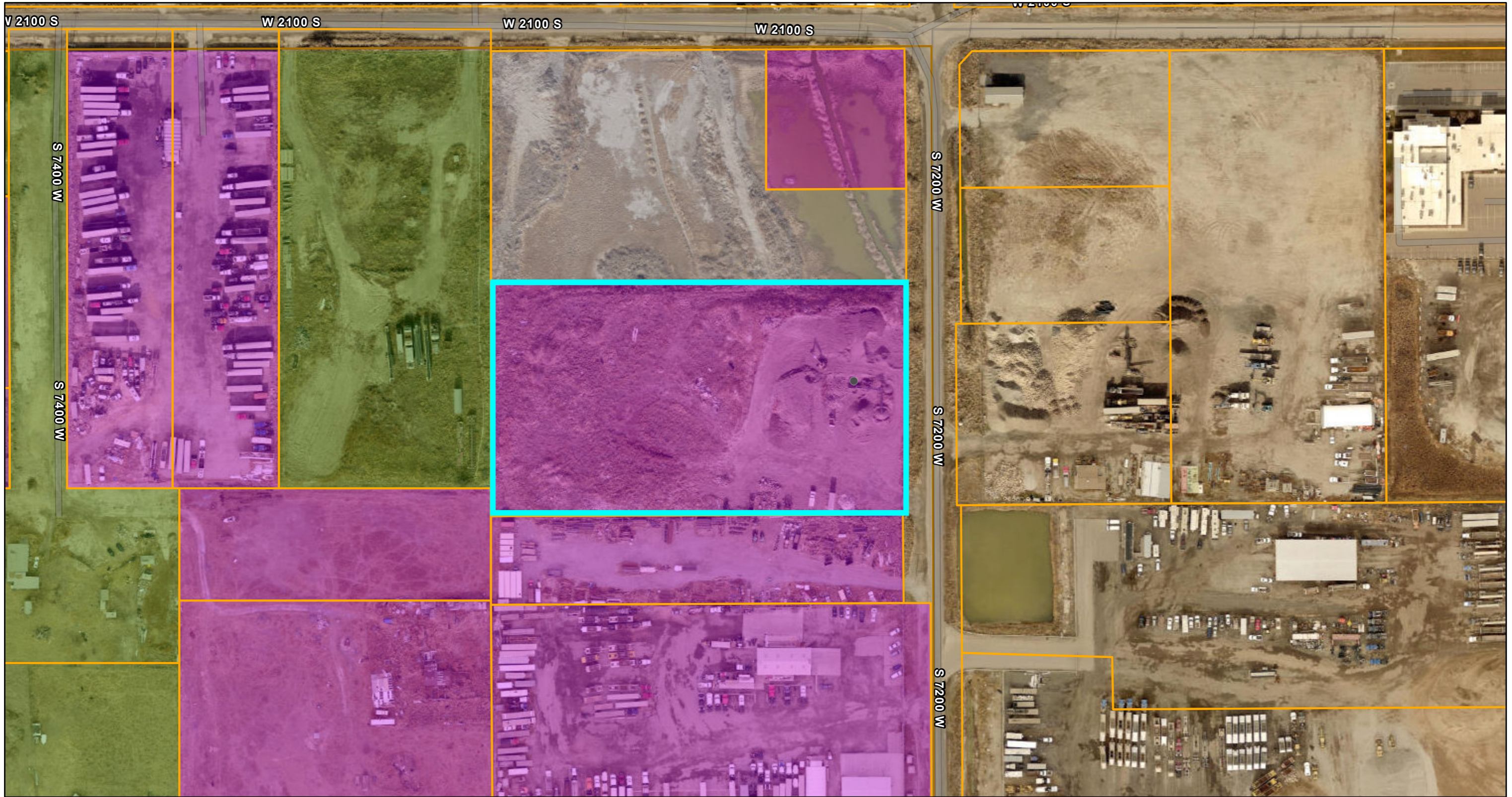
**PLANNING STAFF RECOMMENDATION**

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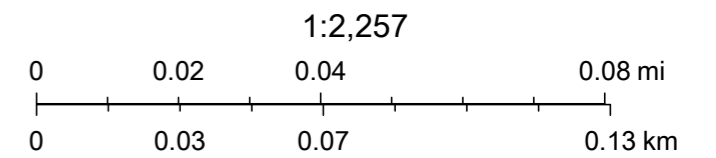
The MSD Planning Staff recommends that the Magna Planning Commission approve the Conditional Use Permit for the project with the following conditions:

1. That the applicant works with MSD staff and outside review agencies to correct any remaining issues with the plans that do not yet meet the policies or ordinances that they administer.
2. That the applicant complies with all development standards for the zone.
3. That the applicant obtains a building permit for the construction of each building.
4. That the applicant be required to post bonds for landscaping or other improvements prior to final approval.

# 2172 S 7200 W



September 1, 2021



Esri Community Maps Contributors, County of Salt Lake, Utah AGRC, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, Salt Lake County Assessor,







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File #000344

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## Exception Request Summary and Recommendation

**Public Body:** Magna Metro Township Planning Commission

**Meeting Date:** September 9, 2021

**Parcel ID:** 14-21-200-025-0000

**Current Zone:** M-2

**Property Address:** 2172 South 7200 West

**Request:** Exception Request for roadway improvements (curb, gutter, and sidewalk)

**Applicant Name:** David George

**MSD Planner:** Shad Cook

**MSD Planning Staff Recommendation:** Positive recommendation with conditions

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### PROJECT DESCRIPTION

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The applicant, David George, is requesting a waiver from roadway improvements for curb, gutter and sidewalk. This request is associated with a Conditional Use application at the same site.

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### SITE & VICINITY DESCRIPTION (see attached map)

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The subject property is located on 7200 West and North SR-201. The property borders West Valley City to the east. The general area includes large properties in the M-1, M-2, and A-20 zoning districts. The area is primarily used for industrial uses. There are no existing stormwater system improvements in the area.

## PLANNING STAFF ANALYSIS

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Planning Staff has received the following recommendation from Salt Lake County Engineering:

*It is the recommendation of Salt Lake County Public Works Engineering that a 10-year delay agreement be granted for the installation of curb, gutter, and sidewalk on 7200 West frontage; however, it is also recommended that the new comments from the pending review by the Engineering Division be followed which will include:*

- *The dedication of the previously identified right-of-way area*
- *The installation of roadway meeting the half-width requirements previously identified*
- *The regrading of the entire right-of-way area beyond the new roadway and installation of 4" (min) deep gravel in anticipation of the future improvements (curb, gutter, sidewalk, etc.)*
- *The gravel elevation of where the right-of-way ends and property line starts need to be the same elevation as proposed future right-of-way as designed.*

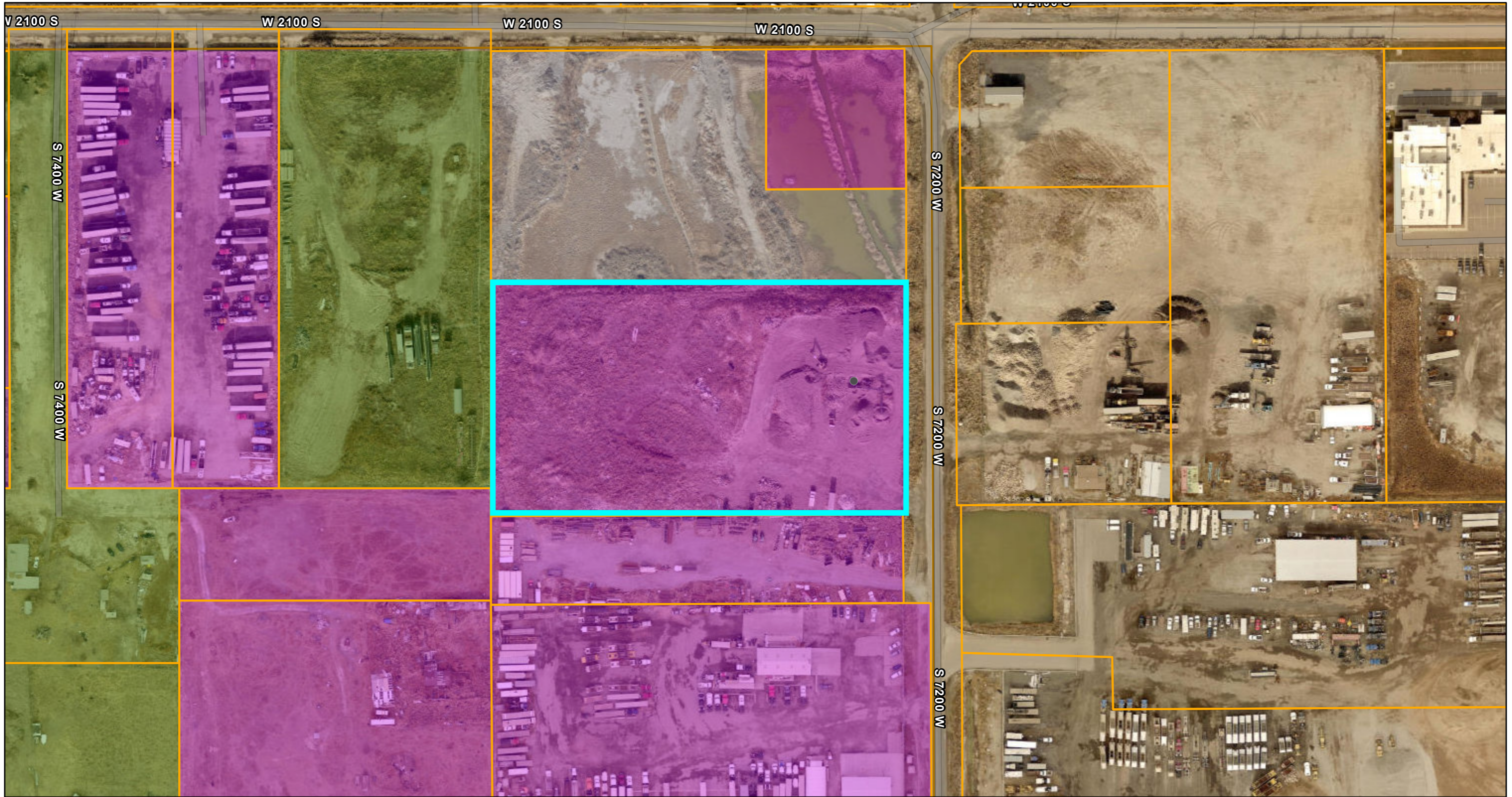
Due to the lack of an existing stormwater system in the area, and with the recommendation of Salt Lake County Engineering, MSD Planning Staff supports this exception request.

## PLANNING STAFF RECOMMENDATION

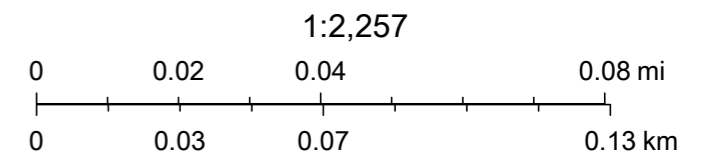
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The MSD Planning staff recommends that the Magna Metro Township Planning Commission forward a positive recommendation to the Magna Metro Mayor that the Exception Request for Roadway Improvements be approved with a 10-year delay agreement and including all additional review items as indicated by Salt Lake County Engineering.

# 2172 S 7200 W



September 1, 2021



Esri Community Maps Contributors, County of Salt Lake, Utah  
AGRC, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph,  
INCREMENT P, METI/NASA, USGS, Bureau of Land Management,  
EPA, NPS, US Census Bureau, USDA, Salt Lake County Assessor,





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File # REZ2021-000383

## Rezone Summary and Recommendation

**Public Body:** Magna Metro Township Planning Commission

**Meeting Date:** September 9, 2021

**Parcel ID:** 14-30-233-043-0000

**Current Zone:** R-1-6

**Proposed Zone:** R-1-5

**Property Address:** 2927 South 8850 West

**Request:** Rezone

**Applicant Name:** Gary Wilson, owner/applicant

**MSD Planner:** Molly Gaughran

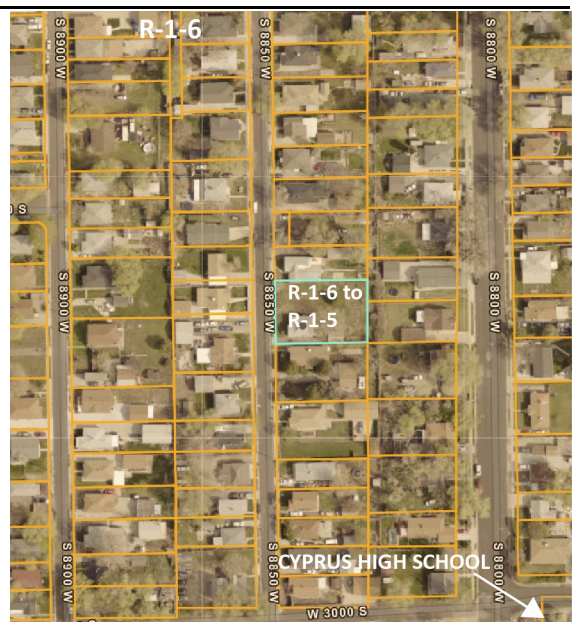
**MSD Planning Staff Recommendation:** Approval

### PROJECT DESCRIPTION

The applicant, Gary Wilson, is requesting a rezone for the subject property to allow for the future subdivision of the property into two single-family residential lots. The existing home on the property would remain. One additional single-family home is proposed.

### SITE & VICINITY DESCRIPTION (see attached map)

The subject property for the proposed rezone is located at 2927 South 8850 West, and fronts onto 8850 West. The property is 12,632 sq. ft. in size (0.29 acres). The neighborhood surrounding the subject property is zoned R-1-6.



## GENERAL PLAN CONSIDERATIONS

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This property is located in the Historic Neighborhoods Area, which has the highest residential neighborhood densities in the Municipality at approximately 7 dwelling units per acre. Future residential development opportunities are limited to possible development of the Cyprus High School site and limited infill opportunities. Future residential densities should be consistent with existing lot sizes and densities (General Plan, 2021, pg. 35).

### Neighborhood Stabilization Area (pg. 41)

The property is located in the “Old Magna” neighborhood, the community’s original neighborhood with the oldest housing and infrastructure, characterized by older homes on small lots.

Future Zoning Considerations:

- *Target Building Height: 1-2 Stories*
- *Target Maximum Density: 6 du/acre internal to area, 12 du/acre at Magna Main/8400 West node, 6 du/acre at existing Cyprus High School site*
- *Character: This area stretches beyond the Historic District but retains much of the same character with historic masonry structures and small lots. Lots increase in size and are structures are newer as you move south. This area also contains the old Cyprus High School Site which will be vacated in 2024 when the new Cyprus High School is completed in Little Valley Gateway. The neighborhoods in near the southern boundary of the area are established with a mixture of densities.*
- *Primary Uses: Mixed density residential, institutional*
- *Special Features and Considerations: Parking is limited within the historic areas which should be considered with new development. The location of the old Cyprus High School site is within a neighborhood which should be considered when determining a future use for the site.*

### Future Land Use Recommendations (pg. 38)

#### 4. Provide for infill and replacement housing:

- *Review current zoning and development provisions to ensure that infill and replacement housing is context sensitive*
- *Ensure zoning and development provisions ensure building mass, height, roof type and building materials are consistent with the surrounding neighborhood when the proposed project is located within an existing neighborhood*

## LAND USE CONSIDERATIONS

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Requirement	Existing R-1-6	Proposed R-1-5	Existing Parcel
Minimum Lot Area	6,000 sq. ft.	5,000 sq. ft.	Approx. 0.29 acres /12,632 sq. ft.
Minimum Lot Width	60 feet at a distance 25 feet from the front lot line	25 feet at a distance 20 feet from the front lot line	Approx. 91 feet
Front Yard Setback	25 feet	20 feet	
Rear Yard Setback	30 feet without a garage; 15 feet with a garage	20 feet without a garage; 15 feet with a garage	

Side Yard Setback	5 feet one side and 11 feet on the garage or driveway side or 8 feet on each side	5 feet unless attached to a dwelling on an adjacent lot	
Lot Coverage	No accessory building or group of accessory buildings shall cover more than twenty-five percent of the rear yard.	Same as R-1-6	
Building Height	35 feet	Same as R-1-6	
Single-family dwelling allowed	Allowed as a permitted use	Allowed as a conditional use	

Compatibility with existing buildings in terms of size, scale and height.	Yes.
Compliance with the General Plan.	Yes.

## ISSUES OF CONCERN/PROPOSED MITIGATION

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The Magna Planning Commission has expressed disfavor in previous public meetings regarding upzoning (increasing residential density) within old Magna. While rezoning the subject property could potentially reduce the lot width following a subdivision process, there is enough lot area existing to create two lots of approximately 6,000 square feet each. This is the current lot area requirement of the existing R-1-6 zone.

## NEIGHBORHOOD RESPONSE

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Notice has been sent out to property owners within 300' of this property. No response has been received as of the writing of this report.

## PLANNING STAFF ANALYSIS

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The potential increase in residential density is limited to one single-family home. In the existing neighborhood nearly, all homes are on 6,000 square foot lots and larger however, many are non-conforming as to the minimum lot width of 60 feet. While the R-1-5 zone would allow for a smaller lot size and a minimum width as small as 25 feet, the smallest potential lot that could be created from the subject property would be 5,000 sq. ft. in size and approximately 45 feet in width. This lot width would not be out of character for the neighborhood. Neighboring lots on the North and the West of the subject property are each only 50 feet wide. The most likely lot created from this property (with the existing house to remain) would be approximately 45 feet in width and 6,250 square feet in size.

Most homes on the block are also non-complying with regards to front yard setbacks in the R-1-6 zone. A new home complying with the R-1-5 setbacks listed in ordinance would not alter the character of existing front yard setbacks on the street.



## **PLANNING STAFF RECOMMENDATION**

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The MSD Planning Staff recommends that the Magna Planning Commission forward a positive recommendation to the Magna Township Council for the property located at 2927 South 8850 West subject to the following findings:

1. The proposed lot sizes will exceed 6,000 square feet in size.
2. The lot width will not be out of character for this neighborhood.
3. The recently adopted Magna General Plan encourages infill and replacement housing in viable locations.

**APPENDIX A. 2927 S 8850 W, Existing**



**Gary Wilson**

7/21/2021

Owner

801-541-9757

garywilsonrealestate@gmail.com

**Subject property:**

2927 S. 8850 W

Magna UT, 84044

Thank your for you review of my parcel # [14-30-233-043](#)

**Proposal;**

I am asking the City of Magna and Salt Lake County to allow a rezoning from R-1-6 to a R-1-5 on a existing vacant lot parcel that was subdivided prior to 1987.

The Subject property was originally (2) parcels therefore a subdivision should be authorized.

The current .29 acre parcel # [14-30-233-043](#) describes (2) old parcel legal descriptions of .15 acre vacant lot and .14 acres existing residence lot which were combined for tax purposes in 1987. The Salt Lake County Recorder's office shows the current (1) parcel with the old legal descriptions of .15 acre and .14 acre still reflected proving they were already subdivided. So, I was advised to pursue rezoning in order to build a single family home on the vacant old parcel (.15 acre, 47ft x149ft= 7003 sqft.)

I seeking to separate (Subdivide) the .29 acre parcel into their old original lot sizes as reflected on the SL County's office and build on the vacant lot that would fit in harmony with the existing 48 other homes of its same size.

**FACTS**

- Property has **(2) water meters**. One for each old parcel of .15 acre vacant lot and .14 acre resident lot
- Property has **(2) driveways** built into the cement curbing for both .15 acre lot and .14 acre lot.
- Property still has **(2) legal descriptions** recorded in SL County Recorders office
- There are 48+ homes that would match the proposed lot size on the same street
- D.R. Horton's new Development has built homes in 2021 that are 48ft wide frontage;(Violation of R-1-6 ordinance) If they are approved, then should I be approved also?
- Affordable housing is needed in area
- Residential home would generate tax income for city
- Vacant lot has been used as an eye sore with Trailers and weeds
- This is a better alternative to the space than current status quo.

Sincerely,

Gary Wilson



G R E A T E R   S A L T   L A K E

## Municipal Services District

To: Magna Planning Commission  
From: Travis Hair, MSD Planner  
Date: September 1, 2021  
Re: OAM2021-000273 - ADU Ordinance

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The Greater Salt Lake Municipal Services District (“MSD”) has prepared a proposed accessory dwelling unit (“ADU”) ordinance for consideration by the Magna Metro Township (“Magna”). This ordinance will also include regulation of internal accessory dwelling units (“IADU”) as mandated by state legislation. This memo outlines the mandatory substantive requirements to comply with state law, identifies areas where Magna retains discretion, and outlines requirements for detached ADUs.

The proposed ordinance satisfies the minimum statutory requirements while allowing Magna to retain as much regulatory authority as permitted under the new state law.

Generally speaking, any ordinance that conflicts with state law would be deemed invalid and no effect. Taking no action therefore could result in vacuum of regulation where property owners have more freedom with respect to IADUs than Magna may desire.

### 2021 Mandatory Requirements – Allowing Certain ADUs and Prohibiting Certain Municipal Regulation

2021 House Bill 82 (the “Bill”) was passed by the legislature and signed by the Governor in 2021. The effective date is May 5, 2021, and the deadline for establishing conforming ordinances under UCA 10-9a-530 is October 1, 2021.

The Bill requires “internal” ADUs (“IADUs”) to be permitted in any residential zone. An internal ADU is defined as an accessory dwelling unit created (i) within a primary dwelling, (ii) within the footprint of the primary dwelling ... at the time the internal accessory dwelling unit is created, and (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer in UCA Section 10-9a-530(1)(a).

The Bill allows Magna to regulate all IADUs to the extent that:

- Magna may identify up to 25% of the area of its residential zones where IADUs are prohibited.
- Magna may prohibit the installation of a separate utility meter.
- Magna may require that IADUs be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.

- Magna may require one additional on-site parking for an IADU – regardless of whether the primary dwelling is existing or newly-constructed.
- Magna may prohibit creation of IADUs if:
  - The property is served by a failing septic tank; and/or
  - The lot is 6,000 square feet or less.
- Magna may prohibit the rental of an IADU:
  - For a period of less than 30 consecutive days; and/or
  - If the primary dwelling is not occupied as the owner’s primary residence.

The proposed ordinance also requires:

- IADUs shall have a separate address marking for emergency services and mailing.
- Property owners must obtain a business license prior to renting an IADU.

#### Detached ADUs

In addition to those requirements and options outlined, the current draft also allows for detached ADUs so long as they meet requirements as well. While many of the requirements will remain the same, there are some additional requirements specifically for Detached ADUs. Those requirements include:

- 2 required parking spaced for detached units
- Detached ADUs only allowed on lots 12,000 square feet or greater or 6,000 square feet as approved by development agreement in a PC zone.
- Limited by height and lot coverage requirements.
- Height not taller than the existing home.
- Must be in the rear of the home not in front or side yards.

#### **Recommendation:**

Staff recommends that the Planning Commission recommend approval of the ADU ordinance to the Magna Council.

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Chapter 19.15 of the Magna Metro Township Code of Ordinances is enacted as follows in order to authorize accessory dwelling units in certain residential zones and to enact related regulations.

**19.15.010 Purpose.**

Magna Metro Township recognizes that Accessory Dwelling Units in single-family residential zones can be an important tool in the overall housing plan for Magna. The purposes of the Accessory Dwelling Unit standards of this code are to:

- A. Comply with State of Utah legislation which allows for Internal Accessory Dwelling Units generally and requires municipalities to adopt an ordinance if they wish to regulate certain requirements of the dwellings;
- B. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- C. Provide for affordable housing opportunities;
- D. Make housing units available to moderate income people who might otherwise have difficulty finding housing in Magna;
- E. Provide opportunities for additional income to offset rising housing costs;
- F. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;

- G. Preserve the character of single-family neighborhoods by providing standards governing development of Accessory Dwelling Units; and
- H. Ensure that Accessory Dwelling Units are properly regulated by requiring property owners to obtain a business license and a building permit for an ADU prior to renting the ADU.

**19.15.020 Definitions.**

“Accessory Dwelling Unit” (ADU) means a self-contained dwelling unit located on an owner-occupied property that is either incorporated within the single-family residence or in a detached building (detached ADU) and is further defined by this chapter and by Utah State Code.

“Internal Accessory Dwelling Unit” (IADU) 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 is created; and
- C. for the purpose of offering a long-term rental of 30 consecutive days or longer.

“Owner Occupancy” means a property where the property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, driver’s license, county assessor records or similar means.

“Primary Dwelling” means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record.

“Public Utility Easement” (PUE) means an area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.

**19.15.030 Allowed areas and zones.**

- a. IADUs shall be a permitted use on single family home lots in areas zoned primarily for residential use with a lot area of 6,000 square feet or greater, including R zones, A zones, , and the PC Zone. Detached ADUs are also permitted but may only be built on lots with an area of 12,000 square feet or greater, except that 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.
- b. In no case shall an ADU be permitted in a townhome, a multi-family PUD or other attached unit type, or on any lot that cannot satisfy parking, setback, or lot coverage requirements.

**19.15.040 Number of residents.**

ADUs shall not be occupied by more than one family.

**19.15.050 Setbacks.**

Setbacks on IADUs are the same as the setbacks for a single-family dwelling in the zone. Side yard setbacks on detached ADUs will be consistent with setbacks for a single-family dwelling in the zone. Rear yard setbacks on detached ADUs are a minimum of 10 feet. Detached ADUs must also be a minimum of 6 feet from the main dwelling. For detached ADUs, if existing PUEs are greater than the required setback, the minimum setback will be the PUE boundary.

**19.15.060 Parking requirements.**

In addition to the required parking for the existing home, the property owner must demonstrate that one (1) on-site parking space is available for an IADU, and that two (2) on-site parking spaces are available for a detached ADU. A property owner bears the burden of showing by a preponderance of the evidence that sufficient parking is available. In cases where garage conversions are done to create an IADU or detached ADU, replacement on-site parking spaces are



required for the primary dwelling in a number equal to the parking spaces eliminated by such ADU.

**19.15.070 Height requirements.**

Detached ADUs shall be no taller than the existing home.

**19.15.080 Lot coverage.**

Lot coverage maximums as outlined per each zone. Any additions to an existing building or construction of a detached ADU shall comply with Section 19.15.050 and except as provided in that section, shall not exceed the allowable lot or rear yard coverage standard for the underlying zone.

**19.15.090 – Owner occupancy.**

The principal unit or the ADU must have owner occupancy, except for medical, military service, or religious reasons for a time period of up to 2 years. If an absence is warranted due to the above reasons, an on-site manager shall be designated. The property owner may not receive rent for the unit that was occupied by the owner. An application for an ADU shall include evidence of owner occupancy.

**19.15.100 – Number of ADUs per lot.**

If one IADU on a lot exists, a detached ADU is not allowed.

**19.15.110 – ADU design standards.**

- A. An approved building permit is required for all ADUs before an ADU is constructed, and all other applicable provisions of this chapter and the Magna Metro Township Code must be met before an ADU can be rented. Existing non-compliant ADUs may come into compliance by receiving a permit and verifying existing work was done according to code.

- B. A building permit may not issue for an ADU until the applicant has provided written confirmation from the applicable water supplier that the ADU complies with all applicable water service requirements.
- C. The design and size of an ADU shall conform to all applicable building, fire, and health codes, including applicable water service requirements. The design and size of a detached ADU shall conform to these codes and any other applicable codes and a building permit.
- D. Detached ADUs shall have a permanent foundation on which they are built. Detached ADUs are not allowed to be built on a foundation with a basement, on piers, or on any temporary or wheeled structure.
- E. Conversions of an existing space to an ADU will require compliance with safety requirements per building code including, but not limited to, egress windows with window wells in case of emergency, and sufficient HVAC and climate control for the ADU.
- F. IADUs will not require a separate HVAC or firewall.
- G. Owner shall provide a separate address marking for emergency services and mailing services.
- H. Detached ADUs shall not be located in a front or corner lot side yard.
- I. Detached ADUs must be offset 10' or more from the front façade of the main dwelling.
- J. Any detached ADU shall have adequate facilities for all discharge from roof and other drainage.
- K. Single family residences with a detached ADU shall retain the same appearance as a single-family residence.

- L. An existing accessory building may be converted into an ADU provided that it meets the same ADU requirements in this chapter.

**19.15.120: Affidavit and Notice of Accessory Dwelling Unit.**

Applicants for ADUs shall provide an affidavit stating that the owner of the property will live in either the primary dwelling or ADU as their permanent residence. Upon approval of the ADU by the building official, and upon the issuance of a business license pursuant to Section 19.15.130, a Notice of Accessory Dwelling Unit including the affidavit shall be recorded against the property to provide notice to a future owner of the owner occupancy requirement for the ADU. Upon sale of the property, the new owner shall be required to sign and record a new affidavit and secure reauthorization of the ADU by the building and business license officials. A copy of the recorded notice will be provided to the applicant when completed.

**19.15.130: Business licensing.**

Prior to renting out any ADU, a business license must be obtained. That license must be maintained as long as the unit is rented out.

**19.15.140: Retention of single-family residence status**

- A. ADUs are part of a single-family residence and shall not be used as a multi-family residence.
- B. ADUs may not be separately metered apart from the single-family residence.
- C. ADUs may not be sold or subdivided separately from the single-family residence.

**19.15.150: Short-term rental use prohibited.**

Units approved as ADUs shall not be used as short-term rentals. Any rentals shall be made for 30 consecutive days or more.

**19.15.160 Variances.**

The land use hearing officer may grant variances to the standards of this chapter in accordance with section 19.92.040. The land use hearing officer may not grant a variance from Building Code requirements, owner occupancy provisions, square footage requirements, or the number of units allowed per lot.

SECTION III. This ordinance shall become effective fifteen days after its passage and upon publication of the ordinance, or a summary thereof on the Utah state noticing website.

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