



## Planning and Development Services

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

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

<https://msd.utah.gov/agendas/>

# Magna Planning Commission

## Public Meeting Agenda

**Thursday, June 9, 2022 6:30 P.M.**

### Location

Magna Webster Center  
8952 West Magna Main Street  
Magna, Utah

*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 May 12, 2022 Planning Commission Meeting Minutes. (Motion/Voting)
- 2) Other Business Items. (As Needed)

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

**CUP2022-000571** - Deana Rydalch is requesting conditional use approval of a commercial daycare within an existing building. **Location:** 9143 West Magna Main Street. **Zone:** C-3. **Planner:** Molly Gaughran (Motion/Voting)

**CUP2022-000600** - Anthony Trujillo is requesting conditional use approval for massage therapy service in an existing professional office building. **Location:** 3564 South 7200 West. **Zone:** C-2. **Planner:** Molly Gaughran (Motion/Voting)

### **PUBLIC HEARING(S)**

**OAM2022-000609** – This amendment would repeal and replace all of Title 19, Chapter 55 with a new Mixed-Use Zoning District for Magna's Downtown Historic District. The proposed change is in response to community requests for greater vibrancy and more responsive ordinances in the

downtown area. The language establishes use and design provisions tailored to the unique character of the downtown. **Presenter:** Kayla Mauldin (Motion/Voting)

**OAM2022-000543** – Amendment to Magna Municipal Code sections 19.69.030 and 19.69.120. A proposed amendment to Magna Municipal Code creating driveway length standards and a tiered density requirement for the Neighborhood Land Use District in the P-C Zone. **Presenter:** Brian Tucker (Motion/Voting)

**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. Surrebuttals 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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File # CUP2022-000571

# Conditional Use Request Summary

**Public Body** Magna Metro Township Planning Commission  
**Parcel ID** 14-30-211-002-0000; 14-30-211-001-0000  
**Property Address** 9145 West Magna Main Street  
**Request** Commercial Child Care/Daycare  
**Applicant** Deana Rydalch  
**Meeting Date** June 9, 2022  
**Current Zone** C-3

**MSD Planner** Molly Gaughran  
**Recommendation** Planning Commission approval with conditions

## PROJECT SUMMARY

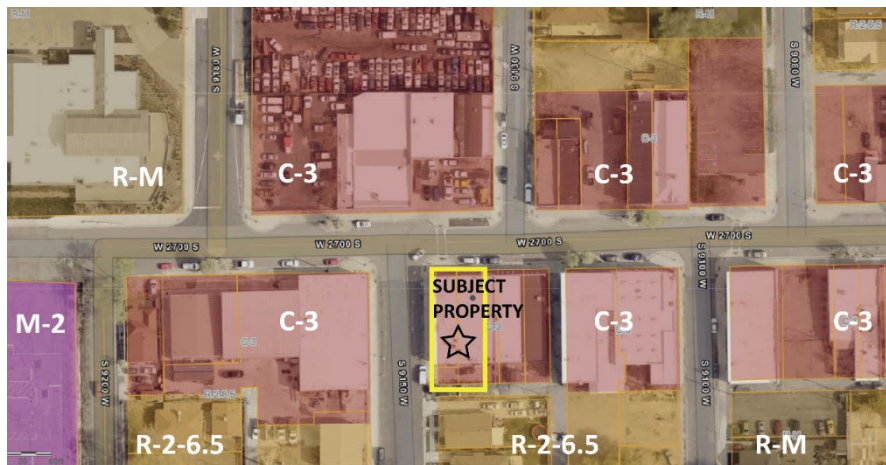
The applicant is requesting Conditional Use approval to allow for a commercial daycare to be located at 9143-9145 West Magna Main Street.

## SITE & ZONE DESCRIPTION (see included zoning map; Exhibit A—Floor Plan)

The property is located on Magna Main Street. The proposed daycare would be located within two suites of the existing building, 9143 and 9145 West Magna Main Street, with the business entrance located at 9143 West Magna Main Street. Although on separate parcels, the suites are connected on the interior of the building (see Exhibit A).

The property is zoned C-3 (Commercial), as are the surrounding properties located on Magna Main Street. Properties immediately north and south of Magna Main Street in this area are zoned R-2-6.5 (Medium-density residential), with a few properties zoned R-M (High-density residential). The suite abutting the east side of Ms. Rydalch's suite is a retail gift shop, Utah Crystal Sanctuary.

The size of the property for the entire building is approximately 0.15 acres. The floor area for the proposed daycare is approximately 3440 square feet.



*Zone of properties neighboring 9143–9145 West Magna Main Street.*



*Street view of 9143–9145 West Magna Main Street.*

## LAND USE CONSIDERATIONS

Land Use considerations for this application include compliance with the regulations of the C-3 zone and the Conditional Use standards. Criteria and Findings for Conditional Use Approval are as follows:

### **19.84.060 Standards For Approval**

Prior to approval, all conditional uses and accompanying site development plans must be found to conform to the following standards:

Standard: The proposed site development plan shall comply with all applicable provisions of the zoning ordinance, including parking, building setbacks, and building height.

Finding: No changes to the exterior walls of the existing building are proposed with this application. The MSD staff finds the property complies or legally non-complies with the zoning ordinance. On April 14, 2005, Magna Township Planning Commission adopted a resolution that sets no minimum parking requirement for commercial uses located in the C-3 zone on the west-end of Magna Main Street (see Exhibit B).

Standard: The proposed use and site development plan shall comply with all other applicable laws and ordinances.

Finding: The proposed use complies with applicable laws and ordinances.

Standard: The proposed use and site development plan shall not present a serious traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the capacity identified by the county transportation master plan.

Finding: The MSD staff finds the proposed use does not present a serious traffic hazard or serious traffic increase.

Standard: The proposed use and site development plan shall not pose a serious threat to the safety of persons who will work on, reside on, or visit the property nor pose a serious threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.

Finding: The proposed use and site development plan shall be required to obtain the applicable building permits through the Municipal Services District Planning and Development Services office, and is otherwise found to comply with the standard.

Standard: The proposed use and site development plan shall not adversely impact properties in the vicinity of the site through lack of compatibility with nearby buildings in terms of size, scale, height, or noncompliance with community general plan standards.

Finding: The proposed use is compatible with uses allowed in the C-3 zoned and the uses existing on nearby properties.

## **GENERAL PLAN CONSIDERATIONS**

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The Magna General Plan (2021) designates the area this property is located in as the Historic Preservation Area and this part of Magna Main Street as a Catalytic Area. Future considerations for this Catalytic Area include historic building preservation and small business recruitment. This proposal is found to comply with the Magna General Plan.

## **AGENCY REVIEW/ISSUES OF CONCERN**

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All agency reviewers have given an “ok” to the conceptual review. The only concern is about whether the applicant can meet the building code requirements for a change of occupancy to a daycare. The building official has accepted the conceptual review with the following conditions of approval:

1. A building permit is required and must be obtained for the change of occupancy and all remodeling being done to the building.

2. The change of occupancy of the building requires the building to meet current code for the new occupancy (daycare). The specific occupancy classification will depend on the occupant load and the number of potential clients served at the facility.
3. At the time of the building permit application, provide architectural analysis of the building and the floor plans of the building showing current layout and proposed changes to comply with the IBC and the IEBC for a change of occupancy including exiting, accessibility, bathrooms, life safety requirements, and any fire wall assemblies required, etc.
4. This is not a complete list, but some items to note based on the information provided to this point:
  - a. Depending on the age of the children, a fire sprinkler system may be required without each classroom having a door directly to the exterior of the building.
  - b. Depending on the new occupant load vs. the existing occupant load, a seismic analysis may be required for the building and it may need to meet current seismic requirements. See section 1006.3 of the Utah State amendments to the IEBC.
  - c. Clarify/verify on plans accessibility requirements and sufficient fixtures for bathrooms.
  - d. Just to clarify. This is not a full list. Plan review for building code compliance will be done under the building permit process.

The applicant will also need to work with the Salt Lake County Health Department to determine if the kitchen will require plan review or permitting with their department.

#### **PLANNING STAFF ANALYSIS**

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MSD Staff has reviewed the application and found that the development proposal with staff recommendations is consistent with surrounding land uses and the general plan considerations. Full compliance with required ordinances and policies will be verified through the subsequent technical review process before issuance of the Land Use permit, and furthermore through the building permit review and inspection process. Staff finds that the plan meets, or will meet with conditions, all required standards of the ordinance necessary for preliminary approval by the Planning Commission.

#### **PLANNING STAFF RECOMMENDATION**

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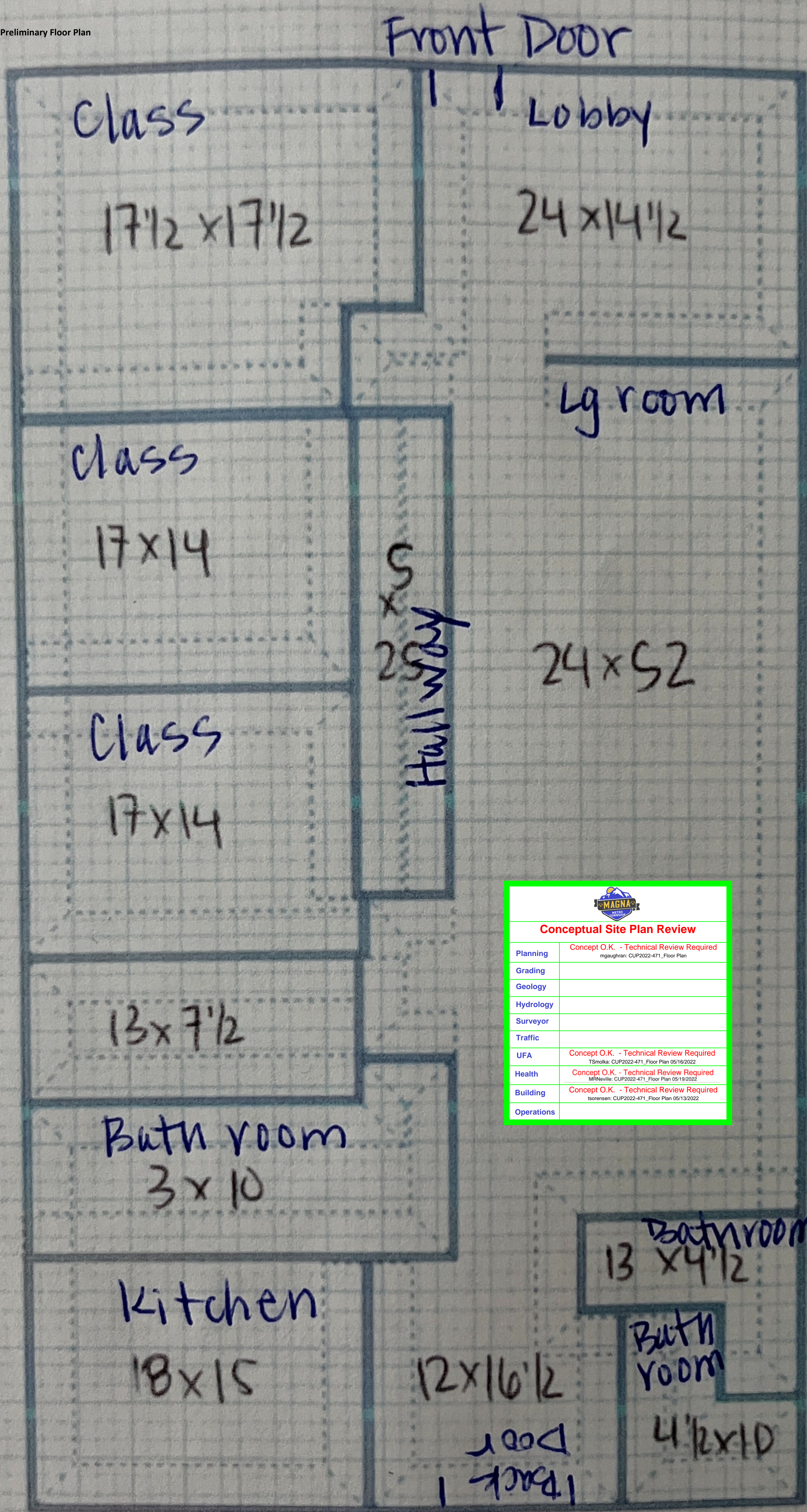
**Based on the findings stated above, the MSD Planning Staff recommends that the Magna Metro Township Planning Commission grant approval for a Conditional Use for a commercial daycare with the following conditions:**

1. **The applicant complies with all of the requirements that the Building Official has listed as conditions of Building Plan Review approval.**
2. **The applicant shall comply with all requirements from other reviewing agencies prior to final approval.**
3. **A building permit is required for the change of occupancy.**
4. **A business license shall be required to operate.**
5. **No signs are approved with this permit. Signs will require a separate building permit and staff review for zoning compliance.**

#### Attachments

A. Floor Plan. B. Planning Commission Resolution (2005).





	
Conceptual Site Plan Review	
Planning	Concept O.K. - Technical Review Required <small>mgaughtran: CUP2022-471_Floor Plan</small>
Grading	
Geology	
Hydrology	
Surveyor	
Traffic	
UFA	Concept O.K. - Technical Review Required <small>TSmolka: CUP2022-471_Floor Plan 05/16/2022</small>
Health	Concept O.K. - Technical Review Required <small>MRNeville: CUP2022-471_Floor Plan 05/19/2022</small>
Building	Concept O.K. - Technical Review Required <small>Isorensen: CUP2022-471_Floor Plan 05/13/2022</small>
Operations	



**RESOLUTION OF THE  
MAGNA TOWNSHIP PLANNING COMMISSION**

**MAGNA TOWNSHIP PLANNING COMMISSION'S  
STATEMENT OF INTENT CONCERNING  
DEVELOPMENT REVIEW OF PARKING REQUIREMENTS  
IN THE MAGNA  
WEST MAIN STREET REDEVELOPMENT PROJECT AREA**

**WHEREAS**, Utah law requires that each county planning commission or township planning commission prepare and recommend to the Salt Lake County Council as the county legislative body a county general plan to guide the development of the respective counties within the state of Utah; and,

**WHEREAS**, Utah law provides that a county planning commission or township planning commission may **amend, extend, or add to the county general plan**; and,

**WHEREAS**, The County Mayor, the Magna Township Planning Commission, and Salt Lake County Planning and Development Services Division have recognized the need to engage in a proactive community process to prepare for quality facilities and development in the Magna Township; and,

**WHEREAS**, the current comprehensive General Plans of Magna Township serve as a roadmap for the future by establishing goals, objectives, and implementing policies to direct growth responsibly, solve problems, and improve the quality of life for current and future residents; and,

**WHEREAS**, the Magna Township Planning Commission reviewed and supported Off-street Parking Requirements Ordinance No. 1547 adopted by Salt Lake County on January 25, 2005; and,

**WHEREAS**, the Magna Township Planning Commission has decided, after careful review and discussion, to implement the Off-street Parking Requirements Ordinance No. 1547 Section 19.80.090 Planning Commission Exceptions in the Magna West Main Street Redevelopment Project Area; and,

**WHEREAS**, the Magna Township Planning Commission recognize that the existing structures and lots in the Magna West Main Street Redevelopment Project Area were created without required parking, and the minimum current parking requirements should not prevent the renovation, redevelopment, historic conservation, and economic investment in any building or lot in the Magna West Main Street Redevelopment Project Area; and,

**WHEREAS,** the Magna Township Planning Commission respectfully requests the Planning and Development Services Division to implement in the site plan review process the following parking requirement: No minimum parking requirement will be applied on parcels within the Magna West Main Street Project Area and all parking provided will meet the current design standards and other requirements of the Off-street Parking Requirements Ordinance No. 1547; and,

**WHEREAS,** the Magna Township Planning Commission, composed of persons residing within the Magna Township have acted as the advisory and decision making body representing the long range planning interests of the community concerning land use, and zoning decisions and equally as important to transportation-parking management, the establishment of transportation right of ways through development, redevelopment, and subdivision projects; and,

**WHEREAS,** The Magna Township Planning Commission, has reviewed and experienced their existing redevelopment problems, needs and potential, and recognizes that this resolution will promote coordinated and comprehensive approach to Magna Main Street redevelopment decisions; and,

**WHEREAS,** the Magna Township Planning Commission recognizes that a strong working relationship with the County Redevelopment Authority will provide the opportunity to reinvest, create jobs and establish a strong business district in the Magna West Main Street Project Area; and,

**WHEREAS,** pursuant to the requirements of Utah Code Annotated 17-27-303 open public hearings have been held before the Magna Township Planning Commission concerning the approval of a resolution:

**NOW THEREFORE, IT IS HEREBY RESOLVED:**

1. The Magna Township Planning Commission recognize that the existing structures and lots in the West Main Street Redevelopment Project Area were created without required parking, and the minimum current parking requirement should not prevent the renovation, redevelopment, historic conservation, change in uses and economic investment in any building or lot in the West Main Street Project Area.
2. The Magna Township Planning Commission request the Planning and Development Services Division implement in the site plan review process the following parking requirement: No minimum parking requirement will be applied on parcels with the West Main Street Project Area in Magna and all parking provided will meet the

current design standards and all other requirements of the Off-street Parking Requirements Ordinance No. 1547.

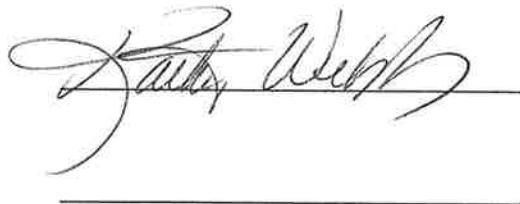
APPROVED AND ADOPTED this 14<sup>th</sup> day of April, <sup>2005 G.S.</sup> ~~2004~~.

MAGNA TOWNSHIP PLANNING COMMISSION

By



Chairman



**Planning and Development Services**

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

[www.msd.utah.gov](http://www.msd.utah.gov)**File # CUP2022-000600**

## Conditional Use Request Summary

<b>Public Body</b>	Magna Metro Township Planning Commission
<b>Parcel ID</b>	14-33-228-018-0000
<b>Property Address</b>	3564 South 7200 West
<b>Request</b>	Massage therapist office
<b>Applicant</b>	Anthony Trujillo
<b>Meeting Date</b>	June 9, 2022
<b>Current Zone</b>	C-2
<b>MSD Planner</b>	Molly Gaughran
<b>Recommendation</b>	Approval

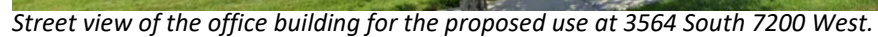
### PROJECT SUMMARY

The applicant is requesting Conditional Use approval for a small massage therapy office proposed to be located at 3564 South 7200 West, a professional office building. This is a change of use from a permitted use (dental or medical office) to a conditional use (massage).

### SITE & ZONE DESCRIPTION (see included zoning map)

The address for the proposed use is 3564 South 7200 West. The size of the property is approximately 0.58 acres. The site has an existing building with office suites—the suite for the proposed massage use is approximately 488 square feet in area.

The property is located within the C-2 commercial zone. Properties in the nearby vicinity are zoned C-2 commercial and R-2-6.5 medium density residential. The properties across 7200 West are in West Valley City jurisdiction.



## LAND USE CONSIDERATIONS

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Land Use considerations for this application include determining compliance with the regulations of the C-2 zone and the Conditional Use standards. There are no changes to the site or building design proposed with this application, and the existing site is found to comply with the lot area, lot width, setback, building height, and lot coverage regulations of the C-2 commercial zone.

Criteria and Findings for Conditional Use Approval are as follows:

### 19.84.060 Standards For Approval

Standard: The proposed site development plan shall comply with all applicable provisions of the zoning ordinance, including parking, building setbacks, and building height.

Finding: No changes to the exterior walls of the existing building are proposed with this application. The MSD staff finds the proposal to comply with other applicable provisions of the zoning ordinance.

Standard: The proposed use and site development plan shall comply with all other applicable laws and ordinances.

Finding: The proposed use complies with applicable laws and ordinances. State licensing requirements for massage therapists shall be verified during the business licensing process.

Standard: The proposed use and site development plan shall not present a serious traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the capacity identified by the county transportation master plan.

Finding: The proposed use is found to not present a serious traffic hazard or serious traffic increase. The nature of the use is low-impact relative to the uses allowed in the C-2 commercial zone.

Standard: The proposed use and site development plan shall not pose a serious threat to the safety of persons who will work on, reside on, or visit the property nor pose a serious threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.

Finding: The proposed use is found to comply with the standard.

Standard: The proposed use and site development plan shall not adversely impact properties in the vicinity of the site through lack of compatibility with nearby buildings in terms of size, scale, height, or noncompliance with community general plan standards.

Finding: The proposed use is found to be compatible with nearby buildings and community general plan standards.

## GENERAL PLAN CONSIDERATIONS

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The Magna General Plan (2021) designates the area this property is located in as the Southeast Neighborhoods Area (pages 30-31) and the nearby intersection of 3500 South and 7200 West as a secondary commercial node. The future land use considerations for this commercial node identify the area as a Catalytic Opportunity for Magna “to capture additional retail spending, provide additional neighborhood and community focused services” (page 31). The proposed use is found to comply with the General Plan.



## **ISSUES OF CONCERN/PROPOSED MITIGATION**

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No issues of concern are identified at this time.

## **PLANNING STAFF ANALYSIS**

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MSD Staff has reviewed the application and found that the development proposal with staff recommendations is consistent with surrounding land uses and the general plan considerations. Full compliance with required ordinances and policies will be verified through the subsequent technical review process before issuance of the Land Use permit. Staff finds that the plan meets, or will meet with conditions, all required standards of the ordinance necessary for preliminary approval by the Planning Commission.

## **PLANNING STAFF RECOMMENDATION**

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**Based on the findings stated above, the MSD Planning Staff recommends that the Magna Metro Township Planning Commission grant Preliminary Approval for a Conditional Use for a Massage Therapy Office with the following conditions:**

- 1. A business license shall be required to operate.**
- 2. Signs and accessory structures require separate building permits and staff review for zoning and land use compliance.**





GREATER SALT LAKE  
**Municipal Services  
District**

**Planning and Development Services**

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File # OAM2022-000609

## **Ordinance Amendment Summary and Recommendation**

<b>Public Body:</b>	<b>Magna Metro Township Planning Commission</b>
<b>Meeting Date:</b>	<b>June 9, 2022</b>
<b>Proposal:</b>	<b>This amendment would repeal and replace all of Title 19, Chapter 55 with a new Mixed-Use Zoning District for Magna's Downtown Historic District. The proposed change is in response to community requests for greater vibrancy and more responsive ordinances in the downtown area. The language establishes use and design provisions tailored to the unique character of the downtown.</b>
<b>Planner:</b>	<b>Kayla Mauldin, Senior Long Range Planner</b>
<b>Recommendation:</b>	<b>Recommend approval of the proposed ordinance to the Magna Metro Township Council</b>

### **BACKGROUND & DESCRIPTION OF THE PROBLEM**

When Magna Metro Township incorporated as a municipality, the Salt Lake County Subdivision and Zoning Ordinances, along with the applicable portions of the Official Zoning Map, were adopted in order to ensure continuity during the transition. These codes had been written with the entire Unincorporated County in mind and were not specific to Magna. Among the many incongruities, Historic Magna Main Street, with its traditional downtown building pattern, was zoned C-3, a generic commercial zone geared to a suburban, auto-dependent development pattern.

Development created using the C-3 Zone is not compatible with the historic development pattern. A building created under the current Zone could be up to six stories (or 75 feet) tall, even though the historic buildings on Main Street are no taller than three stories. On a corner lot, the C-3 side yard setback requirements for the part of the structure facing a public street are twenty feet, which would result in a building footprint that does not currently exist in the downtown area. On Magna Main Street there are existing buildings with commercial uses on the ground

floor and residential uses on the upper floor; yet these historic and desired mixed-use buildings are not allowed in the existing C-3 zone. Residential buildings, even multi-family structures, have front, side and rear setbacks that are not typical of the historic development pattern. Uses that are not typical of historic downtowns, such as lumber yards, used car lots, fish hatcheries and golf courses are all allowed in the C-3 zone.

After adopting their General Plan in 2021, staff and elected officials intended for a supplementary Magna Historic District Plan to be created. It was originally anticipated that a Downtown Historic Zoning District would be created after the development of such a plan. However, development pressure is extremely high along the Wasatch Front and several developers have shown interest in parcels within the Historic District. If a developer were to build to the existing C-3 zone, the outcome would be a project that does not fit the community's vision for Downtown Magna.

Recognizing that an amendment to the zoning is needed before the Historic District Plan can be officially adopted in 2023, the Magna Council has requested, and MSD Planning Staff are proposing, a Downtown Historic Mixed-Use Zoning District created specifically for Magna's unique context. The proposed ordinance amendment establishes basic use and design standards to facilitate a healthy downtown. However, once the Historic District Plan is completed, staff will revisit this ordinance and work with the community on any revisions or expanded design guidelines necessitated by the Plan.

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#### DESCRIPTION OF THE PROPOSED ORDINANCE

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The proposed Downtown Historic (DH) Zone intends to promote development compatible with those uses and buildings that make up Magna's existing and envisioned downtown. The new chapter prohibits incompatible uses currently allowed under the C-3 Zone, such as outdoor chemical toilet rental, impound lots, and motorboat sales. Other antiquated uses such as oil burner shops and five and ten cent stores, along with perfectly modern uses such as bakeries and print shops have been combined into use categories such as 'Retail' and 'Personal Care Services'. These categories of uses include existing commercial uses and respond to existing and future technologies in a way that the previous ordinance (which included bookbinders) did not. The uses included in the proposed DH Zone have been specifically chosen as those that are typical of smaller commercial buildings with a compact, walkable environment. *The Schedule of Permitted Uses can be found in 19.55.030 of the draft ordinance (Exhibit A).*

In addition to presenting uses as permitted, conditional or prohibited, the code establishes special provisions where applicable that are unique to those uses. The conditions are intended to ensure compatibility with surrounding uses as well as guide real estate professionals, future tenants, and landowners in choosing tenant spaces appropriate for proposed uses. The special conditions (see section 19.55.040) also allow some uses that would have otherwise been administered through Conditional Use Permits to be reviewed instead through the simpler Permitted Use process.

The development standards in the proposed mixed-use ordinance were written to ensure that new construction in Magna's Historic Downtown is compatible with existing building footprints. The ordinance is written to allow heights from one to three stories, in the 15- to 45-foot range. Transparency requirements, a measure of the percentage of a façade that allows light to pass through (i.e. glass), are intended to mirror those found in existing buildings that contribute to Magna's Historic District designation; traditional buildings typically feature 70% transparency on the ground floor, and 20% on upper stories. In order to encourage foot traffic, ground floor entries are required to be no more than 55 feet apart and entries are required on the corners of buildings located on corner lots. Front and side setbacks encourage buildings to be built as they traditionally were in downtown areas, with little to no front setback and in most cases with zero side setback. It is important to note that the drafted ordinance includes an exception for historic district contributing buildings (see 19.55.050). Although staff have drafted development standards in the proposed chapter with the intent of maintaining consistency with the existing Main Street and facilitating downtown vibrancy, they recognize that there may be instances in which flexibility is needed to protect Magna's recognized historic buildings. No part of this drafted ordinance should result in Magna's Historic District designation being impaired.

Staff is not currently proposing a rezone of the entire Magna Main Street. This proposed ordinance is merely a first step, which establishes a mixed-use zoning district to better serve the community's needs. If established, this DH zone would be available for developers to request through the Rezone Application (with the zoning applying only to the specific property for which the rezone was approved). In the future, the Planning Commission or Council may request that staff work on a larger zoning map amendment. That process will require significant engagement with existing property owners in the Main Street area.

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#### **PUBLIC NOTICE AND COMMENT**

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Public notice was provided in accordance with Utah Code 10-9a-205. Public notice was mailed to affected entities on May 26, 2022. Notice was also posted on the Utah Public Notice Website at least 10 days prior to the public hearing. No public comment has been received as of the writing of this report.

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#### **REVIEW PROCEDURE AND CRITERIA**

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The Magna Metro Township Council is the land use authority for zoning ordinance amendments. The Metro Township Council cannot amend zoning ordinances without first submitting the proposed amendment to the Magna Metro Township Planning Commission for the Commission's recommendation. The Planning Commission must hold a public hearing and review and recommend an action to the Council; the Commission may recommend adoption, adoption with revisions, or not recommend adoption as they see fit. Following the Planning Commission's recommendation, the Council must hold a public *meeting*, at which they may adopt, adopt with revisions, or reject the ordinance amendment recommended by the Planning Commission.

An ordinance amendment can be adopted by the Council if it is reasonably debatable that the decision could promote the public welfare. It is not necessary to show that the decision actually promotes the public welfare, or is the best alternative, as long as it is reasonably debatable that the public could benefit from the decision.

Staff are recommending that existing Title 19, Chapter 55 be repealed and replaced with the proposed language provided in Exhibit A.

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#### PLANNING COMMISSION ACTIONS

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The Planning Commission has three options with respect to the proposed ordinance amendment:

- Option 1: Recommend that the Council adopt the ordinance amendment as proposed; or
- Option 2: Recommend that the Council adopt the ordinance amendment with revisions; or
- Option 3: Recommend that the Council deny the ordinance amendment.

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#### PLANNING STAFF RECOMMENDATION

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Staff recommends that the Planning Commission recommend approval of the ordinance amendment as drafted. Staff have reviewed the drafted ordinance and found the following:

- The drafted language reflects the vision of the General Plan as adopted;
- The drafted language is consistent with feedback received from elected officials and the community, including feedback received from the Magna Main Street Working Group on May 23<sup>rd</sup> (see Exhibit B);
- The drafted language does not create a plethora of non-conforming uses; and
- The drafted language simplifies application processes and is easier for the user to understand than the previous C-3 Zone.

#### Attachments:

Exhibit A: *Drafted Chapter 19.55 – DH Mixed-Use Zone.*

Exhibit B: *Presentation given to the Magna Main Street Working Group on May 23<sup>rd</sup>, 2022.*

## CHAPTER 19.55 DH MIXED-USE ZONE

### 19.55.010 – Purpose of Provisions.

This Chapter is intended to define the character of Magna's Downtown Historic District (DH) Mixed-Use Zone. The DH Zone implements the vision identified in the Magna General Plan (2021) for the Historic Preservation Future Land Use Area. The DH Zone is intended for application only in the historic blocks of Magna's Main Street.

### 19.55.020 – Establishment of Mixed-Use Zoning Districts.

1. Establishment of Mixed-Use Zoning Districts: In order to anticipate and respond to the changing needs of our community and implement mixed-use and livability concepts included in the adopted General Plan, the following zoning district is established:
  1. *Downtown Historic District (DH)*: The DH district is intended to promote a dense mixture of uses consistent with the district's historic role in Magna. Emphasis is placed on entertainment, theaters, restaurants, retail, and specialty shops. Medium-density residential and office infill on upper floors is encouraged, as is the continued presence of the library, museum, senior center, and supporting uses.

### 19.55.030 – Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code.
- B. Special Conditions. A number in a cell particular to a use indicates that special provisions or conditions apply to the use category for this zone. The conditions follow the schedule of uses, in Section 19.55.040.
- C. Procedure for Multiple Uses (Combination of Uses). Where a development proposal involves a combination of uses other than accessory uses, the more restrictive provisions of this Code shall apply. For example, if a portion of a development is subject to Conditional Use ("CU") approval and the other portion is subject only to Permitted Use ("P") review, the entire development shall be reviewed utilizing the Conditional Use process.
- D. Abbreviations. The abbreviations used in the schedule have the following meanings:
  1. *P = Permitted Use*. These uses are allowed in the zoning district but may be subject to restrictions and approval processes as provided in this Title.
  2. *CU = Conditional Use*. These are land uses that, because of their unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas of the zoning district, or may be compatible only if certain conditions are required that mitigate the detrimental impacts. The Planning Commission is the approval authority for uses with this designation.
  3. *X = Prohibited Use*. These uses are not allowed in this zoning district. Uses not specifically permitted herein are prohibited.

Use Categories	DH
<u>Residential:</u> <sup>A</sup>	
Accessory Buildings, Garages, Carports, and Structures subject to 19.76.	P
Accessory Dwelling Unit, Detached or Internal	X
Dwelling, Multiple Family	P
Dwelling, Single Family <sup>B</sup>	X
Dwelling, Three- and Four-Family	P
Dwelling, Two-Family (Duplex)	P
Educational Facility with Residential Accommodation	X
<u>Commercial:</u>	
Animal Hospital or Clinic <sup>D</sup>	C
Bank, Credit Union, or Other Financial Institution	P
Bed and Breakfast	P
Breweries and Distilleries, with or without restaurant	P
Car and Light Truck Wash	X
Child or Adult Care Facility	P
Commercial Recreation and Entertainment, Indoor	P
Community Garden	P
Drive-Thru and Drive-Up Facilities <sup>H</sup>	X
Food Truck, Mobile Restaurant, Food Cart	P
Mortuary or Funeral Home	P
Hotel	P
Laundry Cleaning, Automatic Self-Help	P
Laundry Cleaning Drop-Off	P
Liquor and/or Wine Store	X
Medical, Urgent Care and Dental Clinic	P
Mobile Store	P
Offices – General, Professional, and Trade Services	P
Outdoor Recreation, Small Scale	X
Personal Care Services	P
Personal Instruction Services	P
Post Office	P

Private Bar or Club	P
Reception Hall, Reception Center	P
Restaurant, Sit Down with or without Alcohol	P
Retail Sales <sup>G</sup>	P
Retail Shops or Galleries where Primary Product is Produced On-Site <sup>E</sup>	C
Self-Service Gas Station, with or without Convenience Store	X
Shopping Center	X
Sidewalk Displays and Sidewalk Cafes <sup>F</sup>	C
Theatres and Concert Halls (Indoor)	P
<u>Industrial:</u>	
Light or Heavy Industry <sup>C</sup>	X
<u>Other:</u>	
Educational Facility	P
Public or Quasi-Public Use	P
Park and Ride	X
Parking Lot (not associated with other use)	X
Public Park	P

#### 19.55.040 – Schedule of Uses, Special Conditions.

A. Residential Uses: In the DH District, residential uses are limited as follows.

1. *Units above a business*: Residential dwelling units on the second story or above are permitted.
2. *Units behind a business*: Residential dwelling units on the first story that are separated from the front lot line by a non-residential use in the same story are permitted.
3. *Units attached to a business on a multiple frontage lot*: in no case shall first-story dwelling units face onto a front lot line.
4. In the DH District, no standalone residential uses shall occur. Any residential use shall be combined with a non-residential use.

B. Dwelling Units (Existing): Single-family units, Dwelling Groups, and Mobile Homes built before \_\_\_\_\_, may remain as a permitted use in the DH Zoning District without being nonconforming.

- C. Light Industry, Mechanical Repair (Existing): Light Industry and Mechanical Repair uses, including Auto Repair uses, built before \_\_\_\_\_, may remain as a permitted use in the DH Zoning District without being nonconforming.
- D. Animal Hospital or Clinic: In addition to complying with all provisions of Chapter 19.84, the following shall apply.
1. Animal Hospitals or Clinics shall not be established within three hundred (300) feet of an existing residential use as measured at the closest property lines.
  2. The applicant shall demonstrate that noise, odors, traffic, light pollution, and refuse produced by the use can be reasonably mitigated.
- E. Retail Shops or Galleries where Primary Product is Produced On-Site: In addition to complying with all provisions of Chapter 19.84, the following shall apply.
1. The applicant shall demonstrate that noise, odors, traffic, light pollution, and refuse produced by the use shall be reasonably mitigated.
  2. Storage of products shall not block front windows nor spill outdoors onto the property.
- F. Sidewalk Displays and Sidewalk Cafes: In addition to complying with all provisions of Chapter 19.84, the following shall apply.
1. The applicant shall demonstrate that the sidewalk display or café provides adequate space for the safe and comfortable circulation of pedestrians and other users of the right-of-way.
  2. Sidewalk displays and cafes may only be in operation from 8am to 10pm daily.
  3. Sidewalk display and café materials shall be temporary in nature, and the property owner shall move materials inside at the end of each business day.
- G. Retail Sales, Size Limitations: A building used for retail sales in the DH Mixed-Use District shall not exceed 25,000 square feet.
- H. Drive-Thru and Drive-Up Facilities (Existing): Drive-Thru and Drive-Up Facilities built before \_\_\_\_\_, may remain as a permitted use in the DH Zoning District without being nonconforming.



**19.55.050 – Development Standards.**

- A. Exception for Historic District Contributing Buildings. A development standard in Table 19.55.050 may be waived by the Planning Director or Designee only if the Director or Designee finds that complying with that standard would result in a building that currently contributes to the National Historic District no longer contributing to the District designation.

<b>Table 19.55.050 – Mixed Use Zoning District Development Standards</b>	
<b>Standard</b>	<b>DH</b>
<b>Maximum Building Size, in square feet (sq.ft.)</b>	
Non-Grocery	25,000
Grocery-Anchored	NA
<b>Height Limitations, in feet (ft)</b>	
Minimum	15
Maximum	45
<b>Floor Area Ratio</b>	
FAR	2.5:1
<b>Minimum Transparency Requirements <sup>1</sup></b>	
First Floor / Ground Story	70%
Second and Third Floor	20%
<b>Façade Articulation</b>	
Maximum distance between ground floor entries, in feet (ft). <sup>2</sup>	55
<b>Usable Outdoor Space, minimum requirement per unit in square feet (sq.ft) <sup>3</sup></b>	
Single-Family Attached or Detached	150
Two-, Three-, or Four-Family	75
Multi-Family	40

1. Transparency: Transparency means the use of materials that allow for persons from the street to see into the active uses of the building. Areas covered by menus, murals, or other signage that prevents visibility into the active use also do not count toward the required transparency, unless the municipality has authorized a temporary advertisement or other festive decoration.
2. Façade Articulation on Corner Lots: On corner lots, an additional entry must be placed at the corner of a building.

3. Usable Outdoor Space: Means outdoor space provided for the enjoyment of the tenant. The required outdoor space may be provided through private outdoor balconies or patios attached to the unit or may be combined in an outdoor community space shared by all residents / units.

#### 19.55.060 – Required Yards and Setbacks.

- A. Purpose: The purpose of the standards in this section is to create and maintain street frontages that are attractive, promote a walkable environment, and create sense of safety and comfort through appropriate scale.
- B. The minimum yard requirements for buildings within the DH District are presented in Table 19.55.060.
- C. Exception for Historic District Contributing Buildings. A lot width, yard, or setback standard in Table 19.55.060 may be waived by the Planning Director or Designee only if the Director or Designee finds that complying with that standard would result in a building that currently contributes to the National Historic District no longer contributing to the District designation.

Table 19.55.060 – Lot Width, Yard, and Setback Requirements	
	DH
<b>Minimum Lot Width, in feet (ft)</b>	18
<b>Minimum Setbacks, in feet (ft)</b>	
Front Yard	0
Side Yard, Interior	0
Side Yard, Corner Lot	0
Rear Yard	10
<b>Maximum Setbacks, in feet (ft)</b>	
Front Yard	5
Side Yard, Interior	10
Side Yard, Corner Lot	5
Rear Yard	20
<b>Minimum Distance Between Main and Accessory Buildings, in feet (ft)</b>	10

#### 19.55.070 – Height Exceptions.

Exceptions to the building heights specified in Table 19.55.050 apply, in accordance with 19.76.190.

**19.55.080 – Off Street Parking Standards.**

All provisions of Chapter 19.80 shall apply to development in the DH Mixed-Use Zoning District. For developments that combine multiple uses, parking requirements should be calculated for each specific use according to the criteria in 19.80.040. The Director or Designee may authorize shared parking for combined uses where those uses are found to operate at distinct hours of the day or night.

**19.55.090 – General Information.**

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances, including but not limited to:

- A. 19.76: Supplementary and Qualifying Regulations
- B. 19.80: Off Street Parking Requirements
- C. 19.82: Signs

**19.55.100 – Definitions.**

For the purposes of this Chapter, the following definitions shall apply:

- A. Accessory Dwelling Unit, Detached: means a habitable living unit detached from a primary single-family dwelling and contained on one lot for the purpose of offering a long-term rental of 30 consecutive days or longer.
- B. Accessory Dwelling Unit, Internal: means an accessory dwelling unit created within a primary dwelling and within the footprint of the primary dwelling at the time the internal accessory dwelling unit (iADU) was created, for the purpose of offering a long-term rental of 30 consecutive days or longer.
- C. Animal Hospital or Clinic: means facilities for the diagnosis and treatment and hospitalization of domesticated animals in indoor holding facilities but does not include any outdoor holding or boarding facilities.
- D. Bank, Credit Union, or Other Financial Institution: means a trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, Federal association, investment company, or other business association, which is chartered under Federal or State law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business. "Financial institutions" does not include "check cashing", "pawn shops" or other similar uses.
- E. Bed and Breakfast: means dwellings in which two (2) or more rooms are rented out by the day, offering overnight lodging to travelers, and where one or more meals are provided by the host family, the price of which is included in the room rate.
- F. Breweries and Distilleries in association with a Restaurant: means a business which conducts the retail sale of beer or liquor which is brewed or distilled on the premises in compliance with applicable state and federal laws. Such establishments may also include restaurants as an accessory use.

- G. Breweries and Distilleries without Restaurant: means an industrial use that brews ales, beers, meads, and/or similar beverages on site. Breweries and distilleries are classified as a use that manufactures more than stores as defined herein and/or small breweries operated in conjunction with a bar or restaurant. Car and Light Truck Wash.
- H. Child or Adult Care Facility: means any building or structure furnishing care, supervision, and guidance for eight (8) or more children, or three (3) or more adults, unaccompanied by parent or guardian for periods of individual care giving for less than twenty-four (24) hours per day.
- I. Commercial Recreation and Entertainment, Indoor: A commercial recreational land use conducted entirely within a building, including arcades, archery ranges, bowling alleys, billiards, boxing arenas, cinemas, dance studios, firearm ranges, gun clubs, gymnasiums, gymnastic studios, modeling and art studios, theaters, skating rinks.
- J. Community Garden: means the production of a harvestable product, planted, grown, and cultivated in the soil by an identifiable group of community members. Includes products grown and managed by a community or neighborhood organization for the purpose of local consumption or sale.
- K. Drive-Thru and Drive-Up Facilities: means an establishment designed or operated to provide drive-through or drive-up service to patrons remaining in vehicles. May include other forms of service, such as conventional seating.
- L. Dwelling, Multiple Family: means a building containing five (5) or more residential dwelling units.
- M. Dwelling, Single Family: means a building containing one (1) residential dwelling unit.
- N. Dwelling, Three- and Four-Family: means a building containing three (3) or four (4) residential dwelling units, each unit designed to be occupied by one (1) family.
- O. Dwelling, Two-Family (Duplex): means a building containing two (2) residential dwelling units.
- P. Educational Facility: means: (i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a programs for children with disabilities; (ii) a structure or facility: (A) located on the same property as a building described in Subsection (12)(a)(i); and (B) used in support of the use of that building; and (iii) a building to provide office and related space to a school district's administrative personnel; and (b) does not include: (i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is: (A) not located on the same property as a building described in Subsection (12)(a)(i); and (B) used in support of the purposes of a building described in Subsection (12)(a)(i); or (ii) a therapeutic school.

- Q. Educational Facility with Residential Accommodation: means an educational facility with accommodations for students or staff, such as universities, colleges, boarding schools, and seminaries. Educational facility includes public and private schools (PreK-12) designed for educational activities with a curriculum for technical or vocational training, pre-kindergarten, kindergarten, elementary, secondary, or higher education and recognized as an educational institution by the State of Utah Board of Education, the State of Utah Board of Higher Education, or the State Board of Regents.
- R. Food Truck, Mobile Restaurant, Food Cart: means a motorized vehicle or mobile food unit that's used for cooking and selling food items to the general public on a public right-of-way and licensed by the Salt Lake County Health Department.
- S. Heavy Industry: means the manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.
- T. Hotel: means a building designed for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged, with or without meals.
- U. Laundry Cleaning Drop-Off: means an establishment where patrons may drop off items for dry-cleaning or laundering, which may occur on or off-site.
- V. Laundry Cleaning, Automatic Self-Help: means an establishment where one or more machines or devices are offered for public use to provide self-service dry-cleaning and/or clothes laundering facilities.
- W. Light Industry: means an establishment primarily engaged in the production, fabrication, processing or assembly of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such activities take place and are located entirely within a building. Such uses include research and development facilities and testing laboratories. These uses do not include refineries, rock crushers, incinerators, and similar uses.
- X. Liquor and/or Wine Store: means a facility for the sale of packaged liquor or wine, located on premises owned or leased by the state of Utah and operated by a state employee.
- Y. Medical, Urgent Care and Dental Clinic: an organization of doctors, dentists, or other health care professionals providing physical or mental health service and medical or surgical care to the sick or injured but which does not include in-patient or overnight accommodations.
- Z. Mobile Store: means a business that is carried out entirely from a motor vehicle, or thing that is designed to be or is mobile such as hand pushcarts and self-propelled kiosks, whereby the entire inventory offered for sale is carried and contained in the motor vehicle or thing that is designed to be or is mobile at the time the stock is offered for sale and is delivered to the purchaser at the time of sale. This use excludes food trucks/mobile restaurants, as defined in this chapter.

- AA. Mortuary or Funeral Home: means an establishment providing services such as preparing the human dead for burial, arranging and managing funerals, and necessary sales. Funeral establishments may include funeral chapels, limited caretaker facilities, and limited cremation facilities that do not accept remains from other funeral establishments. “Mortuary or Funeral Home” does not include crematoriums as a primary use, cemeteries, columbariums, and mausoleums.
- BB. Offices, General: means a building offering executive, administrative, professional, or clerical services, or portion of a building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients.
- CC. Offices, Professional and Trade Services: means Buildings, rooms, or other spaces where executive, management, administrative or professional services are conducted and provided, except medical and dental clinics, and excluding the sale of merchandise, except as incidental to the office use. Typical uses may include real estate brokers, insurance agencies, credit reporting agencies, property management firms, investment firms, employment agencies, travel agencies, advertising agencies, secretarial services, data processing, telephone answering, telephone marketing, express mail offices (excluding major mail processing and distribution) professional or consulting services; interior design services; and business offices for private organizations, associations and nonprofit organizations.
- DD. Outdoor Recreation, Small Scale: Areas or facilities that offer recreation outside. Such uses include golf driving ranges, baseball batting cages, tennis facilities, miniature golf courses, ropes courses, and public swimming pools, and may include as accessory uses eating and drinking areas, retail sales areas and staff offices. This definition excludes large-scale outdoor recreational uses such as golf courses, zoological parks, shooting ranges, and motorbike tracks.
- EE. Park and Ride: means an area or structure intended to accommodate parked vehicles for the general public, where commuters park their vehicles and continue travel to another destination via public transit, carpool, vanpool, or bicycle. Parking lot may be shared with other uses or stand-alone.
- FF. Parking Lot (not associated with other use): means an open area, other than a street, used for parking of more than four automobiles and not associated with an adjacent use.
- GG. Personal Care Services: means an establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tanning and nail salons, permanent makeup facilities, tattoo and body piercing establishments and weight loss centers.
- HH. Personal Instruction Services: means an establishment engaged in the provision of informational, instructional, personal improvement and similar services of a professional nature or by a nonprofit organization. Typical uses include art and music schools, driving instruction, computer instruction, gymnastic and dance studios, handicraft or hobby instruction, and martial arts training.
- II. Post Office: a facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

- JJ. Private Bar or Club: Includes bars, taverns, and night clubs where the primary activity is alcohol consumption. Excludes breweries, wineries, distilleries, and sexually-oriented businesses.
- KK. Public Park: means park which is maintained by a public agency.
- LL. Public Use or Quasi-Public Use: means a use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities, government and public utility administrative offices, fire stations, police stations, and facilities that are part of the local service delivery system for public utilities. "Public use" does not include public utility production, storage, and treatment facilities that occupy property over three acres in size, such as: power plants, refineries, natural gas processing and storage plants, water treatment plants, or sewage treatment facilities.
- MM. Reception Hall, Reception Center: means a room or building for the purpose of hosting a party, banquet, wedding or other reception or social event. Such halls are often found within pubs, clubs, hotels, or restaurants.
- NN. Restaurant, Sit Down with or without Alcohol: means a building or facility for the preparation, retail sale, and on-site consumption of food and non-alcoholic and/or alcoholic beverages.
- OO. Retail Sales: means a business primarily engaged in the sale or rental of goods, merchandise, or services directly to the consumer, and includes no outdoor storage. These uses do not include sexually oriented businesses, retail tobacco specialty stores, check cashing, pawn shops, vehicle or large equipment rental, sales, repair or assembly. Uses include department, grocery, variety and drug stores; art galleries; bakeries; jewelry stores; florists; auto parts stores; business, personal and social services; and similar uses.
- PP. Retail Shops or Galleries where Primary Product is Produced On-Site: means Establishments (not exceeding 5,000 Sq.Ft.) engaged in the selling of goods where the primary product is produced on-site. This definition is limited to small-scale uses, but can include bakeries, confectionaries, nut shops, frame shops, restored furniture, cardmaking shops, jewelry making stores, photo galleries, art galleries, and pottery studios. This definition also includes 'painting with a twist', 'paint nite', paint-your-own-ceramics businesses, and similar uses. A room or building for the display or sale of works of art, including space for the artist to create displayed work.
- QQ. Self-Service Gas Station, with or without Convenience Store: means a location where flammable or combustible liquids or gases are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Such establishment may offer the retail sale of convenience items. Self-Service Gas Station specifically excludes and does not allow any servicing, repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including engine, brake, muffler, tire repair, lubrication, and engine tune-up. Does not include Truck Stop and Service Facilities.
- RR. Shopping Center: means a group of three or more commercial establishments that are planned, developed and managed as a unit with common areas for off-street parking and landscaping provided on the properties.

- SS. Sidewalk Displays and Sidewalk Cafes: means an accessory use that allows for the spillover of seating and/or sales displays onto the sidewalk in front of an existing business. Subject to limitations. Sidewalk Café: a restaurant with tables on the sidewalk in front or on the side of the premises. Sidewalk Display: the outdoor display of merchandise for sale by a business use.
- TT. Theatres and Concert Halls (Indoor): means buildings that contain screens, stages, or other platforms around which patrons gather to experience film, theater, and other performances. Concessions may be allowed as an accessory use. Such uses include concert halls, play theaters, cinemas, comedy clubs, operas, and orchestra and symphony halls. Does not include outdoor theaters and concert halls.

DRAFT



## EXHIBIT B

# Discussion of Preliminary Mixed-Use Zone

MSD Long Range Planning . May 23rd, 2022 .

# Project Scope

## WHAT are we proposing?

- A new mixed-use zone, specifically for application in the designated historic district.
- Straightforward regulations pertaining both to use and to design, with the understanding that additional standards may be added as dictated in the coming Historic District Plan.
- Mix of residential and commercial uses, with form compatible with what exists currently.

## WHY are we proposing it?

- Existing C-3 Zoning is not working for developers, staff, or residents.
- No mixed-use zoning district is currently established in Magna.
- The downtown requires a mix of residential and commercial uses in order to be viable.
- We need to protect the downtown from out of place development while staff performs additional analysis and engagement through the Historic District Plan.



*commercial uses,  
warehousing and wholesale  
business*

- Coal and Fuel Sales Office
- Motorboat Sales
- Frozen Food Lockers
- Cemetery (C)
- Impound Lot (C)
- Outdoor Chemical Toilet Rental (C)

## Most residential uses

- Commercial development > 1 acre automatically requires conditional use permit
- Allows 75' height
- Development can only cover 60% area of the lot
- No design guidance

# Existing Form



## Primary Uses:

- Retail
- Restaurant / Bar
- Entertainment
- Civic
- Scattered Residential

## Design:

- 1-2 Story Buildings
- No Front Setback
- 25-55 ft Width (historic)
- 75% First-Floor Transparency
- Primary Materials: brick, wood detailing



# Prior Visioning Efforts

## Adopted General Plan (2021)

- Preserve unique character of Main Street (one of only two main streets in Salt Lake County that have retained their original integrity)
- Look into form-based codes as an option for this area (standards for design)
- 1-2 stories with second-level residential
- Small lots
- Historic masonry / traditional building materials
- Residential, commercial, and institutional uses
- Ensure buildings remain "contributing" to the Historic District designation

## USU Urban Design Studio (Magna)

- Preserve unique character of Main Street, including through signage and integration of landmarks / artwork
- Use urban design and placemaking to activate the space
- Recommended 2 stories with second-level residential or offices
- Infill development
- Residential, commercial, institutional, entertainment, and open space uses

# What do you like or not like about the current historic downtown zoning?

Works Well!

Drives Me Crazy!

Misc. Hopes

# Pair Up!

Design Standard	Downtown Historic MU
Minimum Height	(ft)
Maximum Height	(ft)
First Floor Transparency	(%)
Second Floor Transparency	(%)
Minimum Front Setback	(ft)
Maximum Front Setback	(ft)
Other Design Standards?	specify

\*Each story is typically 10-15 feet.

\*Transparency is the percentage of the front façade that allows light fenestration (glass/windows)

Uses	Allowable?
Single Family Homes	Permit or Prohibit
Live / Work Units	Permit or Prohibit
Townhomes	Permit or Prohibit
Apartments	Permit or Prohibit
Pocket Parks	Permit or Prohibit
Other Uses?	Specify desires or concerns





**Setback:** 0 ft  
**Transparency:** 10%+  
**Height:** 20 ft+





# Potential Solutions

**New Purpose Statement:** The DH District is intended to promote a dense mixture of uses consistent with the district's historic role in Magna. Emphasis is placed on entertainment, theaters, restaurants, retail, and specialty shops. Medium-density residential and office infill on upper floors is encouraged, as is the continued presence of the library, museum, senior center, and supporting uses.

**Mixed-Use Approval Process:** Where a development proposal involves a combination of uses other than accessory uses, the more restrictive provisions of this Code shall apply. For example, if a portion of a development is subject to Conditional Use ("CU") approval and the other portion is subject only to Permitted Use ("P") review, the entire development shall be reviewed utilizing the Conditional Use process.



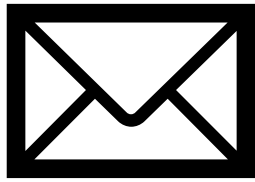
**Height:** 20-50 feet

**Transparency:** 50-60%

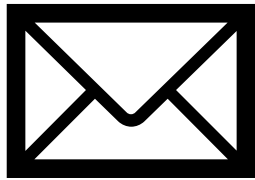
**Setback:** 10 ft at rear

**Floor Area Ratio:** 2.5:1

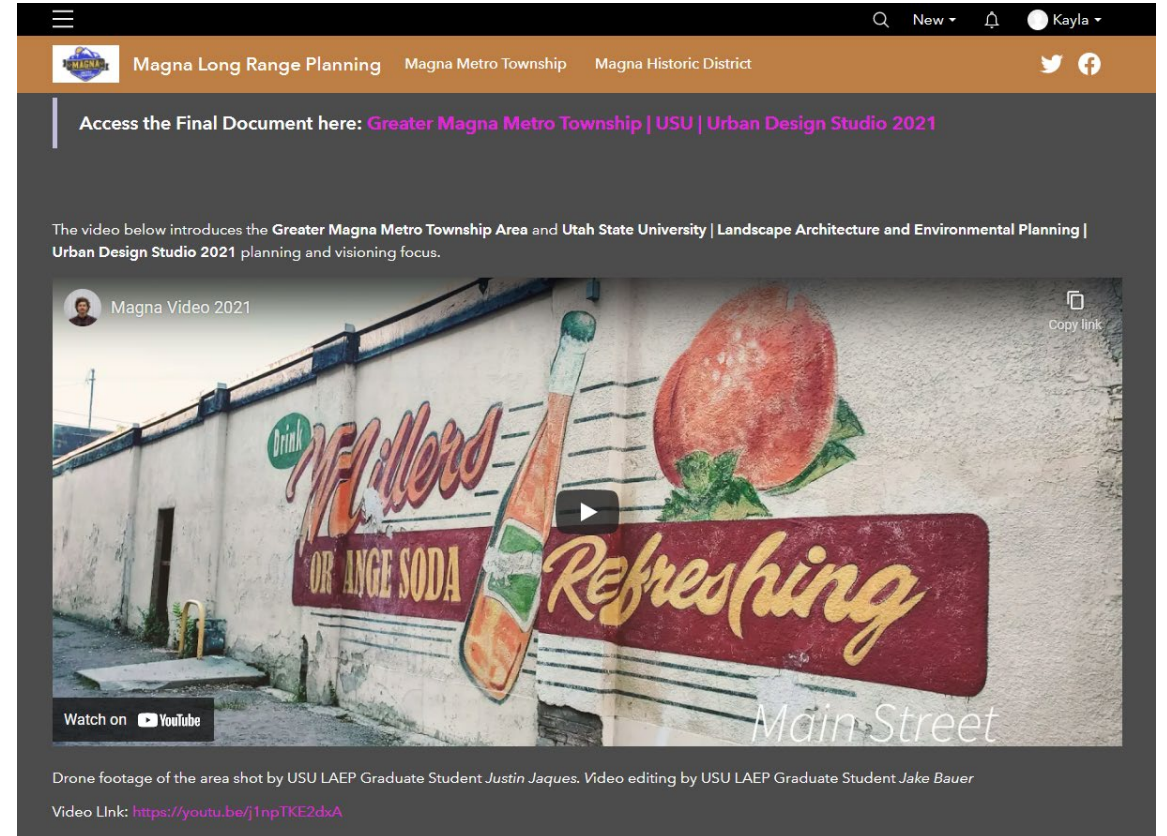
# Contact and Next Steps



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GREATER SALT LAKE  
**Municipal Services  
District**

**Planning and Development Services**

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

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File # OAM2022-000543

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## **Ordinance Amendment Summary and Recommendation**

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

**Meeting Date:** June 9, 2022

**Proposal:** Amendment to Magna Municipal Code sections 19.69.030 and 19.69.120. A proposed amendment to Magna Municipal Code creating driveway length standards and a tiered density requirement for the Neighborhood Land Use District in the P-C Zone.

**Planner:** Brian Tucker

**Recommendation:** Recommend approval of the proposed ordinance to the Magna Township Council

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### **BACKGROUND**

At their February 8, 2022, meeting, the Magna Township Council adopted a motion to have the Magna Township Planning Commission “examine and amend the zone density and parking issues”. This motion was made in response to concerns raised by Councilman Barney about the lack of larger residential lots in Magna generally and in the new master planned projects specifically. Councilman Barney also expressed concerns about vehicles parking in a manner that block sidewalks in those new master planned projects, thereby reducing walkability. The proposed ordinance amendment fulfills the Council’s directive that the Planning Commission “examine and amend the zone density and parking issues”.

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### **DESCRIPTION OF THE PROBLEM**

**Zone Density:** The Planned Community Zone makes use of land use districts or combinations of land use districts in determining what uses will be allowed in a master planned community. The districts include those for: open space; business, research or educational campuses; town centers; villages; and neighborhoods. The neighborhood land use district is designed for “comparatively low-density mixed-use development that emphasizes residential (single and multi-family) use, but also includes office, commercial, public/semi-public, and recreation/open space uses. Neighborhood residential densities are anticipated to range between 4 and 8 units per gross acre.” It is this district that is of interest for discussing the Council’s adopted motion.

The issue centers around the idea that are not enough larger residential lots being created where a family can live for decades in the same home. The proponents of this idea have expressed a desire for lots in the 1/3-to-1/4-acre range to be more common in Planned Communities and that a tiered system should be created within the “Neighborhood” land use category. This tiered system would include some number of lots in the 3-4 units per acre density range with others in the 5-7 unit per acre range.

When considering this issue, MSD staff notes that it is important to have a good mix of housing types and sizes in a planned community but 1/3-to-1/4-acre lots are more typical of the traditional zoning of the post war era than modern planned communities. The typical home in Magna is located on a lot between 6,000 and 10,000 square feet, densities of 4.3 to 7.2 units per acre. It is estimated that less than 10% of the homes in Magna are on a ¼ acre (10,890 square feet) or larger lot and yet many families have been started and raised in this community and many of these residents are aging in place in the same home where they raised their families. Others have raised their families and then downsized, not wanting to continue to maintain relatively larger yards. There are those in the Magna community, as well as the large Wasatch Front area, who would like to purchase a home to raise their family in but are priced out of the market. Land acquisition costs are a significant component of house prices. These costs are passed on to buyers, with larger lots being more expensive.

With these considerations in mind, the Planning Commission recommended that the MSD Staff bring forward a proposed amendment that creates tiers of 4-5 gross acres per acre and 6-8 gross units per acre. Staff have also proposed a minimum portion of the total housing be required in each of the tiers with the remainder being negotiated between the Township Council and the developer.

Parking Issues: The discussion about vehicles parking in a way that blocks sidewalks seems to be centered the idea that front setbacks in the master planned projects are not deep enough for today’s longer cars and trucks. The largest projects under construction in Magna, Little Valley Gateway and Gabler’s Grove, have a variety of front setback based primarily on the unit type. These setbacks rarely exceed 20’ and can be as small as 10’. These setbacks are the result of the negotiations that led to the approval of these projects. The P-C code does not have any required setbacks other than what the development agreement states. The PUD ordinance has a focus more geared toward protecting adjoining land uses and does not generally address setbacks from property lines. Planned Communities of both types don’t always have lot lines in the traditional sense. These projects often make use of common areas and building pads rather than lots.

It is important to ensure that a community is walkable and that residents are not forced to walk in the street. In discussions with the Planning Commission in March, a number of ideas were presented and discussed including a firm minimum setback, guidelines for setbacks that act as a baseline for negotiations while retaining flexibility, adopting setbacks or guidelines for front facing garages rather than a setback for the entire building and leaning on code and law enforcement to issue citations based on existing codes.

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#### DESCRIPTION OF THE PROPOSED ORDINANCE

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Zone Density: The proposed amendment creates two tiers of density within the “Neighborhood” land use category in the P-C Zone. These tiers are 4-5 units per acre and 6-8 units per acre. The ordinance proposes that there be a mandatory portion of total dwellings in each tier, with the margin being at the

discretion of the developer. The 4-5 units per acre tier would make up no less than 25% of the units and the 6-8 units per acre tier would also make up no less than 25% of the units. The remaining 50% would be negotiated between the Township Council and the developer and could range from 4-8 units per gross acre.

Parking Issues: The proposed amendment addresses the setback of a street facing garage, rather than the setback of the building itself. When the required setback is less than 25', a garage facing a street, alley, sidewalk, path or common driveway must be setback no less than 25' or no more than 5'. A 25' foot setback accommodates even the largest non-commercial vehicles and a 5' setback is too small to park a vehicle, even if that vehicle is sideways. The proposed ordinance requires that either an adequate driveway parking space be provided or that driveway parking be precluded.

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### **PUBLIC NOTICE AND COMMENT**

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Public notice was provided in accordance with Utah Code 10-9a-205. Public notice was mailed to affected entities on May 26, 2022. Notice was also posted on the Utah Public Notice Website at least 10 days prior to the public hearing. No public comment has been received as of writing this report.

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### **REVIEW PROCEDURE AND CRITERIA**

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The Magna Township Council is the land use authority for zoning ordinance amendments. The Township Council cannot amend the zoning map without first submitting the amendment to the Magna Township Planning Commission for the Planning Commission's recommendation. The Planning Commission must hold a public hearing and review and recommend an action to the Council. The Council must then hold a public hearing, after which they may adopt, adopt with revisions, or reject the ordinance amendment recommended by the Planning Commission.

An ordinance amendment can be approved if it is reasonably debatable that the decision could promote the public welfare. It is not necessary to show that the decision actually promotes the public welfare, or is the best alternative, as long as it is reasonably debatable that the public could benefit from the decision.

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### **PLANNING COMMISSION ACTIONS**

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The Planning Commission has three options with respect to the proposed ordinance amendment:

- Option 1: Recommend approval of the ordinance as proposed to Council; or
- Option 2: Recommend approval of the ordinance with amendments to Council; or
- Option 3: Recommend denial of the ordinance to Council.

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### **PLANNING STAFF RECOMMENDATION**

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Staff recommends that the Planning Commission recommend approval of the ordinance as proposed to the Magna Township Council.

#### **Attachments:**

1. Proposed Ordinance

### **19.69.030 Land Use Districts**

Each P-C Zone shall establish land uses and development patterns, densities, and standards unique to that zone. Upon approval, through the process set forth in this chapter, the established land uses and development patterns and densities shall be established pursuant to the P-C Zone Plan and one or more development agreements. The P-C Zone may consist of any number or combination of the following land use districts that shall be identified in the Community Structure Plan as provided in this chapter. Specific land uses proposed in the P-C Zone may only be established in conformance with provisions of this chapter.

Neighborhood: This category is designed for comparatively low density mixed use development that emphasizes residential (single and multi-family) use, but also includes office, commercial, public/semi-public, and recreation/open space uses. Neighborhood residential densities are anticipated to range between 4 and 8 units per gross acre, with no less than 25% of the total units in the 4-5 unit per gross acre range and no less than 25% of the total units 6-8 unit per gross acre range to provide for a variety of housing sizes and types. The remaining 50% of the proposed units can fall anywhere between the 4-8 unit per gross acre range.

Village: This category is designed for medium density mixed use development that includes residential (single and multi-family), office, commercial, public/semipublic, and recreation/open space uses, without a predetermined emphasis on any single use. Village residential densities are anticipated to range between 9 and 20 units per gross acre.

Town center: This category is designed for high density mixed use development that emphasizes office, commercial and recreational uses, but also includes residential (single and multi-family), public/semi-public and open space uses. Town center residential densities may exceed 20 units per gross acre.

Business, Research, or Educational Campus: This category is designed to accommodate a campus dedicated to a mixture of business uses: office, commercial, industrial, recreational, and public/semi-public uses; or to an educational institution, including classrooms, laboratories, offices, housing, educational facilities of all types and other related uses.

Open Space: Landscaped area, natural area or farmland that is established to provide and preserve outdoor recreational, agricultural, or other similar uses. In addition to the open space district, areas of open space may also be provided within the other land use districts as well.

### **19.69.120 Development Standards**

#### **(A) Open Space and Common Areas.**

Open Space includes parks, trails, natural area, or farmland, which is established to provide and preserve recreational, agricultural, or other similar uses in the P-C Zone as approved by the Planning Commission. Common areas include landscaped areas (including landscaping around schools, colleges, and other civic buildings), athletic fields, gathering places such as plazas, commons, exterior courtyards, public recreational facilities, landscaped medians or park strips that exceed Magna standards, but do not include areas contained within a typical public street cross section. The applicable CSP Standards and Project Specific Standards shall govern the use and character of the open spaces and common areas. Each P-C Zone shall contain a minimum of 20 percent of the gross acreage in a combination of common



areas and open space, at least half of which (10% of the gross acreage) shall be open space. These areas shall be designated in the applicable Project Plan and separately identified on any applicable final plat of subdivision or site plan. Open Space recorded as a lot or lots in subdivisions or as common area in condominium plats and shall be maintained with open space or conservation easements or such other arrangement as is approved by the Planning Commission in connection with Project Plan or subdivision or condominium approval.

(B) Yard requirements.

Yard requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following minimum requirements shall apply in the P-C Zone.

1. Minimum yard areas shall be measured from the front, side and rear lines of lots, condominium private ownership yard areas (where building footprint is not recorded) or from accesses, driveways, or streets (where no property lines or private ownership yard areas exist).
2. Buildings may not be located within a public right of way or utility easement.

(C) Fencing, screening, clear vision.

Fencing, screening, and clear vision requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following requirements shall apply in the P-C Zone.

- I. All mechanical equipment, antennas, loading and utility areas, and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings as more specifically set forth in the applicable Project Specific Standards.
2. Fences and landscape materials, except for mature trees which are pruned at least 7 feet above the ground, shall not exceed 2 feet in height within a 10 foot triangular area formed by the edge of a driveway and the street right-of-way line or within a 30 foot triangular area formed by the right-of-way lines of intersecting streets.

(D) Architectural standards.

Architectural requirements shall be determined and governed by the Project Specific Standards established pursuant to the requirements of this Chapter. The following architectural standards and requirements shall apply in the P-C Zone.

1. Architectural design of buildings and building materials shall be established in the Project Specific Standards.
2. All building materials shall be high quality, durable, and low maintenance.
3. The applicable Project Specific Standards shall address exterior relief of buildings, design of all sides of buildings, and architectural compatibility of buildings.

(E) Landscaping requirements.

Landscaping requirements shall be determined and governed by the applicable Project Specific Standards established pursuant to the requirements of this Chapter. The following landscaping requirements shall apply in the P-C Zone.

1. The applicable Project Specific Standards shall address the landscaping and proper maintenance of required front, side, and rear yards of lots and private ownership areas in the P-C Zone.
2. All areas of lots and parcels in the P-C Zone not designated for open space, parking, buildings, or other hard surfacing shall be landscaped and properly maintained. Designated open space shall remain in a natural condition, cultivated, or landscaped, and properly maintained in accordance with the Project Specific Standards.
3. All park strips and public right-of-way areas in the P-C Zone shall be landscaped and properly irrigated and maintained by the applicable property owners in the P-C Zone unless otherwise approved by the council. All park strip areas shall be installed by the developer and properly maintained by the applicable owners in the P-C Zone. A plan for funding of on-going maintenance of street landscaping by the property owners shall be presented for approval by Staff at the time of site plan approval.

(F) Lighting.

Lighting requirements shall be determined and governed by the Project Specific Standards established pursuant to the requirements of this Chapter.

(G) Other requirements.

The following requirements shall apply in the P-C Zone.

1. All developments shall be graded according to Magna's engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
2. The applicable owners shall properly maintain all private areas of individual lots or parcels.
3. The specific requirements of this Section 110 shall be governed by the Project Specific Standards established pursuant to the requirements of this Chapter and may be modified as the Council deems appropriate pursuant to the terms of the applicable Project development agreement.
4. All common area improvements including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, street lights and signs not specifically dedicated to Magna or accepted for ownership or maintenance by Magna shall be perpetually maintained by the applicable owners or their agents through a special taxing district, owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the council. Improvements for which Magna agrees to accept maintenance responsibility shall be reviewed by the applicable Magna service provider for compliance with adopted standards prior to approval.
5. When the building setback and/or building to line is closer than twenty-five (25) feet from a street, a sidewalk or path, an alley, or from a common driveway providing primary access and circulation to other dwelling units, attached and detached garages that face that vehicular access or pedestrian way shall be located so that the garage entry is a maximum of five (5) feet or a minimum of twenty-five (25) feet, at the closest point from the street, pedestrian way, alley or driveway.